Alternatives to State Authority

in an Era of Softened Sovereignty
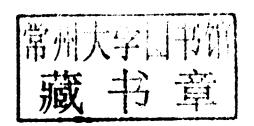
UNGOVERNED
SPACES

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To our families.

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Ungoverned Spaces?

The Need for Reevaluation

Anne L. Clunan

"Ungoverned spaces" are increasingly cited as a key threat to the U.S. government and its interests throughout the world.[1] Often these spaces are seen as synonymous with failed states, or states that are unable to effectively exercise sovereignty. A primary goal of U.S. defense strategy now is to improve "effective sovereignty" in such areas in order to deny sanctuary to terrorists, proliferators of weapons of mass destruction (WMD), narco-traffickers, and gangsters. According to the World Bank, in 2006 the number of states lacking effective sovereignty rose to twenty-six, from eleven in 1996.[2] The term is often extended to virtual realms, such as cyberspace and global finance, to connote the ease with which non-state actors can avoid state surveillance and undermine state sovereignty.[3]

This volume is a response to the increased concern in policy circles over ungoverned spaces. It seeks to unpack the implicit and explicit assumptions and the state-centric bias that infuse the term as it is commonly understood both through analysis of the concept of ungoverned spaces and through empirical investigations of whether and how ungoverned spaces come into existence and generate security threats. This is done with an eye to pointing out the deficiencies in common usage of the term and in prescriptions of what should be done about ungoverned spaces. In place of a focus on ungoverned spaces, we suggest that understanding threats from non-state actors today is best accomplished through examining the origins and nature of alternative authority and governance structures in contested spaces. This examination,

moreover, must take into account the broader global trend of softening sovereignty. The chapters that follow highlight that the sources of ungoverned spaces—of alternative authority structures—are far more complex than "state failure," "lack of state capacity," or "lack of political will." Although these factors play a role, in many cases, these spaces emerge precisely because of states' deliberate policy choices or with the witting collaboration of state authorities, usually in combination with the forces of globalization and local socioeconomic dynamics.

Why Reevaluate Ungoverned Spaces?

We care about the appearance of ungoverned spaces in the language of diplomacy and statecraft for both policy and theoretical reasons. Politically, the term "ungoverned spaces" connotes a novel and inherently dangerous threat to the security of states and the international state system. This threat is most commonly associated with state failure or with, in somewhat more polite terms, the growing number of "fragile states."[4] National governments in the developed world and international organizations have focused on the lack of effective sovereignty and the development of ungoverned spaces in these states as reasons for external interventions of all sorts into the affairs and territories of states. From a policy perspective, ungoverned spaces have attracted a great deal of attention from the U.S. government because of the perception that these areas, most recently conceptualized to include both physical territory and cyberspace, may shelter terrorist organizations and other criminal networks that pose a threat to national security. Government understandings of threat have evolved since the end of the Cold War, distinguishing areas that are differently governed, such as those under tribal rule, from those that pose a national security problem by providing safe havens for terrorists or insurgents because of an absence of governance.[5] Some, recognizing "the destruction launched from broken lands," call for interventions that meld economic development with security.[6] Clearly, this approach has some merit, since we can observe the activities of some terrorist organizations in quasi-sovereign and sovereignty-free zones such as South Lebanon, southern Colombia, and Somalia. International organizations, particularly the United Nations, have come to share some of these concerns because they are often called on to lead the international response to civil conflicts in ungoverned and contested spaces.

We should also be cautious, however, when considering the implications of this policy trend, as some analysts are prone to produce extreme scenarios that visualize the intersection of WMD proliferators, criminal organizations, and terrorists—or other similar catastrophic networks—to justify labeling all ungoverned spaces as potential threats. Indeed, the growing prominence of this issue in developed world policy circles, needless to say, provokes concerns in developing countries that the concept of ungoverned spaces is merely the latest window dressing for neoimperialism. Conversely, policy elites in developing states may also invoke the presence of ungoverned spaces to solicit Western aid and sanction armed intervention, with an eye to marginalizing and suppressing their political opponents out of a desire for personal political survival, rather than for genuine security concerns.

The official definitions of ungoverned spaces, moreover, are often breathtakingly broad and extend, wittingly or not, across physical and virtual domains and from stable and strong states lacking the "political will" to govern to prototypical failing and failed states. A recent U.S. Defense Department report highlights that threats to the United States arise in "ungoverned, under-governed, misgoverned, or contested physical areas (remote, urban, maritime) or exploitable non-physical areas (virtual) where illicit actors can organize, plan, raise funds, communicate, recruit, train, and operate in relative security."[7] The security issue then is not simply one of lack of governance, but a normative judgment on the type of governance in a particular space.[8] Governance by non-state actors—whether of territorial spaces, cyberspace, or financial systems—is implicitly equated with risks to state security. The scope for intervention is consequently vast, and the focus too often is on the security of states, rather than of human beings.

What is troubling from a policy and analytic perspective is the failure of scholars and policymakers to recognize that prescriptions for managing ungoverned spaces are too often state-centric and outmoded; many assume that alternative governance structures inherently undermine state power. They assume that increased state capacity, state building, and in some cases, state creation are the cure to the security problems stemming from ungoverned spaces. Yet more often than not, prescriptions are based on an anachronistic image of the state as the mid-twentieth-century welfare state, or on the privatizing, outsourcing state of the late twentieth century. In both cases, the state is assumed to be the critical actor in providing governance and generating authority. Prescriptions are frequently for top-down strengthening of state institutions and

state regulations, with little recognition of the impact of bottom-up aspirations in generating alternative authority and governance structures that may complement or outperform state efforts.

In the world as it is in the early twenty-first century, however, state sovereignty has softened, and the paradigm of the state system is therefore misleading for policymakers and theorists; the state is joined by a number of other actors, benign and malign, who sometimes compete and sometimes collaborate in providing governance and security through bottom-up and horizontal forms of organization. In many places, states are themselves a main contributor to insecurity at the human and global levels. As such, what in Chapter 2 are described as "dangerous spaces" may arise as much from state actions as from state failures. In lieu of the term "ungoverned spaces," with its assumption of the state's absence—the lack of state authority and governance—we prefer the concepts of alternative authority and governance structures, as these, in some places and some times, may incorporate or coexist with state authority and governance.

The concern over ungoverned spaces as areas lacking effective state sovereignty is fundamentally a product of the reluctance of policy practitioners and scholars to fully grapple with the world of the twenty-first century. As the next chapter argues, the global diffusion of multiple waves of Western liberal ideology and its technologies has made this a world of softened sovereignty, where competitions over authority are commonplace and the state does not corner the governance market. In some areas, such as in many global cities, the Internet, and global finance, ungoverned spaces have arisen as a result of the deliberate removal of state regulation in response to the spread of neoliberal policy prescriptions in the late twentieth century. In other areas, such as the tribal areas of Pakistan and Afghanistan and much of Africa, states simply never exercised authority while other authority structures persisted, so talk of "state failure" and "ungoverned spaces" is misleading.

The concern over putatively ungoverned spaces is a reflection of the decline in the effectiveness of states as political and social constructs. Preoccupation with this phenomenon is broadly mirrored in the recent literature on states, globalization, and governance, and it includes not only the disorder that attends failing states or civil wars, but also the withering of party systems as vehicles for organizing public demands and the progressive shrinking of the welfare state across the world as a mechanism for satisfying these demands.[9] The decline of these institutions has important implications for the

legitimacy of states as the predominant producers of governance and security. It also leads us to examine more closely the implications of phenomena such as the liberalization of the international economic order. Such liberalization is seen by Western liberal democracies as largely good in the economic realm, but its attendant softening of sovereignty has made liberalization more questionable in the political and security arenas. In the world today, the traditional notions of security have been expanded well beyond the Cold War confines of interstate conflict, strategic power balances, and national security.

Today, a multitude of factors have forced the broadening of security to include human and global levels, not just the national.[10] These factors include the persistence of intrastate violence and decline of interstate violence; the uneven distribution of state-provided public goods; the transboundary effects of environmental degradation, economic development, population movement, and disease diffusion; the rising interdependence in global finance and manufacturing; and the explosion in cross-border and intrastate societal interconnectedness through information and communications technology. Levels of economic development and access to policing and social services—issues once far removed from security studies—are now seen as central factors in producing security, not just for individual human beings but nationally, regionally, and globally, as Chapters 6, 7, 9, and 10 in this volume suggest.

Plan of the Book

In seeking to explain when and how ungoverned spaces contribute to human, national, and global insecurity, this volume deliberately casts a broad net to incorporate the many physical and nonphysical spaces where authority is contested and space is said to be "ungoverned" and dangerous. The chapters empirically cover urban and rural sites of alternative authority structures, economically developed and underdeveloped countries, territorial spaces, and nonphysical or virtual spaces. They cover a variety of traditional and nontraditional security concerns, ranging from flows of WMD, narcotics, migrants, dirty money, and cyberdata to terrorists, drug lords, warlords, insurgents, and radical Islamist groups to human privacy and security. The method of analysis is also diverse, ranging from accounts that emphasize material foundations to those that highlight ideational and discursive bases of alternative authority and governance structures. This substantive and analytic diversity gives us greater purchase in understanding the world "as it is":