

Containment and Engagement: The Rise of Armed Non-State Actors

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Abstract: This paper establishes the extent to which armed non-state actors can be integrated into governance structures and the political orders they have ferociously contested in recent years. It looks at the extent to which these actors are actually establishing, and therefore becoming critical pillars, of either new or revised political orders. This paper engages the issue by aiming for a three pronged process aimed at first constraining and containing armed groups; secondly, integrating them into state structures more effectively and, finally, revising state institutions to accommodate these actors through better legislation that can regulate their conduct. It does so by analyzing the complexities of armed non-state actors and their substantial overlap with other actors, including state institutions, political elites as well as other non-state actors such as non-governmental organization (NGOs) and religious organizations. It argues that, while traditional state-building and investment in rebuilding institutions should continue, this no longer suffices on its own. Instead, greater appreciation must be afforded to the local actors that have greater capacity and, critically, the legitimacy to regulate the conduct of armed groups and constrain the space in which they can operate and thrive.

When the Islamic State in Iraq and Syria (ISIS) seized Mosul in June 2014 and declared its so-called “Caliphate”, along with the end of the nation-state system established in the Middle East a century ago, it dramatically undermined the state-centric paradigm that has shaped governance and authority in the region. For more than three-years, despite coming up against all the firepower and manpower that global superpowers and their allies could throw at them, this rag-tag force established and managed its own proto-state and rendered meaningless the once unshakeable, sacrosanct borders of Syria and Iraq.

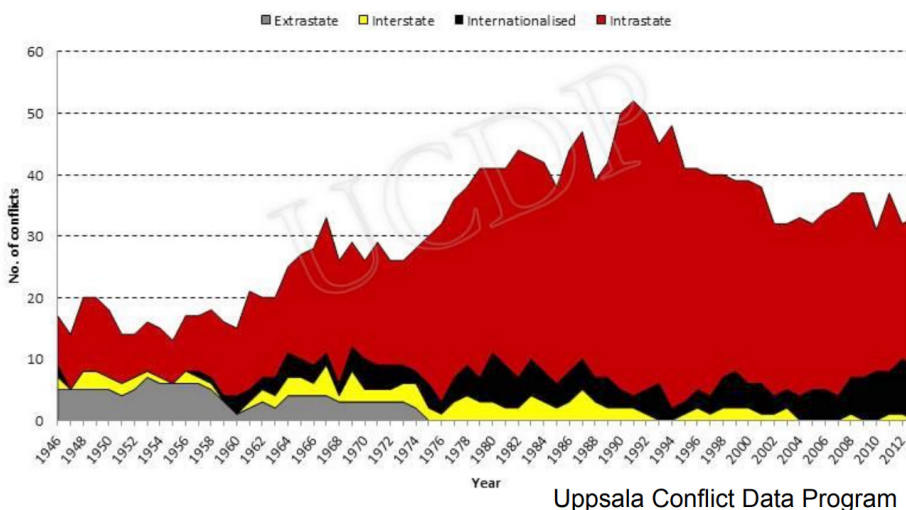
During the same period, Shiite militia groups in Iraq that have functioned with autonomy and impunity since the 2003 toppling of the Baath regime, organised into the umbrella militia organisation known as the Hashd al-Shaabi or Popular Mobilisation Force (PMF). Its 100,000 strong fighters filled the vacuum left by the collapse of the US-trained Iraqi army after ISIS seized Mosul in June 2014, extending their reach and fighters in Syria as the civil war intensified after 2013. In both Iraq and Syria, but also other countries like Libya and Yemen armed non-state actors have supplanted the state in the provision of services and security, in partnership with other grass-roots actors such as tribes, civil-society and clerics.

All this makes for grim reading as the array of overlapping political, security and humanitarian challenges are unlikely to abate any time soon. But to what extent can armed non-state actors be integrated into governance structures and the political orders they have ferociously contested in recent years; and how can sovereignty be revised to accommodate their prominence, and supplanting of state institutions as well as their attempts to weaponize the state for international recognition? This paper engages the issue by aiming for a three pronged process aimed at first constraining and containing armed groups; secondly, integrating them into state structures more effectively and, finally, revising state institutions to accommodate these actors through better legislation that can regulate their conduct.

Why armed groups matter

Figure 1

Armed Conflict by Type, 1946-2013



Source: Uppsala Conflict Data Program

The prominence of armed groups in the Middle East is by no measure a novel phenomenon and should not be

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attributed to the failures of governance and state-building in the Middle East. While historically sovereignty has been underpinned by the question of recognition, where states recognise each other, and by the principle that states do not violate one another's territory or interfere in matters of internal affairs (Westphalian sovereignty), these principles and units of international affairs have suffered a decline since the end of the Cold War. The territorial state has come under pressure ever since civil wars emerged as a common feature of this international system since the Second World War. Super-power politics during the Cold War spawned a militia phenomenon as willing proxies were afforded immense resources in the battle for global dominance.

The September 11 attacks, the wars in Afghanistan and Iraq, then paved the way for an international order that applied a looser interpretation and application of the laws governing the use of force, one that sought to reconcile the international system with the modern day challenges of transnational terrorism and ungoverned spaces. However, with that came a shakeup of international norms and state

sovereignty. Western-led interventions in Kosovo and Iraq paved the way for a weakening of the international system in large part because these interventions weakened the principles of sovereignty and enabled an environment that allowed

other world powers such as Russia to pursue its own interests under the guise of the same legal and normative arguments presented by the West, as exemplified by Russia's interventions in Georgia, Ukraine and, later, in Syria during the ongoing civil war.

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Contrary to the popular understanding of armed groups, their origins can go as far back as the state-building process that unfolded in Europe during the Middle Ages, when citizens were called upon to collectively defend the realm. American militias also played a crucial role in the formation of state institutions. Militias were the first to fight for independence at Lexington and Concord, were frequently called upon to supplement the Continental Army, and were used to suppress counter-revolutionary efforts. The legacy of these militias remains in the National Guard and Reserve components of the US military.¹

Militias and armed groups may have caught international attention in recent years with the advent of the Arab uprisings and so-called Islamic State but their prominence really started after decolonization and the emergence of an international system that was dominated by fragile or weak states. Furthermore, in recent years, there has been a reversion to decrease dependency on conventional forces; world powers have opted instead to rely on a combination of hybrid warfare (the use of irregular local

fighters, cyberwarfare and drones, among others) and indigenous local forces whose capacity and willingness to either fight on behalf of, or in partnership, with outside powers makes them useful alternatives to the more politically sensitive dependency on conventional forces. Local proxies can include both conventional forces such as the military and police force as well as more irregular units such as tribes, militias and national liberation movements. In recent years, the US and its Western allies have increasingly worked with these actors, sometimes simultaneously. In Iraq, it has relied on the Iraqi armed forces and Iraqi police units, Arab Sunni tribes in northern Iraq, irregular Shiite fighters and the Kurdish Peshmerga. In Syria, the West has supported and relied on Arab rebel groups and tribes who have fought the Assad regime as well as the Kurdish fighters of the People's Protection Units (known as the YPG). Other examples can be found as far back as the late 19th and early 20th century, including the British recruitment of town guards in the Cape Colony during the Boer War, military campaigns in Malaya between 1948-1960 while France established civil defence groups during the war against the Viet Minh in Indochina between 1946-1954.

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The prominence of, and reliance on armed non-state actors, matters because it is still unclear what form of state will emerge in the conflict-ridden countries of the Arab world and it will be largely



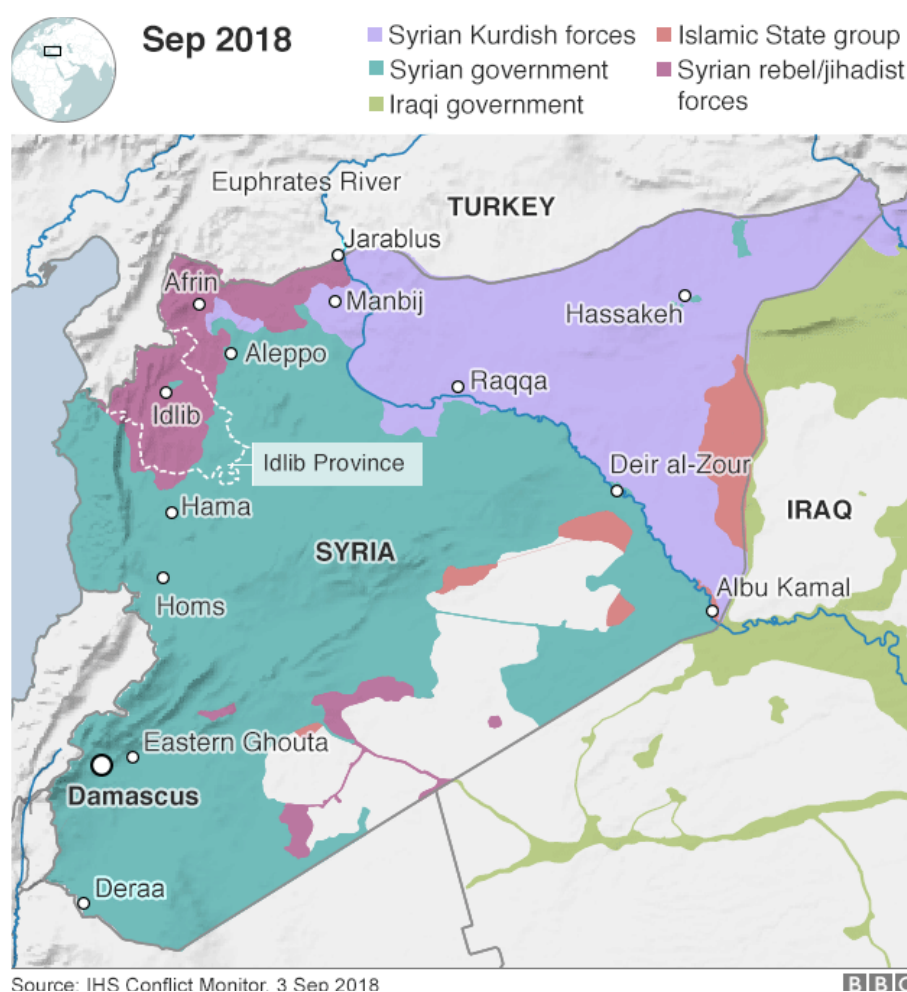
through conflict that the competing visions of statehood will play-out. In other words, the political landscape is up for contestation and with that control or influence over state institutions by state and non-state actors that answer to foreign powers. With the weakening of the Arab state, the array of local and national actors will grapple over power, resources and post-conflict power-sharing arrangements. The relationship between citizen and state will be fragile and will continue to violently disrupt governance and stability in the short and medium-term.

While the state-centric, normative framework that ISIS and other transnational actors operating in the multiple theatres of conflicts has withheld, armed groups will aim to reconfigure the state according to their own ideologies and worldviews, while those that do not will continue to contest the state for power and resources. Many, if not all will continue to weaponise the state and its resources, interact with state-actors and enjoy the international recognition that comes with such interactions. In this environment, states are likely to continue relying predominantly or even entirely on militias because of the inadequacies of their own military and security forces but have done so on the basis of ethno-sectarian cleavages, which does not bode well for reconciliation and stability.

In both Iraq and Syria, but also Libya and Yemen, it is irregular militia groups that have undertaken the fighting in either the war against ISIS or intra-state conflict

between different factional groups, sometimes on the basis of ethnicity or sect. This includes the 100,000 militias that fought on the frontlines of the war on ISIS in Iraq, or the tens of thousands of militias mobilised by Iran that have fought alongside the Assad regime and, conversely, the tens of thousands of rebel groups that have sought the fall of the Assad regime with outside support from the Arab world and Turkey.

Figure 2



Source: BBC – IHS Conflict Monitor

Figure 3

Shia Militia Groups in Syria

November, 2015



Source: MEE and agencies

MEE

Source: Middle East Eye

While there are multiple, in some cases countless belligerents involved in the conflicts of the Middle East and North Africa region, these forces do not operate in vacuum but the legacies of war that have shaped the society, the environment and the communities they both operate in and depend on for support. In other words, the religious and ethnic grievances

that have developed over the course of decades, and that have emerged from conflict and authoritarian rule under previous regimes, enable these groups' prominence. That means their administration of territory or monopoly over violence does not bode well for the state and society as it moves forward since armed groups often operate amid fragile states and, therefore, are likely to operate without accountability, making the state-building exercise a conflict producing exercise. When armed groups that mobilise on the basis of ethnicity or sect are deployed, this merely creates long-term challenges in pursuit of short-term goals. Indeed, in Iraq it can be argued that it was the dominance of Shiite militias and their sectarian atrocities that enabled an environment conducive to ISIS' emergence in 2014. Similarly, the conduct and atrocities committed by the Northern Alliance in the battle against the Taliban, sometimes with the acquiescence of US forces, can be said to have laid the foundation for the conflict and tensions that exist today between the plethora of different Afghan factions and their militias.

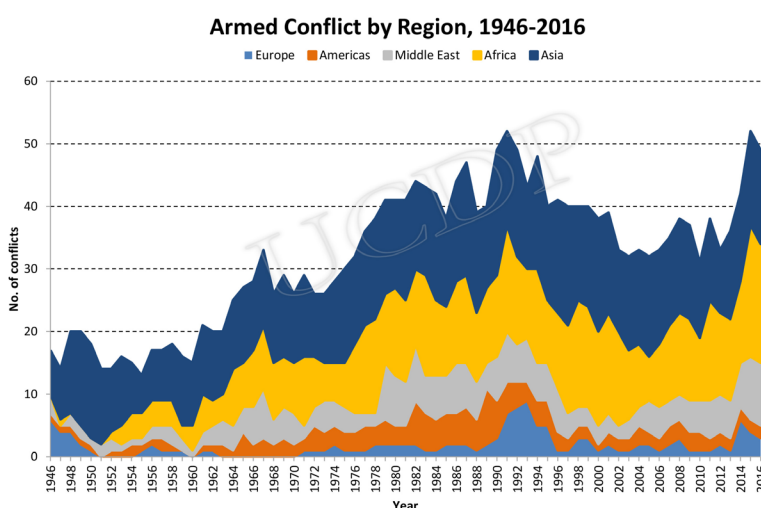
Constraining armed-groups

Regionally, and in the long-term, a consensus is required that is based around mutual security interests. This will have to be guided by an intellectual framework that can wed the shared history and values of the region. In the interim, with international support, the region can establish common economic and reconstruction platforms for the post-conflict Arab states, the idea being that engagements based around pragmatism, rather than trust, can alleviate conflict and push for the transition of Iraq, Syria, Yemen and Libya into theatres for co-existence and inclusive co-operation, rather than theatres for proxy warfare.

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This regional approach will not suffice, while the conventional approach that aims for a consensus at the global level, between superpowers such as US and Russia, and as argued for by organisations like the International Crisis Group, understates the agency of local actors. This is no longer viable, not only because of the prominence of armed non-state actors, their appropriation and instrumentalisation of state institutions (and of statehood) but also because global powers like the US and Russia simply lack the capacity on the ground to shift the course of conflict toward peace and stability, unless working in partnership with these actors (as opposed to attempting to subsume them into a peace building framework).

Figure 4



Source: Uppsala Conflict Data Program

Accommodating armed groups is especially important to prevent conflict relapse. The scholarship shows a divided field when it comes to determining the mechanisms and frameworks for peacebuilding and, specifically, for preventing the relapse into conflict. The conflicts of the region may abate but this will be a deceptive calm, since, at best, there will be a high intensity insurgency that might not give war the features of a civil war but which could still be just as bloody and destabilising. Of the 105 countries that suffered a civil war between 1945 and 2013, more than half (59 countries) experienced a relapse into violent conflict—in some cases more than once—after peace had been established.² Accommodation also becomes more important since the West and the international community more generally no longer have the energy, resources or ambition to alter the domestic balance of power in countries where their options are either constrained (Libya and Yemen) or where substantial investments have yielded limited, costly results (Iraq and Syria). Despite the contestation for the state and potential intensification

of current violence, the international system has no appetite to confer sovereignty upon state aspirants or even modify the dynamics of internal sovereignty, as rebel groups across the region have found, most notably in Syria. Outside (particularly Western) powers have no interest in challenging the status quo if that requires substantial resources.

Armed groups thrive in an environment of grievances, political and violent instability. It is at the bottom-up that the effort to constrain these groups must begin, where political

compromise over factional, religious and ethnic differences must become the norm, rather than the exception. For both local and external actors looking to foster change, this is the pre-requisite to any attempt to establish democratic norms, to investing in state institutions and to sustainable peace-building. At the least, this can help accommodate the radically transformed nature of governance and authority in the region, which are far more dynamic than ever before: the dynamics of interaction between the multiple lines of authority at the local level—ranging from civil-society, to members of the political class and the religious establishment and armed groups – have to be afforded greater appreciation so as to establish more inclusive, legitimate national frameworks that can reinforce the relationship between citizen and state. This is particularly critical in light of studies that establish how it is local actors such as civil society that are better equipped to hold armed groups accountable and to nudge them into embracing democratic norms.³

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This requires revisiting and broadening the concept of the state and government. It is no longer plausible to dismiss, challenge or attempt to eliminate alternative authorities in areas where the government may be weak or where institutions have collapsed, but where there is in fact strong and legitimate governance. This will not necessarily

undermine the territorial state or the sovereignty of existing states. While the state and its institutions have become severely weakened in multiple countries, raising unrealistic fears of partition (propagated by either a misinformed international audience or authoritarian elites looking to monopolise power) the armed groups, tribes and religious actors that have moved to dominate the political and security landscape are largely operating within the confines of the state. The vast majority of the Arab Sunni and Shiite armed groups in Iraq and Syria, or militias in Libya, do not necessarily seek to alter the territorial boundaries of the state but rather establish different political orders. Armed non-state actors have to interact with their society, with the state, other ideologies and movements, pursuant to their efforts to acquire support, resources and, if they wish, engage in the process of governance. It is not only conflict that shapes the interactions between armed groups and the state and society but dialogue.

Moreover, these actors do not necessarily emerge from conflict and power-vacuum but are ingrained in the communities and environments they operate in as a result of interactions that have developed over prolonged periods. These contentions come from existing studies that posit the study of armed groups should not be confined to their interactions with their host states but also society, other movements and other ideologies. Further, existing studies also show non-state violence cannot always be attributed to state failure as reliance on non-state violence wielders has been a common form of military development in states where decentralised institutions of violence have been a response to changes in the regional and international system.⁴



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These actors have traditionally been defined as non-state or anti-state. However, they are already becoming the state. Local, grassroots actors have been critical to ensuring the survival of national identities and the resilience of their state's borders. They have transitioned from grassroots actors that wield support and legitimacy at the local level to actors that can decisively shape politics and power at the national level. To move forward, the international community should shift energy and focus away from Western models of the sovereign nation-state. Traditional policy engagements aimed at disarming armed groups, rebuilding states and reconciling conflicted communities should continue but with the acceptance that these generational processes have to be combined with interim, incremental steps that can stabilise and contain conflict.

The ad-hoc approach creates confusion, instability and simply provides armed groups with greater space, and impunity, in which to function without oversight. For example, the debate on the return of jihadi fighters that joined ISIS and their right to have a fair trial, has seen instances where their fate has been left to their captors. Indeed, in January 2018, despite concerns over the criminal justice system in Syrian Kurdistan (currently under the control of the Democratic Union Party (known as the PYD) and its armed wing, the YPG), the French government declared that jihadi fighters can be tried by the PYD, particularly since

the fighters could have access to lawyers and, in some cases, consular services. That, by default, also established de-facto recognition of the autonomous region that could yield problems further down and an unhelpful, conflict producing cycle of confusion, contradictory policies as the international community struggles to reconcile its commitment to centralised authority in Syria with the realities on the ground.⁵

As alluded to above, civil-society and other community leaders can play a critical role in constraining armed groups and even push them toward embracing democratic and other international norms. Indeed, civil society is increasingly gaining the trust of Iraqis and is a growing medium for citizen action and voice, while also “bridging the gap between citizens and government”.⁶ According to Mercy Corps, in 2013 39% of Iraqis surveyed asserted that civil society makes a difference in their lives. By 2015, that number had jumped to 50%.⁷ The role of civil-society requires appreciation here not just for the purposes of shedding light on how actors at the bottom-up promote democratic norms but also that even amid weakened state institutions and dysfunctional governance, there is the infrastructure at the local and bottom-up level that can help fill the gaps that results from governance and state failures. Filling these gaps can engineer accountability and reform while also providing an outlet for otherwise disenfranchised communities.

For example, over the past decade, Iraq's Ayatollah Sistani has emerged as a central pillar of the national framework that could be developed to steer the country toward peaceful co-existence. The cleric enjoys widespread support across the ethnic and religious spectrum and is widely seen as a reconciler. As the leading



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Shiite clergyman of the world, Sistani has vast social and religious networks that enable local governance, provide services, and support other public programs such as schools, hospitals, and libraries. Since the emergence of ISIS and the ensuing humanitarian crisis, these organisations have used their status and wealth to provide sanctuary to internally displaced persons, including Arab Sunnis and Iraq's different ethnic and religious minorities. Sistani has repeatedly called for a civil-state, as opposed to a religious one; in 2013, Sistani issued a fatwa that forbade attacks on Sunni figures and sites, stating that "These are condemnable acts, and they violate the Shiite imams' orders."⁸

When Shiite militias committed human rights abuses against Arab Sunnis in Diyala province, Sistani called on the government to "not to permit the presence of militants outside the framework of the state".⁹ This prompted him to issue recommendations a month later that were largely derived from international humanitarian law and the rules that govern conduct during armed conflict.¹⁰ Similarly, in April 2016 Muqtada al-Sadr launched protests against the Iraqi government. Hundreds of thousands of protestors took to the streets, led by al-Sadr. Al-Sadr regularly makes overtures toward Arab Sunnis factions and other communities. In 2010, he attended a Christian service in Baghdad where 50 worshippers were killed in an Al-Qaeda terrorist attack. He later prayed in the Sunni Abdul-Qadir al-Gailani mosque in central Baghdad.¹¹ His fighters have

fought alongside Sunni tribes,¹² while in January 2013 al-Sadr went against the tide of Shiite public opinion by backing the 2013 protests in Anbar.¹³ Most recently, al-Sadr's visits to Saudi Arabia and the UAE has helped strengthen Iraq's ties with the Arab world.¹⁴

Iraq's tribes have also played an important role in constraining the space that allows extremist groups to thrive. There have been glimmers of hope and, even if they were short-lived and undermined by sectarian entrepreneurs and the volatile political climate there have been moments where Iraq was able to construct an inclusive, form of state-building and a national settlement that reconciled differences between its conflicted communities. The "Awakening Movement" (which involved a coalition of Sunni tribes backed by the US to maintain security in their local areas and combat Al Qaeda in Iraq) initiative provided an example of how discontented and disenfranchised communities can be re-integrated into the state or, put another way, how sectarian grievances can be remedied by way of providing communities with a stake in the future of their country. Iraq's Arab Sunni dominated heartlands in the north saw periods of stability after 2007 when the US, as part of the surge and the Awakening movement, shifted its policy toward local tribes and other communal actors in the north.

What complicates the challenge is the overlap between actors at the state level and sub-state actors that have the capacity to challenge the state and, in some cases, have supplanted the state in the provision of services, security and the dispensation of justice, including tribes, militias and religious leaders. Militias and tribal groups, for example, have weaponised the state for resources. It may sometimes



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be difficult to draw the line that separates those actors that are autonomous from the state from the state itself. It is often not the government that can resolve local disputes but sub-state actors that have greater local authority and legitimacy yet also acquire resources from the state itself. Aside from the Arab Sunni north, in oil rich Basra, for example, the Iraqi government, stretched as a result of the war ISIS, has been unable to wrestle back control of territory and the local economy from Shiite tribes and militias who are engaged in armed confrontations over government contracts, land and, ultimately, power.¹⁵

Conclusion

This paper has shown the complexities of armed non-state actors and their substantial overlap with other actors, including state institutions, political elites as well as other non-state actors such as NGOs and religious organizations. Armed groups can no longer be engaged through the prism of super-power politics. While once upon a time it may have been the case that a shared vision or agreement between regional and global powers could forestall their ascendancy, these actors are no longer necessarily dependent on external patrons, especially in those countries where the state has become severely weakened (and therefore unable to resist their attempts to weaponise and extract state resources) or where the state has collapsed.

That makes it necessary to continue investing in top-down reform, including

investment in state institutions, reconciliation between political elites and viable power-sharing arrangements that decreases the chances of conflict relapse as well as the space that could enable groups like ISIS to re-emerge and thrive. While these may take place amid weak and divided governments, and dysfunctional institutions, this does not mean one eye should be taken off the local actors at the bottom-up level that are strongly positioned to enable reform and an environment that is, at a minimal, more conducive to holding armed groups accountable (even if it is difficult to demobilize these actors altogether). These actors can be afforded greater resources and political support to protect them from becoming patronage networks for opportunistic political elites. Moreover, civil-society organisations often complain that they receive nowhere near the same resources as their international counterparts, much less the training that their Western counterparts enjoy. In some cases, local civil-society groups could also receive protection from militant groups, in much the same way the private sector enjoys protection from both local and international security forces. The local actors conducting the business of governance and norms promotion across Syria, Iraq, Libya and Yemen have the necessary legitimacy and can work with political elites and outside actors to better regulate the conduct of armed groups. This will better position policymakers to adopt a holistic approach to the myriad of problems and a greater appreciation of the complex web of interpersonal and inter-organisational links that shapes the armed non-state actors of the region.



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