

TESTIMONY

Ungoverned Territories

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CT-299

February 2008

Testimony presented before the House Oversight and Government Reform Committee, Subcommittee on National Security and Foreign Affairs on February 14, 2008

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Published 2008 by the RAND Corporation
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4570 Fifth Avenue, Suite 600, Pittsburgh, PA 15213-2665
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*Ungoverned Territories*²

Before the Committee on Oversight and Government Reform
Subcommittee on the National Security and Foreign Affairs
United States House of Representatives

February 14, 2008

I would like to thank Chairman John Tierney and the Subcommittee on National Security and Foreign Affairs of the Committee on Oversight and Government Reform of the U.S. House of Representatives for inviting me to testify at this hearing. The subject of my presentation is the security problems posed by ungoverned territories, and what could be done to address them, which is the subject of a RAND Corporation Project AIR FORCE report, *Ungoverned Territories: Understanding and Reducing Terrorism Risks*.³

Ungoverned territories have always been a troublesome feature of the international landscape. They generate all manner of security problems, such as civil conflict and humanitarian crises, arms and drug smuggling, piracy, and refugee flows. They threaten regional stability and security and generate demands on scarce military resources. Many of the crises that have required intervention by U.S. or international forces since the end of the Cold War were produced by the collapse or absence of state authority. Nevertheless, with the exception of humanitarian crises, ungoverned territories were of relatively little interest to the U.S. national security community, unless, like the coca-growing areas of South America during the 1990s "war on drugs," they generated problems for the United States that required some degree of involvement.

9/11 changed this calculus by demonstrating how terrorists can use sanctuaries in the most remote and hitherto ignored regions of the world to mount devastating attacks against the United States and its friends and allies. In the post-9/11 world, national security experts are coming to the consensus that threats to U.S. security may arise from areas within states or at the boundaries between states that, for various reasons, are not controlled by a central authority.

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² This testimony is available for free download at <http://www.rand.org/pubs/testimonies/CT299/>.

³ Angel Rabasa, Steven Boraz, Peter Chalk, Kim Cragin, Theodore W. Karasik, Jennifer D.P. Moroney, Kevin A. O'Brien, and John E. Peters, *Ungoverned Territories: Understanding and Reducing Terrorism Risks*, Santa Monica, CA: RAND Corporation, 2007.

According to the 9/11 Commission Report, the front lines of the war on terrorism lie in these ungoverned territories.

Despite the increased urgency of dealing with the threats emanating from ungoverned territories, the United States and other members of the international community have not proven adept in developing effective responses. One reason for this is that the phenomenon of ungoverned territories is poorly understood. In order to develop more effective policies—or at least to understand the limitations of the tools at the disposal of the United States and other nations and organizations in dealing with this problem—it is necessary to examine the factors that give rise to ungoverned territories, to identify their salient characteristics, and on this basis to distinguish among different types of ungoverned territories.

Unpacking this phenomenon, the objective of our study, yields insights that have important implications for counterterrorism policy. They provide a basis for assessing the effectiveness and relevance of existing policies and programs and serve as a guide to develop strategies to improve the ability of the United States and its friends and allies to mitigate the effects of ungoverned territories as breeding grounds for terrorism and criminal activities.

What are ungoverned territories?

The term “ungoverned territories” does not imply the complete absence of power structures in the territories in question. We mean that, in these regions, the state is absent, unable, or unwilling to perform its functions.

Ungoverned territories can be failed or failing states, poorly controlled land or maritime borders or airspace, or areas within otherwise viable states where the central government’s authority does not extend. Ungoverned territories can thus be found along a continuum of state control. At the benign end of the continuum are otherwise healthy states that have lost control of some geographic or functional space within their territories. For instance, a state that otherwise functions reasonably well could be plagued with a high level of illegal immigration across poorly controlled borders and the presence of criminal gangs involved in that activity. At the other end of the spectrum are failed states, in which the institutions of the central government are so weak that they cannot maintain authority or political or social order beyond their capitals.

In developing the methodology for an examination of ungoverned territories, we enter somewhat of an analytical terra incognita. There is a literature about failed states and civil conflict, and various analysts and policymakers have referred to ungoverned territories as a security problem.

But there has been no concerted effort to define and analyze ungoverned territories as a separate and unique category of security challenges. The first step in this analysis is to identify the characteristics of ungoverned territories.

Characteristics of Ungoverned Territories

The first characteristic of an ungoverned territory is the lack of penetration by state institutions into the general society. A lack of state penetration could be measured by absent or nonfunctioning state institutions. For example, law enforcement entities may only be present in the capital or major cities of a state, leaving substantial territory outside the state's purview. Health and welfare institutions may not reach into a substantial portion of the state's rural areas or inner cities. This lack of presence allows other organizations to take precedence in determining the rules of everyday life. Thus, individuals may look to warlords, mullahs, or tribal leaders rather than state agencies for judicial processes. Or insurgent groups may offer the only health care or other social services available to the population.

The lack of state penetration is also reflected in low compliance with existing laws. In an ungoverned territory, the state is not the primary source of authority. It is no more likely to be perceived as legitimate than competing power centers or to be able to elicit compliance with its laws. Indeed, the state is simply one actor within an ecosystem in which many groups and entities interact with each other and evolve through adaptation to changes in the environment. In this situation, a "survival of the fittest" dynamic emerges. The state's ability to reassert control depends on the health of whatever state institutions—particularly judicial and law enforcement—may be present, and whether those institutions have been subverted by corruption or competing local allegiances.

Aside from the overarching issue of the presence, or lack thereof, of state institutions in ungoverned territories, there are physical and social factors that contribute to the emergence of ungoverned territories. An important factor is inaccessibility. Ungoverned territories are often found in difficult terrain: mountains, jungles, or desert. These areas are generally economically marginal and sparsely populated conditions that retard economic development and diminish the state's incentives to develop the infrastructure necessary to maintain a robust state presence. In the globalized world, however, inaccessibility is a relative concept. Even where physical infrastructure is least developed, there are options for travel and communications. Nevertheless, especially in states with weak administrative structures, such limited infrastructure might actually aggravate governance problems because anti-state forces can use it for their own purposes.

Corruption is endemic in most, if not all, of the cases we considered. This corruption is structural, not just a question of corrupt individuals, and it reflects the low level of income of officials, the cultural norms that require them to take care of subordinates and relatives, and the resulting need to raise money in unconventional ways. Widespread corruption delegitimizes the state and may have severe security consequences.

A weak state presence, inaccessibility, the lack of physical infrastructure, and corruption and misgovernment can be more easily overcome than social and cultural resistance to state penetration of society, where a large part of the populace disputes the legitimacy of the state and its institutions and prefers to have other entities—ethnic groups, clans, tribes, or extended families—serve as the basis for social, judicial, and political organization. In the Federally Administered Tribal Areas of Pakistan (FATA), the Pashtun tribes have a long history of resistance to outside authority and a distinct legal and administrative system dating back to colonial times. The Muslim inhabitants of Mindanao, commonly known as Moros or Bangsamoro (the Moro nation) have contested the authority of the Manila government and its religious and cultural influence since the Spanish colonial period. Likewise, in the North Caucasus there has been a history of resistance to Russian domination on the part of the Chechens and other Caucasian peoples.

The presence of armed groups outside the state's control is a primary indicator of the extent to which a territory is ungoverned. The activities of illegal groups, particularly when they are trafficking in a lucrative and socially destructive commodity such as cocaine, tend to weaken and corrupt political and social institutions. To the extent that these groups are successful, they also displace state and government institutions—usually weak to begin with—in the areas where they establish a foothold. Unchecked, illegal armed groups will expand their resource base, increase their recruiting pool, and generate greater capacity at the expense of the state. Such groups also threaten individual citizens, requiring them to pay “taxes” or protection money or compelling them to participate in illegal activities. These actions further weaken the state because citizens come to view the state as ineffective or irrelevant.

In some cases, these armed groups are full-blown insurgent movements with thousands of fighters—for instance, the Moro Islamic Liberation Front in Mindanao (MILF), the Revolutionary Armed Forces of Colombia (FARC), the Sudanese People's Liberation Movement/Army (which is now part of a coalition government in Khartoum), The Tamil Tigers in Sri Lanka, and Somali militias. At times, these groups have actively contested control of territory against government forces. Other groups, such as the Mara Salvatrucha (MS-13) in Central America, are gangs without a particular ideology or political agenda that are nevertheless destructive of public order.

The presence of criminal networks also represents an intrusion on the state's monopoly over the legitimate use of force. In numerous cases, terrorist or insurgent groups develop opportunistic alliances with these networks. This convergence may be facilitated by similar logistical and operational requirements and synergies produced by sharing a common infrastructure, e.g., airfields, logistical corridors, safe havens, and financial and money laundering networks. Even where this convergence of insurgency or terrorism with crime has not occurred, there seems to be a feedback mechanism in which the activities of criminal groups in turn create greater social disorder which facilitates the terrorists' work of subversion. The prototypical case of the convergence of crime and insurgency is, of course, Colombia, where over the past two decades the FARC, a Marxist guerrilla force that has operated in the backlands of Colombia since the 1960s, has emerged as a narco-guerrilla group, deeply involved at various stages in the cocaine trade, from which it derives about half of its income.

Widespread access to weapons also represents competition with the state over the legitimate use of force. It is no accident that many ungoverned territories are awash in arms. The Yemeni Interior Ministry estimates that the country's approximately 19 million people own some 50 million personal weapons. In the Federally Administered Tribal Areas of Pakistan there is an entrenched "Kalashnikov culture" that extends beyond adults to teenagers and even children.

There is a high correlation between the lack of border controls and the existence of ungoverned territories. Border areas are spaces with unique characteristics that present unique problems—issues of functional cooperation among neighboring states, for instance. In theory, borders mark the interface between nation-states; they serve as functional barriers where states control the transnational movement of people and goods. In practice, borders are also gateways through which insurgent and terrorist groups trade resources and receive critical inputs. In many cases, they are areas in which weak states are least likely to exercise effective control. Regulating cross-border movements by individuals with tribe, clan, or family ties on both sides of the border is particularly problematic. This is the case with the Pashtun tribesmen in FATA, many of whom do not respect the Durand Line that formally marks the frontier between Afghanistan and Pakistan.

In some situations, an external power, usually a neighboring state or its proxies exerts control or influence over the domestic political and economic space within another state or prevents the latter government from asserting control over that space. This interference could be direct, as in the case of Rwandan military incursions into the Democratic Republic of the Congo, or it could be carried out by local proxies or allies or by a combination of both, for instance, Syria and Iran in Lebanon or Russia in the Caucasus. External states can also take subtler, sub rosa actions,

backing preferred local candidates and officials and undermining others, or through networks informally associated with the state.

The Problem of Terrorist Sanctuaries

Ungoverned territories occur throughout the world, but not all ungoverned territories become terrorist sanctuaries. Beyond the natural tendency of terrorist or insurgent groups to operate in their home areas, there are several factors that influence the extent to which territories are conducive to the presence of terrorist and insurgent groups: adequacy of infrastructure and operational access; availability of sources of income; favorable demographic and social characteristics; and invisibility—the ability of terrorists and insurgents to blend into the population and escape detection by the authorities.

A key requirement of a terrorist operational base is the existence of an infrastructure that allows terrorist groups to perform basic functions. The elements of such an infrastructure include communications facilities; an official or unofficial banking system that allows for the transfer of funds; and a transportation network that provides access to urban centers and potential external targets. There is a certain tension between the terrorists' requirements for invisibility and for operational effectiveness. To the extent that a territory lacks the basic infrastructure required for government surveillance, terrorists can move around with impunity. But if the territory is so undeveloped that terrorists cannot communicate, move funds, or travel from remote locations to urban areas, it will be difficult for them to organize and execute attacks.

Al-Qaeda's sanctuary in the FATA, for instance, has few paved roads and rudimentary public transport, but it is possible to travel from urban centers in Pakistan to points along the Afghan border, and vice versa, by train, bus, automobile, and minivan. Completely ungoverned territories lacking even those basic assets would hold little appeal for a terrorist group that, like any organized entity, requires at least a semblance of structure to operate.

Related to the idea of adequate infrastructure is the idea of reasonably easy access to terrorists' desired attack venues. In the case of groups in the global jihadist movement, this means areas that are in proximity to U.S. or Western targets. Targets could take the form of diplomatic missions and military facilities; Western-owned banks and businesses; or tourist sites frequented by Westerners. Thus, an ungoverned territory, such as southern Somalia, which is contiguous to a target-rich environment such as urban centers in Kenya and Tanzania, would be more attractive to jihadist groups than one that is a long distance away or separated by difficult terrain from potential targets.

Unless they can tap into external sources of income, such as donations from “charitable” organizations or remittances from sympathizers or Diaspora communities, terrorists and insurgents need to generate revenue from local sources to finance their activities. Paul Collier’s World Bank studies have documented a linkage between regions that derive a substantial share of their income (GDP) from the export of primary commodities and the growth of rebel movements. These commodities provide easy targets of opportunity for terrorists and insurgents, who have the firepower to deal themselves into the trade. They can trade the commodities themselves, as in the case of the Revolutionary United Front (FUR) of Sierra Leone and “conflict diamonds,” or they can protect and “tax” them, which is the preferred approach of the Revolutionary Armed Forces of Colombia (FARC) to the cocaine industry.

Ungoverned territories are not demographic blank slates. They are home to complex societies, some of which lend themselves to terrorist penetration while others do not. Successful penetration of an area by terrorists or insurgents requires a base of support, willing or coerced, in the local community. Local extremist groups or minorities within the population that have become alienated could serve this function. The prototype of the symbiosis of foreign terrorists and local communities is Pakistan’s FATA. Throughout the area there are Arabs who fought in the anti-Soviet jihad in Afghanistan, along with Uzbeks and other Central Asians, all sharing sanctuaries and cooperating. Many have married local women and acquired status as members of local clans and extended families. Dislodging these foreign fighters thus poses serious social and cultural problems.

Regions where there are grievances against the regime or a preexisting state of communal conflict are attractive to outside Islamist extremist groups. This is the case in the North Caucasus, where Islamist militants have co-opted the Chechens’ struggle for independence from Russia. There is also significant overlap between the conflict in Kashmir and the global jihadist movement. In the Moluccas and the region of Poso, on the island of Sulawesi, Indonesia, armed extremists from other parts of Indonesia introduced themselves into local conflicts and turned them into full-blown religious wars. These “local jihads” not only enable extremists to gain support among the broader Muslim population by presenting themselves as defenders of endangered Muslim communities, but also provide new members with a “rite of passage” that, as Southeast Asia terrorism expert Zachary Abuza has noted, is the functional equivalent of the founding generation’s experience in Afghanistan.

Social assistance programs, in which the motives of the providers—whether religious, ideological, or cultural—are congruent with those of terrorists or insurgents, can often be subverted or

exploited to support terrorist and insurgent objectives. Throughout areas of conflict in the Muslim world, Gulf-based Islamic charities have provided funding and support that, intentionally or not, has been diverted to armed militants. Increasingly, as other sources of funding have been interdicted by more stringent controls on financial flows, terrorists have to rely on income from criminal activity. The nexus of terrorism and crime opens the possibility of strategic alliances through which terrorists and criminal groups can share logistical corridors, safe havens, and money-laundering arrangements. Pragmatically exploiting these conduits, terrorists can entrench themselves in ungoverned territories and use them to plan operations, train and battle-test cadres, scout for new "talent," stockpile weaponry, and move personnel and materiel.

Finally, ungoverned territories make it easier for terrorists to become invisible to the national and local authorities (if there are any) and to the international community. Invisibility is not the same as operational security. Operational security is a set of procedures to avoid compromising an operation. Invisibility is a function of the environment in which terrorists operate. It may be a product of similarity in appearance, language, and conduct. Alternatively, invisibility may be a consequence of the anonymity provided by modern, cosmopolitan mass society, in which diversity in appearance, language, and behavior is the norm, rendering terrorist operatives no more remarkable than the usual run of human heterogeneity.

A key question concerns the relationship between invisibility and operational access—the terrorists' ability to access and strike their targets. Withdrawal to remote areas reduces the terrorists' visibility but also impedes their access to the infrastructure and resources that they need to operate. Consequently there is a trade-off between security and effectiveness. The tension between the terrorists' need to surface for operations and to remain hidden from the authorities could offer counterterrorism authorities opportunities to discover them and take action against them.

Types of Ungoverned Territories

Depending on the circumstances that gave rise to their present condition of absent or ineffective governance, ungoverned territories align with a three-part typology: contested, incomplete, and abdicated governance. In contested governance, a group refuses to acknowledge the legitimacy of the government's rule and pledges loyalty to some other form of organization, such as an insurgent movement, tribe or clan, or other identity group that actively contests the government's efforts to establish control. Chechnya, Mindanao, and Colombia are prominent examples. These insurgencies may be of different kinds: separatist, Islamist, or Marxist. Separatists usually adhere to some sort of ideology, but their primary goal is establishing their own state in their ethnic

homeland rather than imposing their rule on the rest of the country. In other cases, the goal of the rebels is to establish their rule in a swath of territory as a steppingstone to wresting control of the whole country, or to profit from illegal activities without the interference of state authorities.

In cases of incomplete governance, a state seeks to exert its authority over its territory and produce public goods for its populace, but lacks the resources to do so. Throughout many developing countries, governments are unable to maintain a competent, qualified presence that can enforce the laws and provide services to the population. Other forces, some tribal, some criminal, fill the vacuum that results.

In cases of abdicated governance, the central government, instead of operating to produce public goods such as safety and order, infrastructure and services, abdicates its responsibilities for poor provinces and regions where it concludes that maintaining a presence is not cost effective or where ethnic minorities with whom the government shares little affinity predominate. A more malign form of abdicated governance is the outcome of political decisions by those in power to operate outside the formal agencies of the states. For instance, Sierra Leone's prewar dictator, Siaka Stevens, was uninterested in building his state's bureaucracies and seemed to have taken active steps to tear them down. But he did rule, mostly through informal channels and militias. The situation was similar in Liberia under Samuel Doe and Charles Taylor.

Policy Implications

These types of ungoverned territories are not mutually exclusive. Often, regions suffer from two or all three of them. There is value, however, in identifying the sources of ungoverned territories because they point to policy options for addressing the resulting problems. Understanding the causes of an ungoverned territory can also illuminate which policy options are likely to be ineffective or inappropriate. For example, state capacity building would be the appropriate response to cases of incomplete governance. Capacity building, on the other hand, assumes that the state's leadership wants to increase the effectiveness of state institutions.

In cases of abdicated governance, one possible option could be to use development assistance as a tool to encourage recipient governments to invest in infrastructure and institutions in regions where they have previously abdicated their governing responsibilities. If, on the other hand, the governing style and methods of the ruling group were at the root of the problem, strengthening the state would require instigating more profound social and political change. Such states might not be salvageable through the usual institutional reform mechanisms.

Competent governance requires a reduction in corruption. Deep, pervasive corruption is commonplace in countries with ungoverned territories (and not only there). It diverts public funds for private use, perverts due process to undermine the law, protects officials and their cronies from prosecution, and otherwise destroys the effective functioning of the institutions of government. There are few prospects for reform in countries where holding office is one of the few pathways to prosperity. In fact, the incentives run the other way—toward more ruthless, repressive behavior and human rights violations to preserve the ruling circles' privileges and position.

The RAND study shows that lack of coordination among agencies is a major obstacle to governments' ability to improve governance in ungoverned territories. Therefore, providing expert advice to officials on how to coordinate their actions across departments and minimize bureaucratic competition would be an important step in strengthening public sector capabilities.

Upgrading the transportation infrastructure could have profound effects in many ungoverned territories considered in this study because it would improve overall mobility within society. Improved mobility means that the police and judicial officials can expand their activities to remote areas; that legal crops can be brought to market at competitive prices, reducing the attractiveness of narcotics and other illicit crops; and that other utilities—electricity, and water—can reach remote regions of a country, as can health care, public education, and the rule of law.

Because the effects of ungoverned territories—transnational crime, arms trafficking, illegal migration—may cross borders to infect neighboring states, regional architectures might be an especially useful way to enlist neighbors for collective action. That said international cooperation, when it attempts action through formal international organizations, has at best a mixed record. Different states may not share a set of interests, which can confound cooperation and timely, effective collective action. As an alternative, the United States and its partners might promote less formal regional architectures to coordinate the efforts of those states that do share similar concerns about the effects of ungoverned territories on their security. Interested countries and other influential stakeholders need only agree to work constructively to create initiatives that would in some measure limit the corrosive effects of ungoverned territories.

The regional architecture approach might similarly enlist local cooperation to coordinate infrastructure development to project authority, order, economic activity, justice, and other public goods into ungoverned areas. At the same time, the United States and its partners must exercise caution to ensure that its assistance efforts are not wasted by entrenched corruption in the public administration of recipient countries.

Some of the policy prescriptions aimed at addressing problems of governance will also reduce a region's conduciveness to terrorist activities, for example, building the capacity of the local military and counterterrorism forces. Other steps that the United States could take to address problems of an ungoverned territory's conduciveness to a terrorist presence could include the following:

Reduce terrorist exploitation of infrastructure. Terrorists typically need two types of infrastructure for their activities; they need transportation, and they need the means to move funds. The United States and its partners might, therefore, make training and assistance available to the local government so that it could deploy officers in sufficient numbers to detect and apprehend terrorists trying to move about. Terrorists also need to move money and pay for purchases, so modern monetary and banking systems with safeguards against money laundering and software for tracking financial transactions could prove to be an impediment to terrorist transactions.

Deny terrorists sources of income. Terrorists derive income from criminal activity or from the black market or grey economies of the regions they inhabit. The United States therefore might help a government's efforts to suppress or reduce the criminal activities that fund terrorists. Counter-drug assistance in regions where terrorist groups are involved in the illicit drug trade can also have a counterterrorism effect.

Prevent exploitation of social service programs. The more states fail to produce public goods—public health services, education, social welfare services—and the population becomes dependent for those services upon charities with links to militant organizations, the greater the probability that some of the assistance programs will be funneled by sympathizers to terrorists or extremists. Therefore, programs that help governments build capacity in these sectors would eventually reduce the scope of terrorist exploitation of social services.

Make invisibility more difficult to achieve. Assistance that improves a state's ability to exert control over its borders, for instance: instrumentation to detect illegal entrants, coastal surveillance systems, counterfeit-resistant passports, border crossing watch lists, and biometric identification technologies reduce the probability that terrorists can cross borders undetected. Assistance in the form of intelligence sharing and warnings could also be important in reducing a terrorist's anonymity.

It goes without saying that the problem of ungoverned territories reflects deep-seated longstanding problems in the societies where they occur and the recommendations made above

are unlikely to make a region completely inhospitable to terrorism. However, taken collectively, these recommendations would make the region less appealing and more dangerous for terrorists.

Building government capacity and expanding the central government's writ into ungoverned territories is the work of generations. Many of these policies are difficult to implement. Nevertheless, if the United States works with its partners to implement them, then—despite individual failings and inefficiencies—the overall results would help to make ungoverned areas less hospitable to terrorists and much less conducive to their activities. Taken in tandem with policies to reduce the number and size of ungoverned territories, the results could mean enhanced constraints on terrorism, international organized crime, and other plagues that traditionally have been spawned and nurtured in ungoverned territories.