Policy Analysis

The Illusion of Chaos
Why Ungoverned Spaces Aren't Ungoverned, and Why That Matters

BY JENNIFER KEISTER

EXECUTIVE SUMMARY

Scholars and policymakers are worried about "ungoverned spaces"—areas of limited or anomalous government control inside otherwise functional states. Ungoverned spaces are the latest incarnation of persistent concerns about governance: that under- or poorly governed areas will spawn instability or shelter violent non-state actors who can launch attacks, interdict access to fossil fuels and transit lanes, or pursue criminal activities.

Policies to mitigate these risks are broadly based in the belief that bringing ungoverned spaces more fully under states' control is both possible and beneficial. While the United States has undertaken direct action against some violent non-state actors in ungoverned spaces, most policies have aimed to encourage host states to more fully integrate these areas.

Ungoverned spaces exist because integrating them offers few benefits and may pose high costs to host regimes. Moreover, the term "ungoverned spaces" is a misnomer—these areas are not ungoverned. They are simply ruled by subnational authorities. Failure to understand why ungoverned spaces exist and persist may lead policymakers to underestimate the costs of integrating them. Moreover, integration efforts may create some of the very instability they seek to avert by disturbing the status quo that sustains vested interests and manages a variety of risks. Policymakers should be realistic about the limited problems posed by ungoverned spaces, the political and financial costs of integration policies, the need to prioritize among goals, and the intelligence requirements needed to make fine-grained assessments.

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INTRODUCTION

"Ungoverned spaces"—areas of limited or anomalous government control inside otherwise functional states—are the latest international bogeyman cited by policymakers and academics as emergent and "non-traditional" threats to the United States and its global interests. This paper argues that ungoverned spaces are actually not ungoverned, but exist under authorities other than formal states. While policymakers and academics increasingly recognize this fact, failure to integrate why and how these spaces are differently governed produces problematic policy approaches. The political economy of ungoverned spaces suggests that they exist because integrating them offers few benefits and may pose high costs to host regimes. Moreover, integration efforts may even exacerbate instability by disturbing the status quo that sustains vested interests and manages a variety of risks.

A range of threats characterized by Robert Kaplan as "the coming anarchy" populates post–Cold War foreign policy discussions.[1] Debate has shifted from one term to another, but the nature of the underlying fear has not: that poor governance elsewhere will negatively affect the American homeland or the United States' allies and global interests. Under- or poorly governed territories and populations are thought to produce or facilitate operations for terrorist groups, insurgencies, and criminal organizations that may launch attacks, interdict access to fossil fuels and transit lanes, or fuel criminal activity.

Certainly, history shows that poor governance and fragile states that cannot control fully their territory can produce security risks, including some that threaten American interests: the al Qaeda attacks of 9/11 are a frequently cited example.[2] However, scholars like the Council on Foreign Relations' Stewart Patrick and the National War College's Michael J. Mazarr contest the link between these areas and the roster of threats they supposedly produce.[3] Even so, the resilience of the failed-state paradigm (and its variants) suggests that there is value in challenging the debate on its own terms, and exploring further its policy ramifications. Setting aside arguments about whether threats associated with ungoverned spaces are inflated, what logic underpins the fear of ungoverned spaces? How do these areas function, and how well are policy efforts to eliminate them likely to fare?

In this paper I first explore the policy debate surrounding ungoverned spaces, and draw out the underlying assumptions and fears that unite the various terms applied to these threats. Arguing that these spaces are actually not ungoverned, I explore the political economy that underpins the existence and persistence of ungoverned spaces. I then outline three policy approaches: all broadly aiming to, as UK Prime Minister David Cameron puts it, "close down ungoverned spaces."[4] Then, I highlight the challenges that these policies face—particularly, how and why they may create some of the very instability they try to avert. I conclude the paper by suggesting questions policymakers should ask before pursuing policies encouraging states to absorb ungoverned spaces.

THREATS, CLAIMS, AND CHARACTERIZATIONS

Beginning with the notion of "failed states" in the wake of the Cold War, U.S. foreign policy discussions have produced a nomenclatural stew identifying threats allegedly stemming from poor governance abroad. Many concerns with these variously labeled and defined areas link them to the facilitation or production of violent non-state actors (VNSAs). Policymakers fear that VNSAs may negatively affect America's political interests, disturb trade, preclude access to vital natural resources, or spread unrest (political or criminal) to other areas with the same effect.[5] These areas allegedly provide shelter and operational cover for terrorists or others with ambitions to attack the United States, its allies, or its interests.[6] Criminals trafficking humans, drugs, or weapons might also take shelter and form alliances with terrorist or insurgent groups.[7] Moreover,

scholars express concern that poor provision of public services and unrepresentative governance will produce or perpetuate VNSAs by inciting unrest among repressed and underserved populations.[8] In sum, policymakers fear that these areas provide both opportunity and motive for disruptive activities.

Concern about ungoverned spaces' promulgation of security threats has proven enduring and bipartisan. In 2003, then Central Intelligence Agency (CIA) director George Tenet identified as a threat "the world's vast stretches of ungoverned areas . . . where extremist movements find shelter and can win the breathing space to grow."[9] In 2007, then senator Barack Obama identified "weak and ungoverned states" as security threats[10]; concerns later echoed by his administration's Department of Defense undersecretary for policy Michèle Flournoy and Department of State counterterrorism coordinator Daniel Benjamin.[11] More recently, Senators Marco Rubio, John McCain, and Lindsey Graham have argued that ungoverned spaces in Syria and Iraq threaten U.S. security by providing "safe havens" for VNSAs.[12] Chairman of the Joint Chiefs General Martin Dempsey notes al Qaeda "[has] taken advantage of unsettled and ungoverned spaces elsewhere in the Middle East and North Africa."[13]

The link postulated between ungoverned spaces and security threats has shaped American foreign policy. The CIA established the Failed State Task Force in 1994 to predict cases of state failure, the 2004 National Military Strategy identified ungoverned areas as a threat,[14] and the Department of Defense's Ungoverned Areas Project advocates that America work to eliminate such spaces by building partner states' territorial and border control.[15] As I will outline below, American foreign policy broadly reflects a statement found in the 2012 Defense Strategic Guidance report: "For the foreseeable future, the United States will continue to take an active approach to countering these threats by monitoring the activities of non-state threats worldwide, working with allies and partners to establish control over ungoverned territories, and directly striking the most dangerous groups and individuals when necessary."[16]

Indeed, concern about security threats emanating from ungoverned spaces has proven remarkably resilient: in response to critique, the discussion has repackaged the same concerns under new names. Scholars have identified as threats areas that look quite different from each other—representing a baffling array of regime types, non-state actors, population densities, and levels of development.

Critics such as the Cato Institute's Christopher Preble and Justin Logan question the measures of "state failure" or "weakness," and note limited definitional consensus on these terms.[17] In response, those who emphasize the threat of ungoverned spaces have simply changed the terminology and redefined the areas of concern—without altering the substance of the debate or the negative outcomes supposed to flow from these spaces.

Criticism of the link between failed states and threats has prompted a reformulation from a binary typology (in which states are "failed" or "not failed") to one expressed as a continuum of "fragility," "weakness," and "instability." Yet even as they critique the link between outright state failure and VNSAs, many authors simply shift the point of concern further down one or more of the dimensions of state behavior defined to characterize strength or weakness.[18] Among others, Davidson College professor Ken Menkhaus; Princeton's Jacob Shapiro; and Olaf J. de Groot, Matthew D. Rablen, and Anja Shortland at the German Institute for Economic Research, note that VNSAs can find that a certain degree of rule of law and infrastructure facilitates their operations better than the anarchy of failed states.[19] Scholars now worry about states that do not fit limited categories of outright failure, but that display one or more of a constellation of weaknesses. Emblematic of this repackaging, the CIA renamed its State Failure Task Force the Political Instability Task Force, and the World Bank's Country Policy and Institutional Assessment abandoned a binary definition of failure in favor of more continuous measures of weakness.[20]

The debate has also shifted focus to territories within states rather than whole countries.

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"Ungoverned spaces" are smaller pockets of what would be termed state failure if the phenomenon occurred across an entire polity, and often exist within states that exhibit broader weaknesses in governance.[21] This shift applies the same fears of VNSAs and associated threats to smaller territories variously called "unrecognized states"[22] and "Global Black Spots."[23] Counterinsurgency expert David Kilcullen argues that VNSAs will increasingly focus on urban environments of the world's emerging megacities, and the Naval War College's Richard J. Norton warns that "feral" cities provide breeding grounds for criminal and terrorist networks.[24] In response, the Department of Defense has turned to developing doctrine and operations appropriate to these spaces.[25] Central governments have limited presence and control in places "as varied as" Pakistan's Federally Administered Tribal Areas, northern Yemen, and the slum areas of megacities such as Rio de Janeiro and Karachi.

Moving from a binary definition to a continuum and acknowledging variation within countries allows those who emphasize threats emanating from ungoverned spaces to evade the critique that they are oversimplifying. But underlying these various terms and characterizations are the same concerns about forms of governance that run counter to the West's particular Westphalian and Weberian preferences.[26] This divergence underpins scholars' and policymakers' fears that these phenomena pose risks to America and its interests, and that the United States may be unable to mitigate these risks.

Westphalian notions are ingrained in policy and academic discussion: governments' authority should be final and indivisible within their legally recognized territory. While there is considerable debate on the division of authority within branches and levels of government, and between state and society, when pressed to define "statehood" most analysts resort to Max Weber's "monopoly on the legitimate use of force" within a defined territory. In this conception, a state holds the exclusive right to coercion within its borders, though it may negotiate and approve the use of private security forces.

Western policymakers have further preferences over the type this internal state hierarchy takes, specifically defining legitimate authority. North Korea's government, for example, may have a monopoly on force but is not generally regarded in the West as legitimate, and often appears on lists of failing, fragile, or weak states. The Western definition of legitimate governance has fixed on Weber's rational-legal authority (deriving from political and bureaucratic offices) rather than on particular bloodlines or social history (traditional authority) or individuals with extraordinary and often religiously- or ceremonially-defined qualifications (charismatic authority). Rational-legal authority's impersonal nature is viewed as fairer because it allows access to power and state services regardless of family ties or personal affiliations. Patronage, clientelism, and phenomena often labeled as "tribal" politics run counter to these rational-legal preferences.

Many definitions of legitimacy go beyond a monopoly on force, adding assessments of public goods distribution and other administrative and economic functions: Clare Lockhart and Ashraf Ghani argue that legitimacy derives from 10 functions of the state.[27] Governments that provide limited services or limited political access to much of their population (as in many late developing countries of various regime types),[28] or to particular areas within their territories (such as Rio de Janeiro's *favelas*), run afoul of these preferences.

In sum, the West prefers a certain degree and type of hierarchy within states. These preferences are important because they underpin two basic fears about U.S. security shared by this debate's slew of labels: deviations from the preferred form of hierarchy pose inherent risks and limit America's ability to ameliorate these threats. Often, this debate is oddly dualistic—labeling these areas as "ungoverned" while simultaneously describing the threats they create or foster in ways that imply they are actually controlled by some au-

thority figure(s). Failure to appreciate the ways and reasons by which these areas are governed can lead to flawed policy choices—all of which may run aground on these spaces' realities.

American policy solutions to ungoverned spaces (described further in three categories below) all aim broadly at bringing these areas more in line with Weberian and Westphalian preferences: extending state control into ungoverned areas and enhancing the state's delivery of services and political representation. Below, I argue that ungoverned spaces are, in fact, governed by non-state authorities, and outline how this fact ties into the debate's two underlying fears.

MISPERCEPTIONS ABOUT "UNGOVERNED SPACES"

Understanding "ungoverned" areas and the policies designed to address them requires the realization that these areas are not so much ungoverned as differently governed.[29] Contrary to their popular characterizations, political order in these areas has not disappeared: it is simply wielded by actors other than the state, such as traditional or religious elites, warlords, community groups, and rebel organizations.[30]

These actors may develop statelike administrations. The unrecognized states of Abkhazia, Nagorno-Karabakh, Transnistria, Somaliland, South Ossetia, and Northern Cyprus display objectively, though not legally, recognizable governments.[31] Non-state authorities may undertake statelike services and actions, even as they operate in structures unlike western bureaucracies, or exert power in a patchwork of overlapping sovereignty. Gangs in megacity slums in Jamaica and Brazil and rebel groups in Sri Lanka and the Philippines provide education, employment, and some measure of law and order and dispute adjudication that facilitates contractual exchange and investment.[32] Community groups in Somali border areas have reduced violence and managed economic exchange.[33]

An increasing number of scholars acknowledge that ungoverned spaces are actually ruled by alternative authorities. Rather than resolving the debate, however, this recognition is often folded into threat assessments—these alternative authorities and their operations often become the focus of the debate's two underlying concerns.

First, scholars and policymakers claim that these areas generate or shelter security threats (some of which are posed by the alternative authorities) to the United States, its allies, and its global interests. Dennis Blair, former national intelligence director and commander of U.S. Pacific Command, former ambassador Ronald Neumann, and Eric Olson, former commander of U.S. Special Operations Command, argue that "fragile states unable to enforce their laws and control their territory are the progenitors of potent threats that can be carried out simply and effectively."[34] Limited control over borders or internal territories provides entrée and operational space to gangs, terrorists, warlords, rebels, or criminal entities. These actors' ability to wield (sometimes considerable) authority and armed force simultaneously demonstrates a state's nonmonopoly on these qualities and produces instability, violence, and other outcomes the policy debate highlights as risks. Those who emphasize the threats arising from ungoverned spaces may acknowledge governance by alternative authorities—like the (re-) emergent Taliban in parts of Afghanistan and Pakistan and drug traffickers in Rio de Janeiro's *favelas*—but argue that these actors' governance augments their nefarious ambitions.[35] Observers such as Senators John McCain and Lindsey Graham describe the Islamic State's territorial control in Iraq and Syria as enhancing the level of threat it poses to American interests and security at home.[36]

Some VNSAs have launched direct attacks on America and its interests from territories in which they have more control than the formal state—al Qaeda from Afghanistan, pirates off the Somali coast, and gangs whose operations and violence have spread from the United States to Latin America and back again.

Legitimacy failures may provide access or inspiration for VNSAs. Poor provision of po-

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litical access and public goods may incite unrest or drive terrorism and transnational criminality. Patronage, clientelism, and non-rational-legal authority structures may increase unrest by drawing funds away from public goods, hampering economic growth, and frustrating citizens with unequal access to political and economic benefits.

Second, deviations from the West's preferred form of hierarchy not only produce threats, but may also limit America's ability to address these threats.[37] Neither deterrence nor diplomacy may be possible with the actors populating these areas. Ungoverned spaces frequently operate under multiple authority figures and structures other than a rational-legal framework—meaning much sociopolitical activity occurs in forms with which outsiders are unfamiliar.[38] Outsiders may be unsure with whom they should negotiate, how much power various actors within ungoverned spaces hold, or whether their promises are credible. Some systems may be characterized by frequent shifts in relative strength and alliance structure, forcing deals to be renegotiated with new leaders and leading outsiders to be skeptical of any agreement's longevity.[39] Moreover, in sparse hinterlands and jumbled megacity slums it is difficult to observe who is present and what their activities are. Poor government service provision can mean fewer roads, maps, and other infrastructure that makes areas more accessible and easily monitored.

The challenges of seeing into such spaces also make it difficult to assign blame or locate and target those at fault in the event of undesirable outcomes—limiting America's ability to deter threatening activities. The difficulty of assigning blame, and monitoring whether partners abide by the terms of an agreement, render negotiated agreements less credible, and thus less worth pursuing. Such constraints limit America's ability to strike agreements to mitigate risks, deter unwanted actions and outcomes, and locate and punish those who defect from agreements.

In response to these threats, policy aims to bring these phenomena more in line with poli-cymakers' Westphalian and Weberian preferences. Broadly, policies seek to help states do more things in more places within their territory, and to do so in a more legitimate fashion. For ungoverned spaces, this means bringing them more under state control. These policies are based on the assumption that increasing state control will mitigate the risks ungoverned spaces supposedly shelter and create—namely, that bringing ungoverned spaces within the state's hierarchy can prevent the threats thought to follow from them, enhance the state's ability to provide public goods and political access, and limit the operations and presence of VNSAs.

WHY UNGOVERNED SPACES EXIST

Any policy addressing ungoverned spaces necessarily confronts the realities of why they exist and how they operate. While policymakers and scholars increasingly recognize that these spaces are governed, failure to appreciate how and why they are ruled outside the state apparatus (and to incorporate this recognition into policy) can lead to poor outcomes. If integrating ungoverned spaces into their governance hierarchy could mitigate risks of political unrest, provide services to forestall discontent, and add new populations and enterprises to the tax base, why do states not absorb such spaces? Moreover, why can other actors hold authority in these spaces, but not the state?

One answer is that states lack the ability to take control of ungoverned spaces. Another is that states lack the will to try to govern them. But it is overly simplistic to separate "can't" from "won't." States' decisions are generally a combination of the two, as governments allocate limited resources to a prioritized to-do list. States may lack capabilities (can't) because they choose to devote resources to other priorities, in turn developing other proficiencies and solving other problems (won't).

Ungoverned spaces may also exist because states rationally limit their territorial control,

extending authority only when the benefits of doing so outweigh the costs.[40] While extending hierarchy can mitigate risks and reduce the costs of negotiating with uncertain and multiple parties, there are good reasons why a state might choose not to control these areas.[41] That is: ungoverned spaces are both more governed and more efficient than they look.

First, the benefits of ruling such areas may be too low. Integrating territory is attractive when doing so increases a state's tax base or access to other resources. Scholar Charles Tilly argues European states were historically driven to integrate territory and consolidate internal hierarchy in order to raise taxes to fund wars of defense or further expansion.[42] More recently, the Rhineland's industrial capabilities attracted interwar German expansion. But many ungoverned spaces offer few such benefits of rule, and states have traditionally drawn the line at integrating areas with meager returns on investment. The colonial French (offensively but pointedly) distinguished between *l'Afrique utile* and *l'Afrique inutile*: usable and unusable Africa. In the modern era, America has encouraged governments to integrate territories with limited returns to rule: Pakistan's FATA, rural Afghanistan, and Somalia have low population densities and limited economies.[43]

Second, the costs of ruling these spaces may be unattractively high. Controlling territory is not free. These "governance costs" include local actors' resistance to the extension of state control, often discussed as the military difficulties of conquering or retaking these areas. American University's Stephen Tankel notes that Pakistan cannot take more direct control of FATA without an unpopular and costly military campaign.[44] However, governing can be costly long after initial conquest—as the United States and its allies have learned all too well in Iraq and Afghanistan. Ordinary citizens can resist rule in small but collectively costly ways, particularly if they find central government policies unappealing.[45] Moreover, one of states' ostensible benefits, taxation, can be an expensive exercise in gathering informa-

tion as well as money.[46] Within such spaces, cultural differences, thinly spread or densely packed populations, or unfamiliar systems of rights and ownership can make it difficult for the state to track taxable people and assets, determine and provide appropriate services, and maintain order.

Third, while bringing ungoverned areas under state control can mitigate risks, the threats these areas supposedly shelter or create may not be existential to the host government. Threat mitigation of any form can make extending control worth high governance costs and limited benefits to rule, however, if it is cost-effective. Israel extended control into the Golan Heights to mitigate the military advantage it could provide to its enemies—not because the area enhanced the country's tax base. Similarly, even as the British East India Company strove to keep down costs, local governors would sometimes annex neighboring territories since extending control allowed them to manage unrest that disturbed business operations.

For many ungoverned spaces, however, the states within which they exist do not find they pose a risk sufficiently large to justify extending rule. The tribal leaders, drug cartels, and smugglers of many ungoverned spaces often do not aim to overthrow the state. These actors may strive to secure their operations against state incursion, but find the prospect of running a state distastefully costly.[47] Moreover, many of these states may have a higher tolerance for violence within their borders than American policy elites do.[48] In such cases, ungoverned spaces and the threats they produce or shelter are negative externalities for the host government—byproducts of their policy choices which accrue risks and costs to others (such as the United States), but which the host state has few incentives to avoid.

POLICY SOLUTIONS

If ungoverned spaces generate threats, the policy solution is to extend state control into these areas and to improve the government's provision of services and political represen-

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tation. As outlined, ungoverned spaces exist and persist because the costs of incorporating them are too high, and the benefits of integrating them (and the risks of not doing so) are too low. Efforts to extend state control must either change this underlying political economy or be prepared to compensate for the gap between the costs and benefits of rule. Understanding that these areas are not "ungoverned" but "differently governed" suggests three broad policy options. States may seek to integrate these spaces' alternative authorities:

- by replacing or reforming them;
- by out-competing them for local loyalty; or
- by coopting and using them as local governance contractors.

It is difficult to estimate the American resources devoted to any of these policy efforts. Extending and improving governance is an extremely broad goal, treated with what is increasingly dubbed a "whole of government approach" comprising efforts by a host of United States departments and agencies.[49] In part because these policy efforts are multiagency, it is difficult to calculate the total American resources devoted to them. Where possible, in the discussions below, I cite examples from specific cases, or highlight pertinent programs within U.S. government entities.

First, policymakers can seek to replace the existing system and assimilate it into the state. These approaches seek to push alternative authorities from power and replace them with the formal state apparatus. Such efforts often rely heavily on the use of force to remove alternative authorities or relocate populations under their control. In cities around the world, government efforts to extend power into areas controlled by gangs or criminal elements have often used police or military forays to eliminate these rivals and their authority or force them out of the territory. American efforts to take (or retake) insurgent-controlled Iraqi cities focused on expelling rebel authorities. The United States has supported Kenyan, Ethiopian, and African Union troops in actions to root out al Shabaab in Somalia. This aid has included more than $512 million in training, logistics support, and advice for the African Union's mission in Somalia, and over $455 million in contributions to the United Nations' support for it.[50]

In 2007, under international pressure (and with American military aid) Pakistan launched a series of military operations into FATA areas long outside the central state's control. The goal was to replace the Pakistani Taliban's (Tehrik-e-Taliban Pakistan (TTP)) authority with the state's. American-led supporters of this effort discouraged a ceasefire brokered in 2009, instead emphasizing complete removal of Taliban authorities: the Pakistani state renewed a military offensive.[51] The United States has strongly encouraged Pakistani efforts to unseat the TTP and reclaim territorial control. Pakistan has a complex relationship with the United States, and receives an unusually high level of American aid—not all of which is directed at removing the TTP and extending state control. However, as a rough estimate, a 2011 Congressional Research Service report notes that between 2001–2012, the United States sent Pakistan some $6.5 billion in security support and $8.1 billion in economic aid.[52] These funds support a range of efforts to bring the Pakistani state closer to a Westphalian ideal: increasing border security by training Pakistan's Frontier Corps and improving the state's control within these borders by "support[ing] the government of Pakistan's access to the frontier areas to combat militant and criminal elements."[53]

American support also aims to bring Pakistani rule closer to a form the U.S. finds more legitimate by improving public-goods provision and political representation: including programs from the State Department's Global Health and Child Survival fund and its Economic Support Fund, which aids economic growth, education, and "strengthens the rule of law and human rights, supports good governance activities, [and builds] political competition and civil society."[54] Worldwide, the State Department invests $7.8 billion in international security as-

sistance from funds designated for International Narcotics Control and Law Enforcement; Nonproliferation, Anti-Terrorism, Demining, and Related Programs; Peacekeeping Operations; International Military Education and Training; and Foreign Military Financing.[55]

Second, policy may aim at out-competing alternative governors for local loyalty by making the state a more attractive option. This logic underpins the "hearts and minds" counterinsurgency model.[56] Such policies have also been applied in ungoverned spaces outside counterinsurgency contexts. Faced with independence-minded Pashtun tribes never fully integrated under any central authority, the Pakistani state undertook what United States Air Force Lt. Col. Ty Groh characterizes as a policy of "peaceful penetration" from 1951–1955 and 1972–1977.[57] The government provided Pashtun areas with a variety of development projects and avoided confrontation with alternative authorities to "demonstrate the advantages of closer relations between the tribal areas and the government." Although the Soviet invasion of Afghanistan interrupted and changed local dynamics, these efforts had some success since "[t]he appeal of an independent Pashtunistan faded as Pashtuns realized that their lives were significantly better with the support of the state of Pakistan."[58]

The United States' support for other states' efforts to extend service provision and political representation to their citizens is not new. However, some support specifically targets ungoverned spaces under an out-compete logic. For example, the Department of State's Economic Support Fund (ESF) "supports programs that encourage countries to respond to the needs of their people, thereby joining the community of well-governed states." In states "critical to the Global War on Terror . . . ESF resources mitigate the influence of terrorist groups and reduce their potential to recruit, particularly by addressing the economic despair and lack of political participation that terrorists exploit."[59] DoS has requested over $5 billion for ESF funds for FY2015.[60]

Third, the state can work to co-opt alter-native authority structures without reforming them—effectively subcontracting local governance, rather than extending the central regime directly. Variants of this approach carry a range of terms. Under "indirect rule" or "rule-by-proxy" colonial powers (notably the British Empire) controlled foreign relations, taxation, and other policy areas, but relied on traditional leaders to maintain rule of law and day-to-day administration. More recently, scholars and policymakers suggest administrative structures that emerge locally and organically (rather than from top-down reform) could form the "building blocks" of statehood in places like Somalia.[61] Indeed, in the early 2000s, the United States backed Somali warlords against Islamist militias, circumventing the contested and frequently ineffectual formal Somali government.[62] Central regimes that extend authority through local intermediaries in this way form "mediated states"[63] or "hybrid regimes."[64]

Ostensibly, the United States could use force directly against VNSAs, or to compel states whose rule is unthreatened by ungoverned spaces within their borders to absorb the costs these areas impose on American interests. Drone strikes in Pakistan, Yemen, and Somalia directly bring American firepower to bear against VNSAs.[65] United States military personnel have been deployed in multiple operations worldwide, most in an advisory or training capacity in partnership with host regimes, but some in limited but direct operations—as seen in U.S. Special Operations raids targeting al Qaeda affiliates in Somalia and Libya in 2013.[66] But direct use of American force has attracted criticism that such actions violate sovereignty and human rights. Drone strikes have drawn reproach in the expert community, and in statements by Human Rights Watch, Amnesty International, and the United Nations.[67] America's total investment in direct operations, including drone strikes, is difficult to calculate—particularly since many of these are done clandestinely.[68] More commonly, American force is partnered with the governments within whose territory the tar-

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geted ungoverned spaces legally fall. American funding, material, training, and advice aid host regimes—through one of the three policy approaches outlined above.

Compelling states to control their ungoverned spaces or to eradicate VNSAs within them can also be problematic. The 2001 invasion of Afghanistan could be viewed as an extreme case of America forcing the Taliban regime to absorb the costs al Qaeda's existence in its ungoverned spaces imposed on the United States. However, such threats will be effective only if the penalty is larger than the gap between the costs and benefits to rule, weighted by the probability of an undesirable outcome. But host regimes may calculate that this gap is large (hence why they may have opted not to control the space), and that the threats posed to the United States are unlikely outcomes. If so, states may avoid integrating ungoverned spaces, since the chances of being sanctioned are low, even if the penalty is severe.

Retaliatory threats are also unlikely to shape the behavior of leaders who live with multiple, and more immediate, threats to their power and survival. In addition, the degree to which host states may plausibly claim incapability rather than unwillingness can create diplomatic problems for American retaliation. Finally, effective sanctioning requires the ability to assign blame and impose punishments for undesirable outcomes—a link that the challenge of monitoring ungoverned spaces makes difficult.[69] This challenge suggests a paradoxical difficulty—sanctioning may work only if the United States manages to push states to integrate ungoverned spaces, thus increasing their ability to monitor these areas. However, such threats are simply a more coercive impetus for states to undertake one of the three policy approaches outlined, and are subject to the same weaknesses discussed further below.

Replace/reform, out-compete, and co-optation policies are ideal type strategies. Many efforts combine elements of all three. Counterinsurgency's "clear, hold, and build" approach advocates clearing state's rebel rivals from power in ungoverned spaces, keep-

ing them out, and replacing their authority with functional state institutions. The International Security Assistance Force's efforts to extend state control into ungoverned spaces in Afghanistan have employed all three strategies—seeking to root out Taliban authorities, out-compete them with development programming, and working with local strongmen as bulwarks against the Taliban and other VNSAs.[70] Under Secretary of State for Political Affairs Wendy R. Sherman identified a priority in Somalia: to "ensure that when al-Shabaab is pushed out of an area, it is replaced by a governing presence that can protect citizens and instill optimism."[71] American-supported Pakistani military incursions into FATA to unseat TTP control were paired with some development assistance. In 2006, the state announced the Sustainable Development Plan for FATA, and the United States Agency for International Development offered projects and budget allocations in support of the plan.[72]

But how do these policy options fare against the underlying political economy that produces and sustains ungoverned spaces? All three policies face challenges. The first two options (reform/replace and out-compete) directly take on alternative authorities in ungoverned spaces. Because they face similar challenges, I address their risks and limitations first. I then discuss co-optive approaches, which avoid some of the risks run by the other two policies but face other difficulties.

PROBLEMS WITH REFORM/ REPLACE AND OUT-COMPETE POLICIES

By directly confronting alternative authorities, states seeking to incorporate ungoverned spaces using reform/replace and out-compete policies face two challenges masked by hidden efficiencies of ungoverned spaces. That is, even if policymakers acknowledge that these spaces operate under alternative authorities, failures to integrate an understanding of how and why they are so governed can frustrate policy efforts. First, ungoverned spaces may

reflect high costs and low benefits of rule to host regimes—making these policies more expensive than anticipated. Second, policies may generate the very VNSAs and instabilities that absorbing ungoverned spaces is supposed to ameliorate. These spaces' status quo may sustain vested interests or manage a variety of risks, and disturbing them can generate problems.

First, while the existence of alternative authorities indicates rule is possible in these areas, such authorities may face lower costs and higher benefits to rule than does the state. Alternative authorities may face less resistance from the local population, lowering their costs of rule. For example, even as the United States and United Nations backed Somalia's Transitional Federal Government, many ordinary Somalis resisted the state's control, leery of efforts to revive a previously predatory government.[73] This does not necessarily mean that alternative authorities are benevolent, simply that the population finds them less objectionable than it does the state.

Moreover, alternative authorities may have better or cheaper access to the information necessary for rule than does the state—knowledge of the population and assets (facilitating taxation and enforcement) and local needs and desires (facilitating public goods provision). Alternative rulers may be embedded in local social and kinship networks that provide more information about residents than any administrative apparatus, and can sanction misbehavior though a variety of social mechanisms. These knowledge and accountability mechanisms can reduce inefficiencies in alternative authority structures in ways that are not available to state bureaucracies.[74] As a result, development programs in areas outside of state control can inappropriately assess local needs, and thus go unused.[75]

As Pakistan's most recent attempts to extend state control into FATA show, "even when security forces have successfully cleared and held territory, the federal and provincial bureaucracies have proved unable to provide development and other aid."[76] Such failures are often labeled as a "capacity" problem, and as noted, it may be difficult to distinguish between "can't" and "won't." However, while Pakistan's bureaucracies demonstrate weaknesses even outside of FATA, they may struggle even more within it due to greater operational costs, poorer access to information, and greater popular resistance.[77] American aid to these areas has often gone unnoticed or unappreciated, and thus accrued little loyalty to the central regime or its American backers.[78]

Alternative local authorities may also enjoy greater benefits of rule than does the central regime because they have access to income sources that the state cannot access or that lose value under state control. These include revenue from illicit economies like smuggling operations (though the discussion below notes individuals within the state can also profit from these operations). Some alternative authorities draw support from sponsors abroad who shore up their control. These funds often support alternative authorities' efforts to resist state incursion, but may also support more day-to-day costs of rule.[79]

In the face of an unfavorable balance between the costs and benefits of rule, U.S. policymakers could opt to subsidize the gap between the costs and benefits to states incorporating ungoverned spaces. Development programming could increase the benefits of rule by expanding the area's tax base. Bureaucratic reform could lower the state's governance costs. But in ambitious projects of economic and political reform, progress is often slow. If states face high costs and low returns to incorporating ungoverned spaces—and development and reform take time—the United States faces the possibility of long-term subsidies with uncertain prospects of success.

Second, ungoverned spaces' status quo may also be efficient insofar as they sustain vested interests or (counterintuitively) manage risks of violent elite competition or threats to the state. Reform/replacement or competition efforts may generate the very unrest they are supposed to address by threatening vested interests, creating uncertainty about the dis-

"All three policy options face challenges."

tribution of power, and by undoing political bargains.

Change almost always generates resistance—both because it threatens interests vested in the status quo and because it can create uncertainty about what the final political order will look like and who will have how much power in it. Any political order generates vested interests. Alternative authorities have obvious reasons to resist state control, but residents and even elements of the central regime may also have investments whose value is vested in the status quo of how these areas operate, which may be worth less under a new political order. Locals may have built kinship and patronage networks or pursued tribal or religious offices. Reform and replacement policies directly threaten such investments by changing the system to one in which these investments are worth less. Competition policies pose more indirect threats—aiming to make the state sufficiently attractive so that actors will disinvest from interests tied to the current political order and reinvest in ones tied to the state.[80] For example, residents may have joined or built militias. Militias serve strongmen well under a political order of shifting coalitions and power based on force, but lose value under a system with greater state monopoly on violence and emphasis on bureaucratic process. Militias' rank and file may find their investment in military skills is less valuable under the new system. Actors invested heavily in the status quo may fight to protect these interests.

Individuals or elements within the state may also have a stake in ungoverned spaces. Ungoverned spaces can operate under a system of implicit or explicit deals between the central government and actors in ungoverned spaces. Generally associated with alternative authorities, conflict economies (e.g., illicit trade and extortion or protection rackets targeting area residents and businesses) can also benefit government elites. Some officials profit from smuggling operations run through Eurasia's unrecognized states—Transnistria, Nagorno-Karabakh, Abkhazia, and South Ossetia.[81] Lo-

cal administrators in Somalia permit pirates to anchor captured vessels in their ports in exchange for cuts of eventual ransoms.[82]

State actors may gain politically as well as financially from keeping ungoverned spaces ungoverned. In megacities, the armed gangs that cause much concern can be part of government officials' political apparatus—delivering election results through political muscle and serving as conduits for patronage and services to supporters. Akin to the reach of the political machine into immigrant slums in American history, such networks operate in the ungoverned spaces of Karachi and Rio de Janeiro.[83] Such interests can create resistance to policies to reform/replace, or out-compete alternative authorities from within the state itself.[84]

Policymakers' efforts to integrate ungoverned spaces may recognize that such spaces operate under alternative authorities. However, failures to appreciate how and why these areas are alternatively governed mean such policies can create the very risks integration is designed to ameliorate. By threatening vested interests, such policies may generate instability and encourage local strongmen to act or create VNSAs to defend these interests. This dynamic suggests that policymakers should assess their willingness to accept armed resistance and unrest when considering policies that would force integration of ungoverned spaces into the larger state. To estimate or forestall resistance, policymakers would be wise to consider political and economic investments that may be compromised under proposed changes, and whether the United States or host state can credibly promise to safeguard these assets under the new political order or are prepared to sufficiently compensate their holders for their loss. If protection or compensation are unavailable (or are not credible), policymakers should expect that they will need to manage resistance by those who stand to lose—likely through the actual or threatened use of force. In combating piracy's foothold in coastal Somalia, the World Bank acknowledges the need to compensate stakeholders for the loss of piracy revenue, and that

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individuals "too vested to be credibly compensated" will need to be "contained."[85] Whether such interests are compensated or managed, their existence increases the costs of integration efforts.

Moreover, by directly confronting alternative authorities, policies to reform/replace, or outcompete these structures may disturb the current power distribution and create uncertainty about the end state. In the face of disruption and uncertainty, powerbrokers fight among themselves to sort out the local pecking order. Violent scrambles for power are most likely when the previous political order suddenly disappears, leaving a vacuum,[86] but lower levels of uncertainty can also induce contestation.[87]

Uncertain commitment by the state (and any American or international backing) makes contestation more likely, as local powerbrokers cannot be sure how much change policymakers will achieve, or how long these changes will last.[88] Commitment is particularly questionable if a state's extension into the ungoverned space is known to face high costs and low benefits to rule, and is thus only sustainable with foreign subsidies. Those with vested interests may try to outwait the policy efforts, and hold back from investing in the new system. Policymakers should realize that uncertain commitment can be problematic in efforts to integrate ungoverned spaces, particularly in states facing high costs and low benefits to rule. Again, in such cases, policymakers should seriously consider the degree to which America is willing to fill this gap long-term.

Finally, policymakers should be wary that efforts to extend state control to mitigate risks supposedly emanating from ungoverned spaces may undermine systems that manage other risks. Certainly, some elites within the regime can draw material and political benefits. But these private gains may also have public benefits. Specifically, these benefits may give elites incentives to participate in an (outwardly) dysfunctional system rather than contesting control through violence and generating collateral damage for ordinary civilians.[89] If so, policy-

makers should be prepared for resistance by not only elites with obvious stakes in the status quo, but also from ordinary residents who may prefer the regularity of the current system to the possibility of open and violent elite contestation. Dismissing these structures as illegitimate or corrupt (since they do not fit within the rational-legal form of governance) may be reckless if policymakers fail to appreciate not just that the system exists, but also how and why it functions as it does.

Ungoverned spaces may exist because of deals cut between alternative authorities and the central regime. Arrangements can limit the threat alternative authorities pose to the state by creating shared perceptions about geographic and behavioral limits. In Pakistan, observers suggest that militants may be reluctant to escalate violence in Karachi, as operations outside their traditional purview in FATA risk provoking the state.[90] In exchange, populations "outside [ungoverned spaces of FATA and Kashmir], including many elites within the security establishment, have historically demonstrated a readiness to accept Talibanization to avoid retaliatory violence and provided the Talibanization did not affect their lives." Populations in central Pakistan have traditionally backed only limited military action against such actors, instead supporting "appeasement in the form of the peace deals offered to various militant factions."[91] Similarly, to the degree that Brazilian authorities avoid direct confrontation with drug trafficking operations, drug-related violence has been largely confined to *favelas*, steering clear of areas more vital to the state.

Such bargains may also form counterweights against armed groups who pose a more serious threat to the state. Pakistan partners with militias in Kashmir to resist Indian control. In its war-torn southern regions, the Philippine state allows local warlords-cum-governors substantial leeway in operating private armies and spending government funds in exchange for electoral support and aiding the state in clashes with secessionist rebels.[92]

Under such circumstances, policies designed to incorporate ungoverned spaces may

"Ungoverned spaces may exist because of deals cut between alternative authorities and the central regime."

> **"There may be a limit to the problems that co-opted institutions and actors can solve."**

result in the state losing control of its proxies, or inspire resistance by those within the state relying on such groups to pursue their policy goals.[93] Policymakers should be wary of very real risks stemming from policies that abrogate existing bargains and undo systems designed to manage other risks. If policies undo existing bargains, subsidizing any gap between the existing costs and benefits of rule may not be sufficient to compensate the host regime—policymakers must also be prepared to mitigate or compensate for increased risks. Pakistan's increased (and American-backed) attempts to displace TTP control in FATA violated their original détente, spurred direct attacks on the state, and drove some militants into ungoverned spaces in Karachi—moving the fight closer to home and generating new threats. Stephen Tankel notes that "[t]he operation was a military success but had severe ramifications. Many militants . . . considered this yet another betrayal. The raid turned a primarily FATA-based proto-insurgency into a full-blown insurgency that soon threatened to envelop the country."[94]

PROBLEMS WITH CO-OPTATION POLICIES

By not directly confronting alternative authorities, co-optation policies avoid several of the costs and risks of reform/replace or outcompete efforts. By building on existing authority structures, co-optation can harness alternative authorities' lower costs and higher benefits of rule. These authorities may engender less resistance than direct state action, and have access to better information and more efficient enforcement mechanisms. Contracting with local tribal authorities in what are now India and Pakistan allowed the British Empire to pursue some stability and border control while avoiding armed resistance to their own apparatus.[95] On their own turf, pre-industrial European and other rulers faced high costs of taxation—gathering local information on persons and property, maintaining an apparatus to collect taxes, and tracking and punishing

delinquents. Instead, rulers contracted with tax farmers who collected taxes on their behalf and paid the rulers a fixed sum in return for being able to pocket any excess money they collected. With better access to local information and enforcement, these individuals had lower costs of collection. In Iraq, the United States "colluded with Sunni nationalist armed groups that didn't threaten core American interests."[96]

Co-optation policies do not directly threaten vested interests in the status quo in the same way as efforts to reform/replace or compete with alternative authorities do. Co-optation may thus avoid inciting elite opposition. Moreover, by further enfranchising alternative authorities, co-optation can sometimes avoid inducing conflict-producing uncertainty in the ways reform/replace and compete efforts can.

Even so, co-optive policies face several risks. First, while co-optation does not pose as great a challenge to vested interests as replace/reform policies do, such efforts can favor some local apparatus or actors over others, threatening the interests of those not chosen, thus inducing uncertainty and contestation.

Second, there may be a limit to the problems that co-opted institutions and actors can solve. Eager to build on organic successes, policymakers should be wary that additional demands on local structures may be incompatible with the coalitions and agreements under which the original results were achieved. Professor Ken Menkhaus describes local success in calming violence in Kenya's Wajir district. Women's groups, traditional elders, professionals, and civil society self organized into what became the Wajir Peace and Development Committee. The committee has reduced violent crime and provided conflict management for the communities within which it was formed. However, the organization has struggled to "address underlying causes of armed conflict" (e.g., access to grazing land and resources), "cope with conflicts instigated by powerful outsiders," and prevent large-scale communal conflict.[97] Emory University

anthropologist Peter Little describes Somali traders who proved resilient, entrepreneurial, and competent in driving a boom in cattle exports, even in the absence of a functional state.[98] Still, these results may be unique to the area and sector within which these traders operate, and thus not appropriate to or duplicable in other areas.[99]

Third, co-optation risks empowering local actors to the extent they renege on agreements with the state or become unmanageable, shrugging off state control or proving only an illusory veneer of state influence.[100] Elements of the Pakistani state allegedly struggle to control various pro-government militias.[101] The United States' efforts to partner with proxies in Iraqi tribes against militants may have armed groups that now target the state.[102] And American efforts to extend Afghan government control into rural areas through relations with regional leaders (like Abdul Rashid Dostum) have been marked by debate over the degree to which these actors fulfill U.S. interests.

Finally, selecting local partners to co-opt requires accurate and fine-grained information about key local players, their interests, intentions, and capabilities. But difficulties of monitoring and understanding ungoverned spaces make such information hard to come by. In such cases, policy risks setting off the competition noted above, anointing authorities who lack sufficient authority to deliver security effectively or who do so in ways the West deems illegitimate.[103] Moreover, the preference for Weberian rational-legal legitimacy, and the fact that the West finds such structures more readily understandable than many alternative authorities, may lead policymakers to choosing partners who excel at "looking Western" rather than delivering results.[104] At the other extreme, co-optive rule risks choosing the armed capability of local strongmen over more politically and economically competitive orders. Both possibilities risk putting policymakers in the oft-criticized Cold War position of backing unpleasant strongmen who can deliver sufficient stability and security.

CONCLUSION

The preceding discussion suggests that policymakers need to realize not only that so-called ungoverned spaces are actually ruled by alternative authorities, but also why and how they are ruled in this way. Any attempt to bring ungoverned spaces more tightly under state control faces the factors that drive the existence and persistence of ungoverned spaces in the first place. These factors suggest several questions for consideration in formulating policy vis-à-vis ungoverned spaces.

First, do policymakers appreciate fully the possible financial costs of integration policies? Such efforts may be more costly than assumed. If areas are currently ungoverned because they pose high costs and low benefits to rule, is the United States prepared to compensate host governments for the difference if Washington encourages them to extend rule into such spaces? Development programming (whether domestically or internationally financed) may increase the benefits to rule by expanding ungoverned spaces' tax base. Reform may reduce governance costs by making the state apparatus more representative or by improving administrative efficiency. But such shifts are often slow—are policymakers willing to subsidize the gap between costs and benefits of rule in the interim?

Second, do policymakers appreciate fully the political risks policy may entail? Private and public interests in the status quo may be both larger and more numerous than anticipated. Some elite practices garner private benefit at obvious public cost: private armies, militant proxies, corruption, and patronage distort political and economic markets and can pose physical hazards to citizens. However, the public may benefit if such unfair systems regularize elite interactions and avoid violence.[105] The University of Copenhagen's Vivek S. Sharma holds that India's rampant corruption demonstrably fails to serve many public interests. But he argues that it does limit political violence, and that "most of the violent regional conflicts that have simmered and occasionally flared

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since [Indian] independence have a dimension of failed patronage distribution," including "[t]he Sikh insurgency in the state of Punjab in the 1980s."[106]

For those individuals with large stakes in the current system, is the United States prepared to compensate those who stand to lose from changes, and to manage those whose interests cannot be compensated? Furthermore, to the degree that the status quo of ungoverned spaces may manage other risks, are policymakers prepared for these problems to reemerge as an ungoverned space is brought further within the fold of the state?

Third, are American policymakers willing to prioritize among goals along the many dimensions that define progression out of ungovernedness? The logic of ungoverned spaces suggests all good things may not be simultaneously achievable. In some cases, there may be a fundamental tension between reducing violence and building acceptable state structures. Many policymakers avow the importance of democratization, yet Karachi's gang dynamics suggest their existence and some of their violence is driven by the current stage of Pakistan's emerging electoral politics. Furthermore, as noted in the point above, stakeholders in the status quo may only agree to transition peacefully to state control if they can be promised sufficient gains to being part of the state—often through what is labeled corruption.[107] In such cases, policymakers may face a choice between extending state control and reducing violence, and minimizing corruption—which other scholars identify as "a factor in every type of threat [emanating from weak and failed states] examined."[108] Moreover, analysts discuss elements of co-optation and proxy rule as both problems and solutions in the ungoverned spaces debate. Co-optation policies can produce outcomes identical to the state-VNSA bargains that stymie efforts to reform/replace or out-compete alternative authorities. Again, policymakers will have to choose which goals are more important, and recognize that not all three policy types may be successfully pursued simultaneously.

Fourth, how much are U.S. policymakers willing to spend collecting data about and monitoring identified ungoverned spaces and watching for new ones? Many (if not most) studies and discussions in this debate advocate or offer policy suggestions that require information gathering to predict or identify fragility, weakness, or ungovernedness.[109] Others argue that policymakers need better information in order to hold states accountable for risks emanating from spaces within them, and to identify and monitor viable partners—sufficiently powerful strongmen, or leaders and organizations with local legitimacy and a willingness to embrace reform.[110] Fine-grained data is a necessary (albeit insufficient) condition for policy success, but is costly to develop and maintain on a global scale.

The points above suggest that policymakers should consider putting less pressure on states to absorb ungoverned spaces. This analysis deliberately set aside the issue of threat inflation. However, the greater the level of threat policymakers see emanating from ungoverned spaces, the more likely they are to pursue policies to incorporate them—even if these policies have substantial political and economic costs and indeterminate outcomes.

Even if ungoverned spaces do not pose significant threats to the United States or its interests, the persistent debate suggests policymakers may face the world with an unnecessarily constrained view of statecraft. The particular Weberian and Westphalian assumptions that underlie the collective unease with ungoverned spaces are a restrictive lens through which to view international politics. The political marketplace is, and always has been, far more diversified than the entities that match these assumptions. While states remain the most dominant economic and political actors, policymakers should appreciate not only the reality that alternative governors exist, but also why and how they rule. A more nuanced perspective of the political topography may allow policymakers to make a more accurate assessment of the costs and limitations America faces in these nontraditional

scenarios. Policymakers may decide that the risks posed by some areas and actors outweigh the costs, but understanding the architecture underlying the status quo will allow more accurate assessments of the financial costs and the political risks of disturbing current political systems.

NOTES

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7. Patrick, *Weak Links*, chaps. 3 and 4; John Rollins, Liana Sun Wyler, and Seth Rosen, *International Terrorism and Transnational Crime: Security Threats, U.S. Policy, and Considerations for Congress* (Washington: Congressional Research Service, 2010); John Rollins and Liana Sun Wyler, *Terrorism and Transnational Crime: Foreign Policy Issues for Congress* (Washington: Congressional Research Service, 2013).

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