SUMMARY

- Does the increasing power of non-state armed groups and their willingness to challenge states fundamentally undermine the international system? The answer is both yes and no.
- The monopoly on the use of force is often more theoretical than real. Some states have voluntarily outsourced their powers of coercion and there are also areas of coercion (such as cyberwarfare) where a state monopoly has yet to be effectively established.
- Most importantly, »states« have been fundamentally complicit in the privatization of weaponry and have often also tended to exploit private circuits of violence (commercial as well as non-commercial) for their own purposes.
- The implication of states in the privatization of the means of violence takes three forms: i) states trade their monopoly of coercion in pursuit of geopolitical and other objectives; ii) states actively (if covertly) sponsor non-state armed groups as tools of repression or proxies; iii) private actors alter the »strategic balance« by wresting control over the instruments of force from states

Disposable or Indispensable? The monopoly on the use of force in the 21st century

Eboe Hutchful

Is the state monopoly on the instruments of coercion (legitimate or otherwise) to be consigned to the rubbish heap of history?

CONSEQUENCES OF THE GROWING ROLE OF NON STATE ARMED ACTORS

The increasing power and reach of non-state armed groups now appears to be an established fact in the contemporary global system. Equally beyond doubt is the growing capacity of non-state actors to not only act independently of states and state sponsors, but to actually take on states in covert and (increasingly) overt combat in a variety of arenas, and even to contest or supplant states in territorial administration (activities which rest, furthermore, on at least some degree of popular acquiescence or tolerance). Non-state actors have also demonstrated a well-honed ability to exploit the contemporary technological and electronic revolutions, in certain areas (such as the cyberspace) even positioning themselves well ahead of many states. It is possible that this development – states' loss of exclusive control over the means of deadly force – is irreversible, particularly as the very nature of war is being redefined by new technologies (such as cyberwar and autonomous weapons), where states have yet to assert effective or exclusive control.

The question, though, is: does this fatally or fundamentally undermine the international system of states and its geopolitics? The answer is both yes and no.

THE FALSE ANTHITHESIS OF »STATE« VS. »NON-STATE«

To situate the discussion in its proper context, we need to begin by abandoning the false antithesis or dichotomy between »state« and »non-state« actors explicit or implicit in the literature. My argument is that »states« have been fundamentally complicit (by omission as much as commission) in the dissemination and privatisation of weaponry (the so-called »democratisation of the means of violence«) in ways both licit and illicit, as they pursue geopolitical competition with each other, and that individual states (depending on their motives and location) have benefited from and/or been undermined by this process. Furthermore, I would assert that this speaks to the historically incestuous relationship between states and private organs/ purveyors of violence, and to the tendency of states both strong and

weak to exploit private circuits of violence (commercial as well as non-commercial) for their own purposes.[1]

IMPORTANT CAVEATS

There is an essential caveat (or set of caveats): (a) the effective monopolization of the instruments of coercion is clearly not a characteristic of *all* states, as in many states this monopoly has been more theoretical than real; (b) there are situations where states have voluntarily ceded or outsourced their powers of coercion in a more or less orderly process of devolution; and (c) there are also emerging areas of coercion/aggression (such as cyberwarfare) where a state monopoly has yet to be effectively established, and may not well be at any time in the foreseeable future.

THREE SCENARIOS OF STATES BEING IMPLICATED IN THE PRIVATIZATION OF FORCE

To return to the point above, states have been implicated (overtly or covertly, consciously or not) in the increasing privatization of the means of violence in manifold ways. We can identify at least three different scenarios:

The *first* is where states have traded their monopoly of coercion in pursuit of geopolitical and other objectives:

- During the Cold War it was established practice for states to arm and finance rebel groups perceived to be pursuing political or geopolitical goals consistent with their own, sometimes with unanticipated consequences (such as these entities turning against their former sponsors);

- In addition to the massive arms transfers that took place in connection with the emergence of the petrodollar economies, states were additionally complicit in the explosion of the global arms economy that followed the end of the Cold War, flooding the market with obsolete or excess conventional arms that would subsequently all too often feature in catastrophic local conflicts. States have also contributed (less willingly) through simple failure to protect their arsenals (Libya and Iraq are recent examples);

- On a related level, there has been significant outsourcing by some liberal states (principally the United States and the United Kingdom) to private contractors in the fields of defense, intelligence, diplomatic protection and private security, corrections, and immigration. This process of outsourcing had its origins in peacetime, but deepened and accelerated in times of war and counterinsurgency operations (the best example being Washington's massive use of private military and security contractors in Iraq and Afghanistan).[2]

  Outsourcing uniquely involved strong states, self-assured in their ability to retain control of the higher ramparts of force, responding to a variety of short- and longer-term imperatives (principally budgetary and manpower constraints in the face of the preceding drawdown in defense budgets, force levels, and capabilities). However, the underlying ideological rationalization that drove this process was that of a »military/security neoliberalism« (reflected most dramatically in the earlier »prison privatisation movement« in the United States) that claimed that greater efficiencies and lower opportunity costs could be realized by providing security through the marketplace and the private sector. Outsourcing often entailed transfer of significant (and not always accountable) powers of coercion to private actors and agencies, and their increasing assumption of roles traditionally considered the preserve of sovereign actors.[3]

  Such public-private partnerships are part of a wider trend, as states and their security and intelligence apparatuses (such as the NSA) tap into and integrate the private resources and databases of banks, big data, telecommunications, internet, and cyber-security corporations, and even hackers.[4]

- Concurrently, the massive injection of private security and military companies (PSCs/PMCs) into various conflict and post-conflict theaters (peacekeeping, »integrated« and humanitarian missions, aid and relief, »stability operations,« reconstruction projects, counterterrorism operations, etc) again affects activities that until

1 Indeed, the claim of the state to a »monopoly« of coercion is (like the state itself) relatively recent, and in any case has never been absolute or complete. See Janice Thomson, *Mercenaries, Pirates and Sovereigns: State-building and Extra-territorial Violence in Early Modern Europe* (Princeton: Princeton University Press, 1994).

2 As one US official said in an interview with the BBC (October 2, 2007), there was »no way in the kind of wars we are fighting that we can get rid of them [private security and military companies] without a substantial increase in the number of US forces.« Similarly, PSCs were considered »indispensable« for close personal protection (CPP) of American officials in Iraq.

3 Ensuing controversies over the role of private military and security companies (the US firm Blackwater in particular) drew attention to the gray area in which these firms operated (for instance, their immunity from prosecution under Iraqi law, their extremely loose rules of engagement, etc) and the lack of clarity over whether they were operating in a private or state capacity (in their role as contractors to the State Department). Private prisons and immigration detention centres in the United States itself operate with barely greater accountability.

4 Nicole Perlroth and David E. Sanger, »Nations Buying as Hackers Sell Knowledge of Software Flaws,« *New York Times*, July 14, 2013.

recently were considered the province of states. PSC/PMCs have been particularly useful in contexts where it is considered politically costly or unacceptable to commit national armed forces, or where there were simply not enough of these to do the job).

A *second* scenario involves contexts where states have actively (if covertly) sponsored or promoted non-state armed groups (including those considered to be »terrorists«) as tools of repression or proxies in regional and/or inter-state competition. The Pakistani ISI and the Haggani Network and the shadowy relationship between ISIL and certain Arab Sunni governments are emblematic of such contemporary »illicit« relationships, but we are obviously not lacking for other examples: the CIA and the Afghan Mujahideen; the US and the Sunni Awakening Councils in Iraq; the infamous janjaweed in Darfur; the secretive »Third Force« of the apartheid state in South Africa; the right-wing government militias in Colombia, etc. These are often alliances of convenience that almost invariably fray as strategic objectives begin to diverge. It is also essential to appreciate that state parties do not always command strategic pre-eminence in these relationships (for example Hezbollah bailing out the Syrian government).

This fusion of »regular« and »irregular« forces has since become a staple of so-called »asymmetric warfare« (celebrated by American commanders and strategic thinkers), though not dissimilar from the employment of ethnic satraps by colonial authorities. The logic of »composite forces« proceeds from the argument that at the end of the day, »irregulars« can only be successfully combated by other irregulars; victory in these »dirty wars« thus requires combining the tools (military as well as politico-ideological) of both conventional and unconventional warfare.

However, a *third* scenario lies in private actors (a variety of »jihadist«, terrorist and insurgent groups in countries as far apart as Somalia, Iraq, Nigeria, and Syria; militias in Libya; violent drug and criminal gangs in Mexico; even neighborhood anti-crime self-defense and vigilante groups, etc) altering the »strategic balance« by wresting control over the instruments of force from states. A recurring motif in these contexts involves states – buffeted by the cross-cutting tempests of globalization, democratization, the ICT revolution, and deepening social and economic marginalization – progressively losing their grip on restive populations, or initially peaceful protest hardening or gravitating into armed resistance because of the obduracy of ruling regimes.[5] Once the aura of invincibility that clothes the state is lost, and the state is exposed for the confidence game that it is in reality, it becomes possible to consider other radical alternatives (»caliphates« included).

5 These are by no means all »weak« states; some (see Syria) command serious repressive capabilities.

CONCLUSION

What all this portends for the future of state monopoly over the instruments of violence is not easy to say. But we can at least begin by abandoning the illusion that the political self-interest of states invariably requires such a monopoly (real or assumed). Once that is out of the way, it allows us to pursue a much better understanding of these interfaces between state and non-state actors, and their implications for the international system of states.

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REFLECTION GROUP MONOPOLY ON THE USE OF FORCE

The Reflection Group »Monopoly on the use of force 2.0?« is a global dialogue initiative to raise awareness and discuss policy options for the concept of the monopoly for the use of force. Far from being a merely academic concern, this concept, at least theoretically and legally remains at the heart of the current international security order. However it is faced with a variety of grave challenges and hardly seems to reflect realities on the ground in various regions around the globe anymore. For more information about the work of the reflection group and its members please visit: http://www.fes.de/GPol/en/security_policy.htm

THINK PIECES OF THE »REFLECTION GROUP MONOPOLY ON THE USE OF FORCE 2.0?«

The Think Pieces serve a dual purpose: On the one hand they provide points of reference for the deliberations of the reflection group and feed into the final report of the group in 2016. On the other hand they are made available publicly to provide interested scholars, politicians and practitioners with an insight into the different positions and debates of the group and provide food for thought for related discussions and initiatives worldwide. In this sense, they reflect how the group and selected additional experts »think« about the topic and hopefully stimulate further engagement with it.

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