

# State of the Art **5**

Political engagement  
with non-state actors  
in areas of limited  
statehood

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The Developmental Leadership Program (DLP) is an international research initiative based at the University of Birmingham, and working in partnership with University College London (UCL) and La Trobe University in Melbourne.

DLP aims to increase understanding of the political processes that drive or constrain development. Its work focuses on the crucial role of home-grown leaderships and coalitions in forging legitimate institutions that promote developmental outcomes.

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# The 'State of the Art Paper' series

Our SOTA series aims to lay the groundwork for future DLP research by setting out what existing research evidence and development practice tells us about the politics of development in key areas.

These papers survey the literature, with three aims:

- to clarify what is already known about an issue and the policy implications of that research evidence;
- to suggest areas for further investigation by identifying knowledge gaps;
- to guide future DLP research, ensuring that it is problem-focused, useful and innovative.

To ensure the rigour, validity and utility of these papers, they are peer reviewed internally and externally by both academic and policy or programming experts.

We hope that the SOTA papers will also be useful to other researchers and commissioners of research, and to policymakers and practitioners.

## Author and acknowledgements

**Dr Suda Perera** is a DLP research fellow at the University of Birmingham. Suda's current research focuses on the role of non-state actors in developmental leadership. For example, she is examining how armed groups in the eastern Democratic Republic of the Congo can be transformed into legitimate political actors who provide wider representation for marginalised citizens.

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# Executive summary

Even where there are no functioning state structures, few societies remain ungoverned. Often non-state actors (NSAs) provide the goods, services and protections that the state may – for whatever reason – be unable to deliver to its citizens. NSAs include community-based and civil society groups, humanitarian and development organisations, armed actors and opposition groups, and the private sector and business interests, all working at various levels. There is currently no coherent view in the development community about whether donors and practitioners should engage with such actors. However, the evidence suggests that truly inclusive political settlements will need to involve any NSAs able to exercise significant economic, political, or social influence on the development process, regardless of whether this influence is positive or negative.

This paper surveys the literature on development and NSAs. It sets out the evidence for the merits of engaging politically with NSAs by incorporating them into governance and statebuilding programmes, and examines the challenges this may pose. The paper aims to shed light on current research on the role of NSAs in shaping, making and undermining the legitimacy of the state, and to identify gaps for future research.

This paper defines NSAs as actors that are not part of the internationally and nationally recognised sovereign state, but exert notable influence (whether positive or negative) on the functioning of the state. It focuses on four groups of NSAs: civil society actors, private actors, armed NSAs and non-citizen migrants.

The main search terms used were 'non-state actors,' 'non-state services,' 'civil society,' 'state-society relations,' and 'armed non-state actors'.

The key research questions were:

- How do states, donors, (I)NGOs, and bilateral and multilateral agencies currently engage with NSAs, and what are the assumptions driving this engagement?
- From where do NSAs gain their legitimacy and how significant is legitimacy for engagement?
- What are the key factors determining non-state engagement in political processes?
- How do different types of actors engage in different ways (i.e. what factors account for the making and breaking of non-state political settlements)?
- What is the relationship between NSAs and the state at different levels?
- If a decision is made to engage with NSAs, what form should this engagement take, and what are the currently available mechanisms for facilitating it?
- What challenges and unintended consequences might emerge as a result of working with NSAs?

## Key findings

There is currently a lack of clear consensus about what defines an NSA. Definitions that attempt to provide any detail beyond 'not a state, but exerting influence' tend to adopt a set of **normative assumptions** about whether this influence is positive or negative; how practitioners engage with an NSA often depends on this judgement.

Most empirical case studies examining donor engagement with NSAs focus on civil society groups – primarily women's and religious groups (even if there is relatively little attempt made by donors to understand the internal dynamics of these groups). Other types of NSAs receive less focus because engaging with them involves operational and theoretical problems. Although much of the literature on non-state actor engagement is focused on civil society, it does not critically examine what engagement with civil society entails, or what benefits and challenges it brings.

Much of the emergent literature on the role of the **private sector** in development focuses on large multinational companies. However, the private sector also encompasses a complex network of smaller companies, informal economies and business associations. Less attention has been paid to these smaller local companies and developing states' business elites.

Private actors can be useful in delivering public services in the face of state incapacity/unwillingness, but if not well managed, this can weaken citizens' faith in the state in the long-term.

In situations of limited statehood, **armed NSAs** can provide a range of securities and public goods. Further research could be conducted into whether these governance-like activities can be transformed post-conflict into legitimate political action.

Most research on armed groups in post-conflict situations focuses on disarmament, demobilisation and reintegration processes. Further research could be conducted into whether including armed groups in post-conflict political settlements improves or hinders the legitimacy of the settlement, or deters armed groups from spoiling developmental processes.

General research on the role of NSAs in developing states tends to focus on citizens, even though **protracted migrant communities** are common. Relatively little research has been conducted into the alternative rights and agency that migrants without citizenship rights assert, and the effect that this has on political settlements.

## Conclusions

- The evidence suggests that there is a need to engage politically with all NSAs able to exercise significant economic, political, or social influence on the development process, regardless of whether this influence is positive or negative.
- Such engagement will vary in degree from case to case, but as a minimum will involve ensuring that influential NSAs are consulted during development programming. Where appropriate, it may be necessary for development organisations to engage directly with certain NSAs as influential political entities in their own right.
- Much of the literature focuses on civil society groups, yet there are several other prominent types of NSAs that also need to be included if a political settlement is to be considered truly inclusive. Care will be needed to avoid normative prejudices against particular groups automatically excluding or including particular strategies for engaging with them. Further research into engagement with these actors would be valuable.
- While civil society actors are seen as the link to creating positive state-society relations, reifying civil society actors as legitimate may present its own dilemmas. Care needs to be taken to note the uncivil elements of civil society and the unintended consequences that can emerge from strong civil society campaigns.
- Incentives for private sector engagement in development programmes need to ensure that they do not amount to corruption, and that private actors are co-producing with the state, rather than substituting for the state.

# 1.0

## Introduction

In recent years, both academics and practitioners working in the context of weak state governance have observed that, even in the absence of functioning state structures, few societies remain ungoverned (Risse, 2011; Rijper, 2013; van der Haar & Weijs, 2013). Often, the onus of governance falls on subnational or national non-state actors (NSAs) who can provide the goods, services and protections that the state may – for whatever reason – be unable to afford its citizens. Many different non-state actors provide such governance. They include community-based and civil society groups, humanitarian and development organisations, armed actors and opposition groups, and the private sector and business interests. They all work at various levels to provide state-like services. Since the 2000 Cotonou Agreement<sup>1</sup> there has been a greater move to incorporate non-state actors into the political processes of statebuilding and governance. 'Policymakers and academics agree that an effective state is the foundation for inclusive development, whilst also recognising the critical role of non-state actors in the delivery of goods and services to poor people' (ESID, 2014: 1). As a result, donor organisations are becoming increasingly aware of the importance of working with non-state actors in their developmental programming.<sup>2</sup>

While the phenomenon of non-state governance has motivated donors and humanitarian agencies to engage with non-state institutions, such engagement does reveal a number of theoretical and operational dilemmas that have not yet adequately been addressed. Questions of what types of NSAs they should engage with, what form this engagement takes, and the unintended consequences of engagement remain largely unanswered. This paper surveys the literature on NSAs to identify key gaps and their implications for policy and practice. In examining instances in which NSAs perform, support and hinder governmental functions, this paper also seeks to set out the evidence base for the merits of engaging politically with NSAs by incorporating them into governance and statebuilding programs, and examines the challenges this may pose. The ultimate aim of the paper is to shed light on current research on the role of NSAs in shaping, making and breaking the legitimacy of the state and, in doing this, to identify gaps for future research.

### What is a non-state actor?

Despite a recent proliferation of literature on NSAs and their roles in governance and development, there is relatively little consensus about what an NSA actually is. The broadest definitions of NSAs define them as an umbrella term for entities that are different to state entities (see Santarelli, 2013). While this definition may be a necessary criterion for an NSA, it proves insufficient as a working definition. In the first place it does not explain how an entity needs to be different from the state to be an NSA, or in what ways they must be similar to state entities to be seen as an NSA. (For example, a football team is separate and different to the state but is intuitively not an NSA because its interests and influence have little to do with state functions). Conversely, large multinational companies are often seen as non-state actors because of their difference from the state, but they may nonetheless contain state-like structures, or exert considerable influence over government policies. Therefore, how different must an entity be to the state to be classed as an NSA? Do local government and customary governance practices constitute state or non-state mechanisms?

Furthermore, this wide definition fails to explain why some entities that are different from the state are not widely regarded as non-state actors. Andrew Clapham notes that when he asked a group of diplomats, UN officials and others to tell him what they thought the term meant, one person responded 'all of us' (Clapham, 2009: 200). However, in operational terms 'all of us' are rarely the subject of policies involving NSAs. Rather, NSA-related policies target specific groups of actors, even if we cannot exactly pinpoint how these groups are defined.

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1 The Cotonou Agreement was an aid agreement signed in Cotonou, Benin in 2000 between the European Union and 79 of the African, Caribbean and Pacific (ACP) states. Evolving from the Lomé Convention which had been the basis for ACP-EU development cooperation since 1975, Hurt argues that the Cotonou Agreement means that 'politics is now at the centre [of the ACP-EU relationship], with its emphasis on political dialogue and the effective management of aid' (Hurt, 2003: 162). At the heart of this political engagement was a 'desire to make EU-ACP development co-operation less centred on governmental relations by much wider inclusion in the process of non-state actors' (Hurt, 2003: 172).

2 See, for example, the European Commission's thematic focus on 'Nonstate actors and local authorities in development' (running from 2011-2013) and Oxfam's DfID-funded 'Within and Without the State' programme (running from 2011-2014)

In an attempt to explain the circumstances under which a group becomes regarded as an NSA, the National Intelligence Council adopted an operational definition which defined NSAs as **'non-sovereign entities that exercise significant economic, political, or social power and influence at a national, and in some cases international, level'** (National Intelligence Council, 2007). Similarly, Pearlman and Cunningham define an NSA 'as an organized political actor not directly connected to the state but **pursuing aims that affect vital state interests'** (2012, p.3). These definitions build in the **importance of power** (expressed here in both hard and soft terms) in an attempt to address the issue of why some groups are not considered NSAs even if they are different to the state. However, there is still a vagueness of definition which makes engagement with NSAs a slippery topic.

Some theorists have claimed that the absence of a widely accepted and useful definition of NSAs may be a deliberate attempt by state actors to exclude NSAs from the international arena: 'In essence, these negative, euphemistic terms do not stem from language inadequacies but instead have been intentionally adopted to reinforce the assumption that the state is not only the central actor, but also the indispensable and pivotal one around which all other entities revolve' (Alston, 2005, p. 3). Whether this ambiguity is intentional or not, it is clear that a lack of definitional clarity presents a number of challenges for engagement: how can donors, (I)NGOs and researchers discuss effective strategies for engaging with NSAs when there is no clear definition of who or what these NSAs are?

In some circumstances, this problem has been overcome by ascribing a certain normative position to the NSA in question. Indeed, *what* might be considered a NSA differs greatly according to the framing organisation's working assumptions and the context within which NSAs are being discussed. This, in turn, brings with it a range of normative assumptions about such actors. Clapham observes this variation across personnel whose work ostensibly involves NSAs:

Those who have dealt with sanctions aimed at preventing nuclear weapons and material falling into the hands of non-state actors, have a certain image in their heads when they refer to non-state actors ("bad guys" does not really capture it). On the other hand, those who have been working on cross-cultural dialogue with religious groups apparently find the term useful to group together various key players in society (Clapham, 2009: 200-201).

The normative use of the NSA term is beyond the scope of this paper. However, it is worth pointing out that the variation in attitudes towards NSAs reflects a divide in both the academic and policy literature, and in programming involving NSAs. On the one hand, there is a body of research that views **NSAs as obstacles to peace and development**, while on the other hand there is a canon of literature that views **NSAs as partners in developmental change**. Contrary to this binary distinction, this paper demonstrates that *all* NSAs pose both challenges and opportunities for engagement. Although care needs to be taken when engaging with certain types of NSA, normative prejudices against particular groups should not automatically exclude or include any particular strategies for engaging with them.

## Why are NSAs important?

In his discussion of the interplay between state and non-state actors, Schuppert argues that modern states emerged through a process whereby state entities were able to achieve 'monopolies on legitimate violence, taxes, and legislation. Ever since the enforcement of these three key state monopolies, law is mainly state law' (Schuppert, 2011: 64). However, through processes of denationalisation (such as globalisation, privatisation and the demise of the state), Schuppert argues that, in many places, state law lacks many of the monopolies it once enjoyed: 'Instead, one finds a plurality of complementary – and also competing – forms of regulations and norm setting that are only partially state law' (2011: 66). Indeed, while questions surrounding the extent to which the state is in decline remain contested, it is difficult to deny that governance is no longer (if it ever was) the pure domain of the state.

The literature on why NSAs matter can be divided into three main categories that distinguish between the ways NSAs relate to the state and governance. In the first place, much of the thinking on civil society organisations and the public diplomacy carried out by certain non-state actors examines the important **co-productive role that NSAs play in supporting the developmental state**. Those who believe that 'development, and in particular efforts to tackle inequality, is best achieved through a combination of active citizens and effective states' (Green, 2012: 12) often turn to NSAs to help foster active citizens. A second category of thinking posits certain NSAs as significant because they provide **functional equivalents to the state in the face of state incapacity**, in what Risse describes as 'areas of limited statehood' (Risse, 2011). Finally, among those who view NSAs in primarily armed terms (Clapham, 2009; Jackson, 2012), NSAs are often posited as presenting **significant obstacles to the authority and functioning of the state** which need to be overcome.

Overwhelmingly, discussions of the importance of NSAs tend to frame their role in relation to the state, and this leads to a framing in which NSAs are *intrinsically* subordinate to the state. Even where NSAs are shown to provide governance in the context of limited statehood and are therefore working *in lieu* of a state, an underlying assumption behind the research is that NSAs are there to **provide 'good enough' rather than 'good' governance**: if the state in question were to be functioning at a greater capacity it would provide better governance than non-state substitutes. However, in a discussion paper for the Forum for a New World Governance, Pierre Calame argued that NSAs, 'due to their vocation, size, flexibility, methods of organisation and action, interact with states in an equal manner' (Calame, 2008: 8). Furthermore, La Porte argues that to intervene in the international arena, NSAs have always had to show legitimacy and effectiveness, as they have been unable to rely on the international recognition that states enjoy. As a result, La Porte claims that NSAs 'can said to be practitioners *par excellence* of "public diplomacy"<sup>3</sup> ...[they] are pioneering the development

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3 Nye argues that actors in the international system have a number of soft power resources contained within their values, policies, practices and relations with other actors. 'Public diplomacy is an instrument that governments use to mobilize these resources to communicate with and attract the publics of other countries, rather than merely their governments' (Nye, 2008: 95).

of new strategies of communication and influence, engagement techniques and the creation of opportunities for dialogue' (La Porte, 2012: 2). Drawing on this idea, La Porte explores the strategies of communication and influence that NSAs often seen as obstacles to the state use to highlight new potential opportunities to engage with them. As Mampilly observes, 'scholars thus far have not adequately accounted for the performance of governmental functions by non-state actors' (Mampilly, 2011: 7). This paper explores the contexts in which NSAs can perform governmental functions, as well as the instances in which they can act against governmental interests.

## Context, scope and research questions

Recent thinking on development has tended to place political settlements at the centre of the development process (Laws, 2012). Although there is some disagreement over the exact definition of the term and over some of the subtleties of both its meaning and operationalisation, those who emphasise the importance of political settlements frame the concept as a 'negotiated agreement (at least in principle) binding together state and society and providing the necessary legitimacy for those who govern over those who are ruled ... Settlements can adapt to accommodate changes in the relationship between states and societies that arise due to different needs and emerging demands' (Fritz & Menocal, 2007: 27). To understand how these political settlements are reached and how they foster inclusion, a better understanding of the relationship between state and non-state actors is needed. Consequently, it is necessary to understand *both* the bargaining positions of states and the NSAs that they have to bargain with. There should be, within this understanding, a more nuanced appreciation of the blurred boundary between the state and non-state realms, especially when it comes to civil and local actors whose existence may be defined and guaranteed by state laws and institutions, but whose function is to keep in check the power of the state.

Despite a growing acceptance of the importance of NSAs in creating good governance mechanisms and an increasing commitment from INGOs and donors to engage with NSAs, there are a number of theoretical and operational dilemmas presented by such engagement which have not been sufficiently addressed in the literature. Very little consensus exists about what is meant by the term 'non-state actor'. Even relatively well-accepted and straight-forward definitions of NSAs, based on a nominal notion of separation from the state, can prove problematic. Indeed, as mentioned above, the distinction between the state and non-state is unclear. Certain actors,<sup>4</sup> while often perceived as non-state, may have their functions and powers entrenched in state constitutions or institutional structures, thereby according them a bimodal status as both state and non-state actors.

Given the lack of clarity about what constitutes an NSA, there are divergent views on whether the proliferation of NSAs is beneficial to development, whether development agencies should engage with NSAs, and how they should engage. This paper adopts a very broad approach to defining NSAs as **actors who are not part of the internationally and nationally recognised sovereign state, but who nonetheless exert notable influence (whether positive or negative) on the functioning of the state.**

The conclusions drawn in this paper have been derived from an extensive review of available literature on development and non-state actors. Particular emphasis was given to literature that discussed NSAs and their relationship with the state. This literature was then examined in an attempt to answer the following key research questions:

- How do donors, (I)NGOs, bilateral and multilateral agencies, and states currently engage with NSAs, and what are the assumptions driving this engagement?
- From where do NSAs gain their legitimacy and how significant is legitimacy for engagement?
- What are the key factors determining non-state engagement in political processes?
- How do different types of actors engage in different ways (i.e. what factors account for the making and breaking of non-state political settlements)?
- What is the relationship between NSAs and the state at different levels?
- If a decision is made to engage with NSAs, what form should this engagement take, and what are the currently available mechanisms for facilitating this engagement?
- What challenges and unintended consequences may emerge as a result of working with NSAs?

The general nature of these questions reflects the broad scope of the literature available on NSAs, and the key issues concerning NSAs that are currently under-researched. It is beyond the scope of this paper to comprehensively answer these research questions. Rather, this paper seeks to survey the existing literature, and highlight the gaps in it, identifying areas that require further study and suggesting potential avenues for further exploration.

Although UN agencies, NGOs, and INGOs can all be considered non-state actors, they are not included in this paper as donor governments and policy makers already engage with these actors as both funders and deliverers of development programs. This paper, rather, seeks to examine the evidence for engaging with NSAs that are not usually engaged with by international actors. The NSAs discussed in this paper are almost exclusively national, regional, and local level actors: the paper concerns itself with how NSAs can be engaged in fostering truly inclusive *local* political settlements. Four particular groups of NSAs have been chosen for scrutiny: civil society actors, private actors, armed NSAs and non-citizen migrant actors. These four groups have been identified because, although there is a body of research on each one of these groups, there are a number of theoretical and operational issues which arise when engaging with these groups that are yet to be addressed.

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4 For example, community leaders or traditional chiefs are often seen as non-state actors, but in many cases their functions and powers are set out in state constitutions.

In general the cases examined in this paper focus on states that are undergoing a developmental process and, therefore, have arguable limits on their statehood. Care has been taken to avoid labelling these states as 'fragile' or 'failed', given the loaded nature of the term (Grimm, Lemay-Hébert and Nay, 2014) and considers instead the 'limits' of statehood. Limited statehood is analytically useful here because it removes the normative idea that where state power is weak, it needs to be 'built'. There is a tendency when talking of fragile or failed states to impose 'a bias towards Western liberal statehood and market economy' (Risse, 2011: 3) and so 'the discourse on failed, failing and fragile states centers on state building as the main remedy for establishing or restoring political and social order' (Risse, 2011: 1). By not presupposing the primacy of the state, the limited statehood framing allows an examination of non-state actors such as Hezbollah in Lebanon or UNITA rebels in Angola, who may oppose state sovereignty, but may nonetheless derive legitimacy from providing state-like functions (Grynkewich, 2008) in alternative political systems.<sup>5</sup>

Furthermore, limited statehood need not apply to a state as a whole, and is considered as being on a sliding scale of degrees of statehood (Clapham, 1996; Brown, 2006). Risse argues that the limits of statehood can be divided into categories such as territorial (parts of a country where the state is weak); sectoral (state weakness in particular policy areas); social (weak in the eyes of parts of the population); and temporal (temporarily weakened). Given the wide range of ways in which states can be limited, a focus on limited statehood shifts the governance discourse away from a preoccupation with the strength of the state to a focus on the diverse mechanisms through which governance can be manifested: 'Limited statehood is here to stay – even in so-called Western and modern societies – and governance research has to take this fundamental condition into account' (Risse, 2011: 2). With the assumption of the primacy of the state removed, Risse argues that limited statehood allows a much more interesting research question to emerge: **'Who governs for whom and how are governance services provided under conditions of weak statehood?'** (Risse, 2011: 3).

## Methodology

This paper surveys the published and grey literature on non-state actors, political settlements and state-society relations more generally. To portray the widest array of thinking on the subject, literature representing policy, practitioner and academic perspectives have been represented in the document selection, and an attempt to use material written by southern academics and policymakers has also been made. While no sources were excluded on the grounds of chronology, to ensure topicality and give an accurate reflection of contemporary thinking in the non-state debate, the emphasis of this survey has been on literature published in the last five years. Similarly, while an effort has been made to ensure that case studies from around the world have been included in this paper, there is a slight bias towards sub-Saharan and southeast Asian examples, as this is where the most substantial body of evidence and analysis exists (with the exception of the section on armed NSAs, where pertinent examples from Latin America have been cited).

To find relevant material several search strategies were used. Firstly, terms such as 'non-state actors,' 'non-state services,' 'civil society,' 'state-society relations,' and 'armed non-state actors' were typed into search engines such as Google and Google Scholar, as well as into IRIN's search network and the Web of Science. Additionally, a search for organisations working on non-state issues was made via Twitter by typing in similar search terms. From this the Twitter hashtag #nonstatedebate was discovered, and a number of articles sourced through this feed. Organisations such as the European Commission, the UN, and Oxfam have thematic focuses that look at non-state actors, therefore their documents in this area were consulted. Finally, trusted organisations conducting research around the general themes of development and peacebuilding were consulted, such as the GSDRC, the Institute of Development Studies (IDS), the Overseas Development Institute (ODI), and the OECD-DAC.

Given the space constraints of this paper, and the plethora of documentation discovered through the initial search for literature, the canon was narrowed to include only the most relevant literature. This relevance was ascertained by examining titles, abstracts, keywords, key findings and conclusions as well as making a judgment as to the quality of the document, prioritising well-written research, published by credible organisations, and containing conclusions supported by the research.

Following a cursory examination of the literature, several relevant themes for the paper were highlighted. However, as more literature emerged, the paper evolved to incorporate the new themes that this further reading unveiled. This paper is not intended to be a definitive document on NSAs. It is instead an overview of the state of contemporary thinking on NSAs and a signpost current gaps.

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<sup>5</sup> I am grateful to an anonymous reviewer who highlighted this potential benefit of the limited analysis in his or her comments on this paper.

# 2.0

## State-society relations and civil society

A significant body of literature examines the potentially beneficial role that NSAs can play in providing support to (and checks and balances on) the effective and legitimate functioning of the state. Much of this literature is framed in terms of 'state-society relations' – defined by DfID as 'interactions between state institutions and societal groups to negotiate how public authority is exercised and how it can be influenced by people. They are focused on issues such as defining the mutual rights and obligations of state and society, negotiating how public resources should be allocated and establishing different modes of representation and accountability' (DfID, 2010: 15). Strong state-society relations are seen as a sign of positive development – and often strengthening civil society is seen as means of strengthening society in general. Haider, for example, argues that when building a state 'attention must also be paid to supporting civil society and citizen engagement such that they can hold the state accountable and make it responsive to society' (Haider, 2011: 6).

Positive state-society relations are often framed in terms of a social contract, in which citizens ideally accept the power of the state through consent rather than coercion (Brinkerhoff, Wetterberg, & Dunn, 2012). As Oxfam observes, the social contract has advantages in showing the reciprocal relationship between state and (civil) society:

The advantage of using the social contract model in governance work is that it emphasises the roles and responsibilities of *each party* (citizens and government), and shows that by engaging with each other and taking a collective problem-solving approach (rather than by confrontation or challenge) they can work together to build a more effective state. This can help prevent a negative backlash from a state with authoritarian tendencies which may be nervous about the role of civil society, and give each party a realistic expectation of what the other can do (Oxfam, 2013: 5).

Taking this social contract approach has resulted in an increasing awareness of the need to strengthen civil society: 'Development, and in particular efforts to tackle inequality, is best achieved through a combination of active citizens and effective states' (Green, 2012: 12). Civil society actors can link citizens to states and help drive the developmental agenda.

However, efforts to engage with a wide range of actors in development programs have given 'rise to a complex new landscape for citizen participation. New forms of public engagement are redefining citizenship and creating new political identities through which people come to participate' (Cornwall, Robins, & von Lieres, 2011: 8). By and large, when donors engage with these new networks of citizen participation, they do so through the auspices of 'civil society.' In Oxfam's *Within and Without the State programme* in Afghanistan, for example, considerable effort and resources were put into building the capacity of the Afghan Civil Society Organisations Network for Peace (ACSONP), 'providing training around organisational management, governance issues, and methods of political engagement...And it had brokered opportunities for civil society to engage with the state at national, regional and local level through events such as national debates and peace hearings, and community forums' (Oxfam, 2013: 3-4). If the extent of this participation is balanced correctly, so that it strengthens the legitimacy of the development process without undermining or hindering the capacity of the state, civil society groups can be posited as key actors in building resilient and legitimate states.

### What is civil society?

Echoing the general ambiguity surrounding the definition of NSAs, the literature on civil society governance is also characterised by a lack of consensus about exactly what is meant by 'civil society'. At its broadest definition, Hadenius and Ugglå argue that civil society 'denotes (a) a certain area of society which is (b) dominated by interactions of a certain kind. The area in question is the public space between the state and the individual citizen' (1996: 1621). The breadth of such a definition enable the incorporation of a wide group of different actors. This group can include, but is not limited to, trade unions, women's groups, religious organisations, community groups, business interests, NGOs, social movements and philanthropic organisations.

The actors included within the 'civil society' category are all subject to interpretation, however, and there is disagreement about whether certain actors should be classed as belonging to civil society, and the extent to which certain members can be said to speak for civil society. For example, while religious and community leaders are often called on to represent 'civil society' as a whole, there is a common belief that NGOs and social movements are 'constitutive elements of civil society, but are not coterminous' (McIlwaine, 1998: 417).

Similarly, Oxfam included community-based organisations, unions, religious groups and youth movements as being among the constituents of civil society groups, while other 'powerful non-state actors and institutions' such as 'the private sector, universities, media and elite groups' (Oxfam, 2013: 3) are seen as separate from civil society. This distinction about who is *not* considered part of civil society is echoed by Spurk, who argues that civil society is 'differentiated from the market and the business sector (economic sphere)...as well as from the family/private realm' (Spurk, 2010: 7). Spurk's working definition of civil society provides a comprehensive account of what distinguishes a civil society actor from other political actors:

Civil society is seen as *different from both the state* (comprising executive government institutions, bureaucracy, administration, judiciary) *and the political sphere* (legislature, political parties) due to the fact that civil society is making political demands toward the state and others, but is not running—as politicians and parties do—for political office in government. Thus, civil society is formally and legally independent from state/political society, but it is oriented toward and interacts closely with the state, the political sector, and the economic sector (Spurk, 2010: 7)

The nature of this interaction with the state warrants further consideration. What kinds of political demands can civil society make? In what circumstances can these demands be met? Can civil society really be equated with the 'citizenry'?

### **For better or worse? The use and abuse of 'civil society'**

In the above definitions, civil society is seen as distinct from the state, but is also defined in relation to the state. For Oxfam, this is no coincidence, as it sees the role of civil society as part of its 'strategic commitment to supporting "active citizens"'<sup>6</sup> who in turn can strengthen the effectiveness of the state (Oxfam, 2013: 3). However, this close association with the state is not universally viewed as positive, and the legitimacy of civil society can be questioned in much the same way as that of the state.

McIlwaine identifies two broad perspectives into which questions about the legitimacy and authority of civil society actors are divided: 'The liberal approach views civil society as a largely autonomous sphere of freedom and liberty, often associated with the writing of de Tocqueville and stressing the beneficial effects of vibrant civic associations' (McIlwaine, 1998: 417). This view tends to posit civil society actors as a counterweight to tyrannical regimes, providing forms of popular participation in contexts where political freedoms may otherwise be compromised. On the other hand, some show concern that civil society and the state are rarely separate from each other, and recognise that authoritarian domination can often be indirectly maintained through the auspices of civil society. 'This broad perspective takes the 'neo- or post-Marxist approach [which] views civil society as a site of oppression and power inequalities drawing predominantly on the writings of Marx, Hegel and Gramsci' (McIlwaine, 1998: 417). It recognises that civil society itself is hierarchical and can maintain a conservative and oppressive status quo.

Furthermore, even if civil society groups can reasonably be seen to be distinct from the state, it is important not to conflate this independence with legitimacy. Indeed while states are accountable to their citizens, civil society organisations (CSOs) may not necessarily be. In a report on how civil society organisations can be more effective in their policy engagement, Court et al. observed that: 'In many countries they [CSOs] act on their own or in opposition to the state, leading to questions about their legitimacy and accountability. Their policy positions are also increasingly questioned: researchers challenge their evidence base and policymakers question the feasibility of their recommendations' (Court et al., 2006: iv).

Where societies are highly divided, so-called civil society actors may take on 'uncivil' characteristics, and exploit the lack of state capacity to provide for all citizens to seize extra goods and representation for just a small group of select citizens. Furthermore, just as states can show weakness, so too can civil society. Spurk observes that 'during conflict and immediately after, civil society tends to be organized along conflict lines, fostering clientelism, reinforcing societal cleavages, and hindering democratization' (Spurk, 2010, p. 19). Cases of election-related violence in Kenya between 2007-8, and the ongoing conflict in South Sudan, show how in times of crisis old ethnic and regional cleavages soon emerge. These are often cemented by existing divides within civil society.

Sometimes the exclusionary nature of civil society action can be an unintended consequence of benign civil action. For example, Ken Saro-Wiwa's highly successful and well-coordinated Movement for the Survival of Ogoni People (MOSOP), succeeded in presenting the *Ogoni Bill of Rights*, defending the rights of one of Nigeria's smallest ethnic groups, the Ogoni, to the Nigerian Government in 1990. As a result of this Bill of Rights, and a successful international media campaign, Shell – whose operations in Ogoniland had been exploiting the people and polluting their land – ceased operations there. Consequently, however, the government and Shell increased their operations and exploitation in the homeland of another Niger Delta ethnic group, the Ijaw. Immediately the Ijaw Youth Council issued the Kaiama Declaration, asserting that "all land and natural resources (including mineral resources) within the Ijaw territory belong to the Ijaw communities and are the basis of our survival" (Obi & Rustad, 2011: 8). This time, unlike in the case of MOSOP, the Nigerian government declared the Ijaw's actions to warrant a state of emergency. They then sent troops into the Niger Delta to crush the Ijaw without addressing their grievances. As this case shows, sometimes acquiescing to the demands of certain civil society groups may result in the increased repression of others.

It is important that these uncivil elements of civil society are appreciated as much as the positive elements (such as those that give rise to better representation for traditionally weak and marginalised groups). However, although civil society may take on an uncivil character, 'accommodating civil society actors with an "uncivil" record may prove particularly important in the long-term' (Harpviken & Kjellman, 2004: 2). In the case of Sierra Leone, decades of state incapacity (especially in rural areas) resulted in a justice system that was largely run by non-state chiefs using customary justice. Although this justice system engaged in 'a discriminatory and arbitrary manner, particularly in relation to women and youth' (Denney, 2012:2), the fact that security and justice sector reform

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6 'Oxfam puts "active citizens and effective states" at the heart of overcoming poverty' (Oxfam, 2013: 1)

focused only on the state means that these customary courts continue to operate in a discriminatory and arbitrary manner, as no attempt was made to reform them. Denney points out that although convincing tax-payers in donor countries to commit funding for programs that engage actors who commit human rights abuses<sup>7</sup> is a hard sell, reforms need to include all sectors of society if they are to be successful. Leaving a non-state security and justice sector unreformed, yet allowing it to continue to operate (through non-engagement) effectively undermines the newly reformed state security sector in Sierra Leone.

## Engaging with civil society: unanswered questions

Despite the dangers of reifying so-called 'civil society' actors as 'legitimate actors,' ignoring governance mechanisms that may have emerged during periods of state incapacity is ill-advised. Nonetheless, within the sphere of civil society there are a number of questions that remain largely unanswered, and these warrant further consideration.

The overarching question that stands out as requiring immediate attention is the question of from where civil society actors derive their legitimacy, accountability and funding. The World Alliance of Citizen Participation (CIVICUS) noted that 'while the assumption of the need for strong government and private sectors is today generally not questioned, the need for a strong civil society is not always so readily assumed' (Wood and Fallman quoted in CIVICUS, 2013: 44). However, while government is accountable to its citizens and the private sector to its shareholders, **it is not clear to whom civil society is accountable, and from where it derives its legitimacy.** This needs to be clarified with further research. Related to this question, a number of sub-questions emerge:

1. While it is generally accepted that functioning democracies require civic space, what is the purpose of this space and how should it be used?
2. What is civil society's function in terms of state-society relations? It is often posited as a link between citizens and the state, but what makes civil society different to lobbyists or politicians? What specific functions can civil society actors perform that other actors cannot?
3. How do donors, or other external actors, engaging with civil society actors pick which actors to engage with? Is there a danger that by reifying certain civil society groups, they are unintentionally marginalising other groups?
4. Should civil society work to support and strengthen the state, or act as a check and balance against an over-powerful state?
5. What incentives do state actors have to work with civil society actors, and how can civil society actors be held to account?

While some academic theorists have begun to address these questions (McIlwaine, 1998; Spurk, 2010), they too note that these issues are highly contested: 'Indeed, as long as circumspection is exercised, and civil society is not viewed as a panacea with "a life of its own", but rather as something in need of interrogation, there may be some fruitful paths for future research' (McIlwaine, 1998: 421). Furthermore, there is a notable absence in the policy world of a clear framework for addressing these issues and engaging with civil society. Again McIlwaine warns that caution is needed: 'It may be useful to consider civil society organisations as occupying a particular space which may encourage participation in developmental goals, as long as there is recognition that this space is contested' (1998: 421).

Furthermore, there is a question as to whether donor engagement with civil society actors may corrupt the very nature of those actors. Thus far the evidence for this is mixed. Positive stories from DfID's State Accountability and Voice Initiative in Nigeria suggest that donors can support positive engagement with civil society actors (DfID, 2013). However, the case of Nigeria 'took time and subtle advocacy for group members to convince stakeholders in the state government to participate in a process of constructive engagement with civil society' (Green, 2014). Often donors do not have the time, capacity or incentives to support such subtle engagement.

In her work on civil society organisation in Pakistan, Bano argues that 'donor efforts – despite their clear intention to support community-based collective action and promote individuals' propensity to galvanise around public interest issues – are in many instances having the opposite effect' (Bano, 2012, p. 7). In addition to highlighting Bano's observation that funding can damage the internal cohesion of civil society groups, thereby destroying them from within, DfID itself also noted a number of other 'worrying' trends. These included 'the proliferation of donor dependent advocacy CSOs with weak links to ordinary citizens, the danger of monetising processes of citizen demand, and weak sustainability of citizen engagement beyond the period of donor funding' (DfID, 2013: 1). While there is research that has highlighted the problems of engagement with CSOs (Booth, 2012; Bano, 2012), there is a gap in the research on how to better ensure the accountability, integrity and long-term sustainability of those CSOs with which donors do engage.

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7 Denney argues that 'in Sierra Leone secret societies continue to play a role in policing women's behaviour through conflict resolution processes and fines that, at times, enforce practices such as female circumcision or discriminatory justice' (Denney, 2012: 2).

# 3.0

## Private sector actors<sup>8</sup>

Despite focusing on civil society when engaging with non-state actors, donors are aware that there are other powerful non-state actors worth engaging with: 'Working with civil society is an appropriate entry point – but is not sufficient to promote good governance' (Oxfam, 2013, p. 3). Indeed, in many developmental contexts, a vast and complex network of other influential NSAs may exist, who could also be active in positive change. Among the most influential of these are private sector actors that may have access to considerable economic and political resources. Green argues that 'the private sector creates jobs and products, transfers knowledge and technology, and contributes taxes to the state. Crucially, it drives the economic growth that is so vital to long-term development' (Green, 2012, p. 14).

In line with this thinking, at the Fourth High Level Forum on Aid Effectiveness held in Busan, South Korea in 2011 'participants committed to ensure a sound policy and regulatory environment for private sector growth, and to explore ways to advance both development and business outcomes so that they are mutually reinforcing' (European Commission, 2013). Consequently, the European Commission put out a call for contributions to *A Communication on Strengthening the Role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries*. The purpose and rationale behind the proposed Communication was:

- 'to formulate in more operational terms the EC's strategy on working for and with the private sector in development cooperation;
- to update the 2003 Communication on Private Sector Development in light of a changing world, as well as by taking into account the conclusions and recommendations from the thematic evaluation of private sector development support over the period 2004-2010, and the programming of PSD support for the period 2014-2020;
- to elaborate on the role of the private sector in contributing to global development goals and poverty reduction in the context of a post-2015 global agenda, and in the transformation towards a green economy (Rio+20)' (European Commission, 2014)

A vibrant private sector is seen as an indicator of positive long-term development (international business investment in particular, being a sign of confidence in a country's development trajectory). Many of the case studies that examine how the private sector can aid development tend to focus on large multinational companies (MNCs) rather than looking at small-scale businesses and local entrepreneurs.<sup>9</sup> The MNC research can be defined as falling into two categories:

- Research that looks at MNC activities as sites of primary commodity extraction and product manufacture in developing countries; the positive and negative developmental effects that MNC presences can bring to developing countries; and the **corporate social responsibility (CSR)** measures that these MNCs undertake when engaging in developing states (Gardner, 2012; McElhane, 2009; Rajak, 2011).
- Research that examines large MNCs' attempts to sell to the "**Bottom-of-the-Pyramid**" (**BoP**) in developing countries (Ansari, Munir, & Gregg, 2012; Kamani, 2009; Lake & Newman, 2002; Prahalad & Hart, 2002; Redfield, 2012; Temy, 2002). This research is split between those who believe that 'MNC investment at "the bottom of the pyramid" means lifting billions of people out of poverty and desperation, averting the social decay, political chaos, terrorism, and environmental meltdown that is certain to continue if the gap between rich and poor countries continues to widen' (Prahalad & Hart, 2002: 2) on the one hand; and those who believe that 'the poor lack the education, information, and other economic, cultural, and social capital that would allow them to take advantage of—and shield themselves against—the vagaries of the free market' (Kamani, 2009: 40) on the other.

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8 A more detailed review of the literature on private sector actors is presented by Elizabeth David-Barrett (forthcoming, 2015) in which she discusses definitions of the private sector, why private sector actors may get involved in service delivery, and the interface between the state and the private sector. The actors covered in her paper include NGOs, donors and international businesses. This section complements that paper by focusing specifically on national and sub-national private actors as a *particular kind of local non-state actor* involved in development, and examines the literature discussing what kind of role (if any) the indigenous private sector can, could and should play in development.

9 See for example Haufler on the public role of the private sector that focuses almost exclusively on MNCs (Haufler, 2001). This focus is also evident in Muhammad Yunus's *Building Social Business*, which examines case studies of Grameen partnerships with large MNCs like Danone, Intel and Adidas (Yunus, 2010).

However, less attention has been paid to the role that smaller local companies<sup>10</sup> and developing states' business elites can play in fostering positive developmental processes. In part, this may be because the role of the private sector in driving development is often met with suspicion that an over-powerful private sector can damage development initiatives. Given that private actors are often driven by profit maximisation, there is a tendency to assume that business actors will not be interested in developmental goals. 'Corporations are not democratic public interest institutions and that making them, in effect, co-equal duty bearers for the broad spectrum of human rights ... may undermine efforts to build indigenous social capacity and to make governments more responsible to their own citizenry' (Ruggie, cited in Clapham, 2009: 1).

Such anxieties are often coupled with fears that working with business elites to achieve developmental outcomes will inevitably lead to exclusive, rather than inclusive, economic growth. As a result, the building of trade infrastructure, and of the private sector more generally, tends to occur in the later stages of the development process – and is often seen as being of lower priority for donors than peacebuilding and state-building initiatives.

However, in a recent study of the political and economic achievements of Somaliland, Phillips has demonstrated how the private sector and, more specifically, local business elites were instrumental in driving the development process. In a discussion of how Somaliland's President between 1993 and 2002, Mohamed Haji Ibrahim Egal, managed to end the region's violence, and build the state, Phillips notes that: 'Egal combined collusive business deals with security dividends for the wider population and tethered the commanding heights of the economy to his own state-building project. If the focus at the time had been on providing inclusive economic growth, it is also likely that President Egal's collusion with the business elite would have been seen as unacceptable' (Phillips, 2013:6). There may, therefore, be opportunities to engage with private actors at all stages in the development process, even though donors may be wary of treading the fine line between collaboration and corruption.

## Strengthening the private sector for public service provision

The social contract model of governance posits that citizens obey the authority of the state and rule of law set by the state in exchange for the state providing them with security and public goods. In areas of limited statehood, even when the state has been able to provide basic (at least temporary) security, delivery of public goods can often be weak. Despite a strong international commitment to supporting government delivery of public services, and economic growth in much of South Asia and sub-Saharan Africa, the ability of developing countries' public administrations to provide public services to their citizens remains relatively weak:

'In many places, criticisms persist of inefficiency and patronage or outright corruption in the provision of public services. Some of the most committed advocates of increased aid such as the Gates Foundation have also been the most impatient with the seeming inability of public agencies to play their part in delivering on the MDG promises, and have preferred to bypass them, setting up non-state structures to deliver their programmes' (Batley, McCourt, & McLoughlin, 2012: 133-134).

This can be seen in European Union's Communication, which calls for an examination of better ways to integrate private sector development with the development of other sectors in developing countries. These sectors include, but are not limited to, energy, agriculture, transport, water, health, education and environment, and the EU is keen to 'identify modalities for using the private sector as a delivery channel in these sectors' (European Commission, 2014: 2).

## The question of legitimacy

A new focus on the private sector as a service delivery channel raises some interesting questions about the relationship between the private and state sector, and the extent to which non-state service providers can strengthen or undermine the state. Such questions are centred around issues of quality, legitimacy<sup>11</sup> and the social contract. Concerns over quality echo those mentioned above with regard to the Bottom of the Pyramid about how business-led solutions may lend an air of acceptability to low-quality service provision.<sup>12</sup> Tsai highlights this phenomenon, arguing that: 'Even though non-state provision is often a stopgap measure, with levels of provision lower than what they would be with effective state provision...from the perspective of ordinary citizens, these levels are often still better than nothing' (Tsai, 2011: 46-7).

In terms of legitimacy, some scholars have raised concerns that private-led development initiatives are creating shadow states that are not equally available to all actors. The concern here is that not all citizens may have access to the services provided within a shadow state, and if non-state actors 'are assuming functions of the state but access to the shadow state is unevenly distributed, the result may be selective disenfranchisement or differential citizenship' (Lake & Newman, 2002: 109). If private actors are able to provide long-term quality public goods to all citizens, they risk undermining the state. If private sector, rather than state, actors are providing public goods and securities, then a question arises as to why citizens should obey the state, or pay taxes to a state that is giving them very little in return.

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10 Contained within this category are a wide range of actors which include, but are not limited to, traders' organisations, market groups, bus and taxi drivers' associations, business associations, agricultural collectives and chambers of commerce. It is beyond the scope of this paper to offer a thorough analysis of the varying perspectives that each of these actors bring, but it should be acknowledged that the term "smaller local companies" in this case encompasses a heterogeneous collective of perspectives and influences.

11 For a very good overview of the concept see the DLP Concept Brief on State Legitimacy (McLoughlin, 2014b)

12 For example, Terry discusses the creation of a 'second best world' (Terry, 2002: 216) in which businesses market themselves as bringing poor people out of abject poverty but in reality only provide short-term minor adjustments to their lives. Redfield illustrates this through the case of products such as Plumpy'nut, which provide short-term marketable solutions for starving children, but does not provide a long-term solution to child malnutrition and the structural conditions which cause this malnutrition (Redfield, 2012).

The question of the legitimacy of the state in the face of non-state service provision has been discussed by Lily Tsai in relation to rural China, and can provide an interesting comparative case study for those working on this issue. Tsai describes non-state public service provision as a 'double-edged sword' (Tsai, 2011: 47) in China. On the one hand, private actors can relieve the pressure on under-resourced states by delivering public services and goods such as roads, sanitation, and irrigation, but they also risk becoming political competitors to the state. This in turn may compromise citizens' willingness to pay taxes to the state. Furthermore, 'even in resource-rich rentier states and socialist systems with planned economies where taxes are not collected, government provision of public goods and services is seen as essential to maintaining citizen compliance with state authority' (Tsai, 2011: 47). It is clear, therefore, that a balance needs to be found between the private sector supporting the state, and the private sector undermining the state with its provision of public goods and services.

This balance can be reached by drawing a distinction between "substitution" – in which non-state (private) actors simply replace the state in the provision of public services, and "coproduction" – in which both the state and non-state actors contribute to the service delivery program. Although she stresses that evidence for this can be found only in 'isolated cases,' McLoughlin observes that 'coproduction has played a formative role in generating positive evaluations of the state on the part of the citizen' (McLoughlin, 2014: 11). Tsai further argues that, while substitution is likely to lead to an undermining of the state, co-production 'not only increases face-to-face interactions between state and non-state actors, but can sometimes result specifically from the desire of local officials to build better relationships with citizens' (Tsai, 2011: 49). This understanding takes a similar approach to Risse's discussions concerning whether non-state actors more generally complement the existence of the state or provide functional equivalents to it (Risse, 2011: 2).

### **Co-production or substitution? Questions for engaging with the private sector**

The European Commission's call for contributions to their thematic focus on 'Strengthening the Role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries' is likely to produce a new wealth of research on engagement with private actors in developmental contexts. However, as the literature currently stands, there are a number of issues to be addressed. It is not yet clear whether engagement with the private sector has a positive effect on developmental outcomes. Furthermore, like many of the other groups of NSAs, there is relatively little research that differentiates between different types of private actor, and the different roles they can play. Finally, there needs to be more research on the incentives that would encourage private sector actors to engage with the development process, and where the line between incentives and corruption lies.<sup>13</sup>

Overwhelmingly, the bulk of the research focuses on large multinational companies, but to foster more inclusive political settlements within developmental states, it is necessary to look further into the role that national and sub-national business elites can play in fostering development. Furthermore, recent work emphasising 'the benefits of informal sector taxation in terms of revenue, growth and governance' (Joshi, Prichard, & Heady, 2013: 3) suggests that local business elites can also contribute resources to aid the successful function of the state.

While national governments can build legitimacy by improving service delivery (Brinkerhoff, Wetterberg, & Dunn, 2012), and private actors may be able to assist in this delivery, a balance between co-production and substitution is needed to ensure that this partnership does not undermine government legitimacy. This will involve addressing the following questions:

1. Does the national and sub-national private sector have the interest and influence to engage in development activities?
2. Should private NSAs be actively engaged in development activities and, if so, what role should they play?
3. What incentives could encourage private sector engagement in the development process, and how can incentives be distinguished from corruption/bribery?
4. What criteria indicate that the private sector is co-producing public goods with the state, and what factors indicate substitution for the state?

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<sup>13</sup> See, for example, Sarah Phillips research which notes that, while the leader of Somaliland was able to incentivise business elites by promising a more stable environment for them to operate in, and offering tax concessions in return for support, this may come across as corruption in other contexts (Phillips, 2013).

# 4.0

## Armed non-state actors

A recurrent theme picked up in this paper is the lack of consensus and ambiguity concerning what exactly is meant by the term NSA. Some policy makers seeking to engage with NSAs do not explicitly include armed actors in their working definition. DfID, for example, views NSAs as including 'civil society organisations (CSOs)<sup>14</sup> and the private sector, as well as traditional authorities, and informal groupings such as social networks and religious communities' (DfID, 2010: 12). Nonetheless, DfID acknowledges that 'state-society relations can be peaceful or contested (and at times, violent)' (2010: 15). It is therefore worth discussing what role armed NSAs may play in building (or undermining) state-society relations.

Literature on armed NSAs falls largely into three broad categories: a) research on the legality and human rights obligations of armed NSAs (Clapham, 2006; Peters, Koechlin, Forster, & Zinkemagel, 2009; Bhatia, 2005); b) research relating to the strategic decisions and determinants of bargaining strength of certain groups of armed NSAs (e.g. Fjelde & Nilsson, 2012; Pearlman & Cunningham, 2012); and c) research on engaging with armed non-state actors in humanitarian operations and disarmament, demobilisation and reintegration strategies in the post-conflict period (Jackson, 2012; Carames, Fisas, & Sanz, 2007). These areas provide interesting starting points for methods of engaging armed NSAs in development processes. Yet their focus is not explicitly on engagement with armed NSAs as *actors* in the development process that have incentives and capacities to both support and hinder it. It is therefore necessary to explore in more detail how, and why, armed groups should be considered as important NSAs when it comes to creating inclusive and effective political settlements.

### The politics of naming

As discussed earlier, definitions of NSAs vary greatly according to the normative assumptions of the actor doing the defining. So far, the paper has focused primarily on NSAs who are generally thought of positively (or at least neutrally) in terms of engagement. To clarify, this is not to say that the actors themselves are thought of neutrally or positively, but rather that the prospect of engagement with these actors is not seen as morally repugnant (and is often seen as important or necessary). However, the broad umbrella of 'NSA' also encompasses armed or violent actors. As Clapham points out, within the peacebuilding literature NSAs are generally thought of as armed:

'The concept of non-state actors is generally understood as including any entity that is not actually a state, often used to refer to armed groups, terrorists, civil society, religious groups, or corporations; the concept is occasionally used to encompass intergovernmental organizations. **In the specific context of post-conflict peacebuilding, the expression non-state actor is being used in specialized literature to refer to a range of armed groups that operate beyond state control**' (Clapham, 2009:1 **emphasis added**).

However, there is (as with the other groups discussed within this paper) an equal lack of consensus within the category of armed NSAs itself. The legal status of armed NSAs has been much discussed – perhaps most prominently by Bethlehem (2012). In what has become known as 'the Bethlehem Principles', Bethlehem outlines 16 legal principles governing the use of force against an imminent or actual attack from armed NSAs. These principles include the fact that a state has the right to defend itself against an imminent or actual threat from an armed NSA, and discusses at some length the nature of an armed NSA threat, what constitutes imminence, and when a state should resort to armed action.

Interestingly, Bethlehem notes in the preamble to his Principles that 'there is little consensus on who may properly be targetable within the non-state actor continuum of those planning, threatening, perpetrating, and providing material support essential to an armed attack' (Bethlehem, 2012: 773-774). However, among the various rebuttals and responses to the Bethlehem Principles (see Hmoud, 2013; Wilmhurst & Wood, 2013), there is very little discussion of the nature of the actors in question. Instead, a complex legal debate has emerged that centres on the constituents of 'imminence', and the legality of the various measures that can be taken against armed NSAs, without any further in-depth discussion of exactly who these armed actors are.

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<sup>14</sup> 'Civil society organisations (CSOs) include such groups as registered charities, non-governmental organisations (NGOs), community groups, women's organisations, faith-based organisations, professional associations, trade unions, social movements, business associations, and advocacy groups' (DfID, 2010: 12)

Literature on the legality and human rights obligations of armed NSAs centres on questions of the position that armed NSAs occupy in the international system and, subsequently, in international humanitarian law. Although there have recently been calls for rebel groups and armed insurgencies to be subject to international human rights obligations similar to those governing states, such calls have been met with suspicion by both states and non-state actors. For armed NSAs, the fact that they don't have the rights afforded to states in terms of domestic and international sovereignty justifies their non-adherence to the human rights obligations governing internationally recognised states. Furthermore, some state actors feel that extending international law to armed groups inadvertently legitimises their position in the international system as something more than 'criminals' or 'terrorists', and undermines the legitimacy of the state overall. Clapham argues that there is a way around this problem: 'Once we rid ourselves of the assumption that human rights only cover the relationship between individuals and governments there is no danger that accusing an armed group of human rights violations lends it automatic legitimacy or quasigovernmental status' (Clapham, 2006: 523).

However, the paradox of human rights obligations does reveal a number of interesting trends in how armed NSAs are framed. In a discussion of the politics of naming armed NSAs, Bhatia argues:

Once assigned, the power of a name is such that the process by which the name was selected generally disappears and a series of normative associations, motives and characteristics are attached to the named subject. By naming, this subject becomes known in a manner which may permit certain forms of inquiry and engagement, while forbidding or excluding others. No doubt such simplifications allow people to both engage with and understand a complex world. However, the need for simplicity can be rapidly appropriated and taken advantage of by those with their own political agenda (Bhatia, 2005: 8)

This research on how non-state armed groups are framed does provide an interesting starting point for challenging the negative connotations often associated with armed NSAs. Mandel notes that 'many researchers seem to operate with a foregone conclusion that armed non-state groups are always dangerous, eager to promote violence, devoid of legitimacy, and utterly destabilizing' (Mandel, 2013: 7). However, as numerous cases around the world have shown, armed NSAs often have a degree of local legitimacy and – in the cases of groups such as Palestinian armed actors, the FARC in Colombia, and the LTTE in Sri Lanka – they often also enjoy international support. An emergent body of literature on the public authority of armed groups in the eastern DRC (Hoffmann & Vlassenroot, 2014; Hoffman & Verweijen, 2013) shows that armed NSAs can increase in both strength and popularity when the state is shown to be weak or predatory.

While there are several examples of armed NSAs providing services and welfare in lieu of the state, there is relatively little research on the implications of this for the state itself. Grynkeiwich argues that some violent non-state groups use 'welfare as warfare' – suggesting that 'by providing social services, terrorist or guerrilla organisations threaten to supplant the social contract between the population and the state, thereby undermining a key source of state legitimacy' (Grynkeiwich, 2008: 351). The question of how a state can regain its legitimacy in the face of this phenomenon, and whether it is possible for armed NSAs to play a role in service delivery after the state has regained control over these services, is yet to be fully addressed.

A body of literature on the bargaining potential of rebels in reaching peace settlements in the civil wars literature may be useful for understanding the role that armed NSAs play beyond peace agreements. A report by the Crisis States Research Centre has 'pointed to the importance of understanding differential organisational dynamics and incentive systems among non-state armed actors for assessing the prospects of peace making and indeed of state building and state consolidation' (Putzel & Di John, 2012: 29).<sup>15</sup> Research could extend this understanding to other country case studies. It could also be pushed to incorporate an understanding of how the relative strength of rebel groups (both in terms of arms, and in terms of their perceived legitimacy among certain populations) may, in some instances, mean that they are better placed to provide checks and balances on governments than some civil society groups. Work on harnessing the power of armed NSAs, and transforming them into legitimate political actors, may also provide innovative solutions to creating more accountable states and increasing citizens' empowerment.

## The governance capacity of armed groups

Most of the NSAs discussed within the conflict and peacebuilding literature are violent or armed actors. Yet there is relatively little discussion of the role that armed NSAs can play in the development process. Despite the fact that development has become increasingly securitised in recent years, and there has been a blurring of lines in the roles and responsibilities taken on by security actors and humanitarian actors (Beswick & Jackson, 2011), the role of armed NSAs in the development process is one which has been largely overlooked. Especially during periods of civil strife, armed NSAs can provide much-needed governance in areas of limited statehood. A better understanding of this governance, and the form that it takes, needs to be incorporated into post-conflict political settlements.

A small group of American scholars interested in 'Rebel Governance' provide some interesting avenues of research into understanding how armed NSAs govern in areas, and during periods, of limited statehood. In 2009, a conference on rebel governance was organised at Yale University to examine 'the wide variety of political strategies that insurgents employ with the explicit purpose of governing, or choosing not to govern, civilians in contemporary conflicts'.<sup>16</sup> Research on this subject re-conceptualises armed NSAs as more than simply 'terrorists' or 'rebels'. This reconceptualisation is centred on looking at governance more widely, following Rosenau's understanding of governance:

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15 Putzel and Di John argue this with reference in particular to the Philippines and Afghanistan

16 [http://www.yale.edu/macmillan/ocvprogram/rebel\\_governance.html](http://www.yale.edu/macmillan/ocvprogram/rebel_governance.html) The papers presented at this conference will be published in a forthcoming (2014) edited collection titled *Rebel Governance in Civil Wars*, published by Cambridge University Press, and edited by Ana Arjona, Nelson Kasfir and Zachariah Mampilly

It [governance] embraces governmental institutions but it also subsumes informal, non-governmental, mechanisms whereby those persons and organizations within its purview move ahead, satisfy their needs, and fulfill their wants... **Governance is thus a system of rule that is as dependent on inter-subjective meaning as on formally sanctioned constitutions and charters...** It is possible to conceive of governance without government – regulatory mechanisms in a sphere of activity which function effectively even though they are not endowed with formal authority (Rosenau, 1992: 4 **emphasis added**).

By looking at governance conceived in this way, it is possible to study how armed groups provide governance for certain groups of civilians, and the 'the range of possibilities for organization, authority, and responsiveness created between guerrillas and civilians' (Kasfir, 2002: 4).

Arguably the best-documented case of an armed NSA providing governance for civilians is the case of the FARC-EP<sup>17</sup> in Colombia. As several scholars have noted, the "narco-terrorist" label imposed on the group has obscured its role as an alternate provider of social welfare in a context where the state is relatively weak (see Brittain, 2010; Maher, 2012; Leech, 2011). 'With the complete failure of the government to even attempt to provide any basic services to the local population, it is the FARC that has filled the void by helping to build roads and provide electricity, law enforcement, judges and other public services traditionally supplied by the state' (Brittain, 2010: 102). Maher observes that the FARC also uses its legitimacy to promote compliance: 'the FARC functions as a *de facto* government in the areas it controls, providing a number of social services, maintaining law and order through its 'revolutionary' judicial system, implementing local taxes at the community level and imposing "national taxes" on wealthy individuals and businesses' (Maher, 2012: 150). Indeed, Mampilly further observes that 'the insurgent "government" also achieved considerable international validation during peace negotiations that began in 1998, when President Andres Pastrana effectively partitioned the country in two, officially sanctioning the rebellion's control of the region' (Mampilly, 2011: 2).

This research on the FARC-EP provides a useful comparative case study for other research examining the public service provision that some armed NSAs can provide, and the relative legitimacy that certain groups may have with certain populations. Some research into this area has been conducted by Mampilly, using fieldwork from rebel-controlled areas of the Democratic Republic of Congo, Sri Lanka and Sudan – in an attempt 'to explain the underlying factors that shape the differing ways in which rebel leaders interact with local civilian populations through some sort of governance system' (Mampilly, 2011: 5).

Mampilly's research suggests that, where states have a strong record of providing public services to citizens, rebel groups also need to also provide strong services to be seen as legitimate in the eyes of the populations under their control. However, when the state has been historically weak and predatory, armed actors can gain relative legitimacy with only minimal provision of security and protection. This research is relatively unique in the field, as 'although millions of civilians reside in rebel-controlled areas and have intimate exposure to the vagaries of life behind the front lines, there are few discrete studies of insurgent governance systems in either the academic or policy literature and virtually none that take a comparative approach' (Mampilly, 2011: 6).

## **Beyond demobilisation: armed NSAs as legitimate political actors**

Despite an emerging body of literature on the governance potential of armed NSAs, there is almost no literature on their developmental potential after a conflict is over. Perhaps the most well-developed body of research on armed NSAs during the post-conflict period pertains to Disarmament, Demobilisation, and Reintegration (DDR) processes; the factors contributing to DDR's successes and/or failures, and the political impact that DDR can have. For example, Berdal argues that DDR should be viewed as 'a set of distinct activities that require advanced planning and outside assistance, these are all intensely political processes whose long-term and sustainable impact depend on parallel efforts of political and economic reconstruction to resolve, or ameliorate as far as possible, the root causes of conflict' (Berdal, 1996: 5). Research has also been done on the impact that DDR can have on the long-term development process. Mason, for examples, argues that DDR can be used as a developmental strategy to prevent the outbreak of violent conflict – doing so with reference to case studies from Mozambique, Namibia and Cambodia, and comparing them with 'best case scenarios' of what could have potentially happened if DDR has been used 'in pre-conflict situations as a development strategy for helping to prevent deadly conflict' (Mason, 2000: 37). Although he appreciates that the lack of tangible results associated with prevention strategies can make them unpopular with donors, this research shows that DDR has been considered within a long-term development context, and is not just confined to the immediate post-war period. With this in mind, future research on engagement with armed NSAs needs to look beyond DDR, and answer the following questions:

1. What governance roles can or do armed NSAs fulfil in times of conflict, and from where do they derive their legitimacy?
2. Can these roles be transformed into legitimate action post-conflict?
3. Under what conditions can negotiation with armed NSAs take place, and what bargaining tools can armed groups bring to political settlements?
4. What incentives can be offered to armed NSAs to engage in peaceful development programming without recourse to sanctioning impunity for past crimes?

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17 *Las Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo* (The Revolutionary Armed Forces of Colombia – People's Army)

# 6.0

## Non-citizen protracted migrants

While some of the literature on NSAs does take into account issues pertaining to the marginalisation that some citizens may face, and the subsequent impact of this exclusion on rebel group support and recruitment (Mampilly, 2011; La Porte, 2012), this literature tends to focus on citizens. However, those who are most vulnerable to armed group recruitment, and who may subsequently become those more resistant to developmental change, are frequently those whose citizenship status is most uncertain. To become an 'active citizen,' actors need to first be treated, or at least recognised, as citizens.

Despite a growing body of literature examining the relationship between migrant populations and pervasive insecurity, non-citizen migrant communities are fairly narrowly discussed in long-term development strategies. The bulk of donor programming on migrant communities looks primarily at refugees, and tends to focus on humanitarian assistance and repatriation. These approaches tend to treat refugees as a short-term conflict-related problem. They often overlook the fact that many migrants who cross proximate borders during conflicts or natural disasters remain, for many reasons, in their country of resettlement for protracted periods. It is therefore important to address what Loescher and Milner describe as the 'neglected linkages in policy debate and research between protracted refugee situations and security' (Loescher & Milner, 2005: 8).

### The securitisation of migration

Since the expansion of the security studies agenda to focus on threats beyond the traditional politico-military threats (Buzan & Hansen, 2009), the securitisation of migration has gained increasing prominence. As Dannreuther states, 'international migration is probably one of the most cited, yet contested, areas of the new security agenda' (2007: 100). Although some studies have established that there are causal links between refugees and militarised interstate disputes (Salehyan, 2008; Lischer, 2005; Adamson, 2006), migration flows are largely under-theorised in the literature on the causes of war, leading to what Weiner describes as an 'intellectual vacuum' (1996: 6) when it comes to responses to refugee crises and migrant flows more generally.

A majority of this migration security literature has focused on the articulation of immigrants as a threat to Western liberal democracies, and how a balance can be achieved between the humanitarian concern to help refugees in need, and the political instability and economic burdens that a large influx of migrants across Western borders can bring (see Weiner, 1996; Bigo, 2002). However, less attention has been paid to the flow of migrants across more proximate borders in times of civil conflict. It is the neighbouring states of countries producing large amounts of refugees, which are often struggling with their own development processes, that tend to bear the brunt of migrant flows.

While theorists looking at regional security complexes and the contagion of conflict note how large migrant populations can create instability in host countries (Bigo, 2002; Weiner, 1996; Braithwaite, 2010), only limited research has been done on what happens when migrants have settled in a host country for protracted periods of time. Milner and Loescher argue that 'Long-term refugee populations are a critical element in ongoing conflict and instability, they obstruct peace processes and undermine attempts at economic development...they generate instability in neighbouring countries and trigger interventions by host states and regional actors, and refugee camps can serve as bases and sanctuaries for armed groups that are sources of insurgency, resistance and terrorist movements' (Loescher & Milner, 2005: 8). This framing of migrants as threats stands in contrast to humanitarian representations of refugees as voiceless victims in need of external help.<sup>18</sup> Nyers argues that by adding new security discourses on migrant communities we are uncovering their bimodal nature; on the one hand they represent humanitarian concerns, and on the other they are 'othered' as a threat and cast as almost less than human (Nyers, 2006). In both understandings, however, migrants are framed without attention to the political agency that they exercise. A better understanding of this agency (and the challenges it presents to states, development and citizenship) is therefore needed.

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<sup>18</sup> Migrants, especially conflict induced migrants, understood as victims are seen not as the *threat* but as the referent object in need of *protection*.

## Rights without citizenship

The literature surveyed above relates to a heterogeneous group of migrant actors, and labels such as 'refugee' 'exile' and 'economic migrant' all carry with them certain normative, legalistic, and operational connotations (Perera, 2013; Nyers, 2006). This paper has chosen the label of '*non-citizen protracted migrant*' (NCPM) – a label not widely used in the literature, but which attempts to confer no moral or legal prejudices and obligations on the group in question. There are three characteristics that NCPMs must fulfil, and no comment has been made about the method of their migration – this been left purposefully broad and inclusive so that refugee, exile or economic migrant groups who fit the stated criteria can be incorporated into the category:

- A NCPM actor must have spent a protracted period of time away from their home state and should show signs of seeking long-term residence in their host state.<sup>19</sup>
- These actors show signs of political, economic or social interaction or integration with their host state, and a desire for accessing rights from the state.
- Finally, the group must lack formal recognition from the state as citizens.

By moving away from labels that confer on NCPMs notions of either victimhood or threat, we can begin to focus more on these groups' agency, and on how they might challenge the state-citizen dichotomy. Duncan Green observes that 'For those who do not enjoy full rights of citizenship, such as migrants or (in some cultures) women, the first step is often to organise to assert those rights' (Green, 2012: 12). This presents an analytical problem: how do we deal with actors who, although not formal citizens, display qualities of citizenship? Stephen Jackson provides three conceptions of citizenship which may provide a useful starting point for answering such a question. In Jackson's conceptualisation, NCPMs lack formal recognition as citizens, and are therefore without 'civic citizenship' – which formalises the role between the citizen and the state. However, in situations in which the state is fairly ill-equipped to provide them with protection and public goods, this citizenship is meaningless if it is not accompanied by what Jackson terms the 'ethnic/local' dimension of citizenship (i.e. a relationship between the individual and customary authority – which is significant for rights such as land allocation), and the 'empirical/lived' dimension of citizenship (pertaining to 'the ethically vital, lived sense of belonging and existential security for the individual within society as a whole') (2007: 483).

To ensure that NCPMs are not excluded in the development process, we need to better understand the creative ways that NCPMs exercise their rights to alternative forms of citizenship, and how they too can become active citizens in effective states. Although some new research has been conducted on how refugee groups exercise agency (Thomson, 2013; Perera, 2013), almost no research has been carried out on working politically with NCPMs and how non-citizens can best be represented in areas of limited statehood.

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<sup>19</sup> Joly (2002) draws a distinction between Odyssean actors (who have a plan to return home) and Rubicon actors (who seek permanent resettlement), but those Odyssean actors, such as Palestinian refugees, who have shown long-term re-settlement even though they may wish to go home would still be classed as NCPMs.

# 7.0

## Conclusion

It has been observed that 'scant donor engagement with non-state actors means that there is little specific experience that can be used to guide further programming' (Denney, 2012: 2). Nonetheless, the evidence in the literature shows that a wide range of actors outside the state have the capacity to both enhance and hinder the development process. These actors require consideration in the funding and design of development programs. Certainly the risks involved in identifying "legitimate" NSAs, and the difficulty in measuring success in programming involving NSAs, may explain why donors are reluctant to engage with them. Nonetheless, research on the NSAs discussed above points to a number of interesting phenomena and characteristics that affect their role in development.

In the existing literature covering cases of engagement with NSAs, the evidence of the benefits of doing so is mixed. If well managed, NSAs can be vital providers of public goods and services, give voice to marginalised and excluded groups, encourage peaceful coexistence between groups, and perform essential checks and balances against the tyranny of the state. However, these groups can also become spoilers to development processes by undermining the power and authority of the state, threatening insecurity, encouraging corrupt practices and oppressing populations.

It is clear therefore that to engage effectively with NSAs, donors and other external actors need to get the balance right – of encouraging active citizenship without reducing the effectiveness of the state. This paper points to a considerable body of literature that argues that the encouragement of an active citizenry (with citizenship widely conceived) is essential to effective statehood, as it provides the legitimacy upon which effective statehood is built, and prevents the building of an all-powerful authoritarian state.

As the literature has shown, in many instances, NSAs provide forms of governance in the face of weak state capacity. Risse observes that non-state governance is "multi-level governance", 'which links the local with the national, regional and global levels and is based on shared sovereignty' (Risse, 2011: 2). The question that arises is how do we persuade actors who have been used to having a share of that sovereignty to cede this sovereignty back to the state? Linked to this, we should also ask how we convince actors who have been serving as "functional equivalents" to the state that they should engage in processes that facilitate 'hierarchical steering by a well-functioning state' (ibid). In other words, what incentives might drive NSAs to engage with the state if they are used to operating independently of the state?

The literature tends to show that NSA cooperation relies primarily on whether the NSA in question sees working with the state as being in their interests. For example, Phillips shows that President Egal managed to convince the Somaliland business elite that support for his state building project would result in a safer business environment, and offered supporters large tax concessions in return (Phillips, 2013). However, how do we engage when the state is unwilling to make such concessions (as is the case of the Rwandan government's attitude to opposition groups, for example) or when the relative power of an NSA means that it is demonstrably not in the interests of that actor to work with a weak and/or hostile state?

When this paper was originally conceived, it sought to answer a number of questions about engagement with NSAs. However, given the dearth of research focusing specifically on NSA engagement, these questions remain largely unanswered. Nonetheless, such questions could form the basis of future research into NSAs and their role in developmental leadership:

- What are non-state actors beyond simply those who do not act for the state; what constitutes a 'legitimate' non-state actor?
- What prior non-state networks exist within societies that have weak/non-existent states, and what roles can/do these non-state actors play in resolving collective action problems?
- Do the citizens of states with limited statehood see more legitimacy in the authority of non-state actors than state actors, and if so, how do non-state actors gain this legitimacy?
- How do non-state actors reach political settlements and what are the implications for this on how we understand politics and citizenship in developing contexts?
- What are the key factors determining non-state engagement in political processes, and how do different types of actors engage in different ways (i.e. what factors account for the making and breaking of non-state political settlements)?
- How do donors and other external actors seek to engage with non-state actors, and what have been the benefits and challenges of such engagement?

It is clear that there is a theoretical gap between development literature on engaging at a non-state level, and the multi-disciplinary research on various types of non-state actor. This is why this paper has sought to survey the existing literature from both camps in an attempt to bridge this gap. In addition to identifying existing research on NSAs that may speak to research on thinking and working politically in development, the paper has also highlighted a number of theoretical weak points that may hamper sophisticated research in this field. The paper argues that engaging with NSAs is essential to promoting developmental leadership, but questions of who to engage with, and how, remain largely unanswered. Research that answers these questions will also need to also address the implications that engaging with non-state actors will have for wider state-society relations in developmental states.

The current body of literature on NSAs reveals that while there are a wide range of case studies looking at NSAs in different contexts, there is no clearly defined understanding of what constitutes a NSA, or how to engage with NSAs as actors in their own right. The literature reveals some significant unanswered questions, as noted above, but also some trends that might be worth considering when conducting future research:

1. **Both the research on, and policy engagement with, particular NSAs often adopt a set of normative assumptions about the nature of those NSAs**, even though the concept of what constitutes a non-state actor is often ill-defined. Consequently, the form of engagement taken with a particular type of NSA often depends on the initial normative judgement made about it. Future research should be more attentive to the shaping power of these normative assumptions. Furthermore, it should acknowledge that unintended consequences when designing programs and interventions involving NSAs may arise, especially if they are co-designed or co-implemented with actors who may not share these norms.
2. **The overwhelming majority of the literature on NSAs discusses them in relation to the state.** It would appear that successful engagement with NSAs does, at least in part, require consent and cooperation from existing state authorities. The current literature has shown that *state willingness to cooperate in NSA engagement is stronger when the NSAs are serving as co-producers with, rather than substitutions for, the state.* However, the research also shows that *where states are weak, the most effective NSAs are those providing functional equivalents to state power.* More research needs to be conducted into how to peaceably reconcile the power of the state with the work of these functional equivalents.
3. **The literature that examines where NSAs have managed to successfully provide substitutions for state services and security provision tends to focus on quick-fix or short-term solutions.** It is worth examining whether substitution for the state is sustainable in the long-term, and whether it can provide long-term solutions. It is clear that the state's monopoly on violence, legitimacy, and sovereignty in developing states cannot be taken for granted, and that myriad NSAs are competing to assert the authority, and provide the security and services that these states may be unable to provide. However, how these NSAs operate and what it means for the future of the state is as yet unclear, and warrants further consideration.

# References

- Adamson, F. B. (2006). Crossing Borders: International Migration and National Security. *International Security*, 31(1), 165-199.
- 
- Alston, P. (2005). 'The "Not-a-Cat" Syndrome: Can the International Human Rights Regime Accommodate Non-State Actors?'. In P. Alston, *Non-State Actors and Human Rights* (pp. 3-36). Oxford: OUP
- 
- Ansari, S., Munir, K., & Gregg, T. (2012). Impact at the 'Bottom of the Pyramid': The Role of Social Capital in Capability Development and Community Empowerment. *Journal of Management Studies*, 49(4), 813-842.
- 
- Bano, M. (2012). *Breakdown in Pakistan: How Aid Is Eroding Institutions for Collective Action*. Stanford: Stanford University Press.
- 
- Batley, R., McCourt, W., & McLoughlin, C. (2012). Editorial. *Public Management Review*, 14(2), 131-144.
- 
- Berdal, M. (1996). *Disarmament and Demobilisation after Civil Wars*. Oxford: Adelphi Papers.
- 
- Beswick, D & Jackson, P. (2011) *Conflict, Security and Development*. London: Routledge.
- 
- Bethlehem, D. (2012). Self-Defense Against an Imminent or Actual Armed Attack by Actors. *The American Journal of International Law*, 106(4), 769-777.
- 
- Bhatia, M. V. (2005). The Politics of Naming: Rebels, Terrorists, Criminals, Bandits and Subversives. *Third World Quarterly*, 26(1), 5-22.
- 
- Bigo, D. (2002). Security and Immigration: Toward a Critique of the Governmentality of Unease. *Alternatives*, 27, 63-93.
- 
- Booth, D. (2012). *Development as a Collective Action Problem: Addressing the Real Challenges of African Governance*. London: ODI.
- 
- Braithwaite, A. (2010). Resisting Infection: How State Capacity Conditions Conflict Contagion. *Journal of Peace Research*, 47(3), 311-319.
- 
- Brinkerhoff, D., Wetterberg, A., & Dunn, S. (2012). Service Delivery and Legitimacy in Fragile and Conflict-Affected States: Evidence from Water Services in Iraq. *Policy Management Review*, 14(2), 273-293.
- 
- Brittain, J. J. (2010). *Revolutionary Social Change in Colombia: The Origin and Direction of the FARC-EP*. Norwich: Pluto Press.
- 
- Brown, W. (2006). Africa and international relations: a comment on IR theory, anarchy and statehood. *Review of International Studies* 32(1), 119-143.
- 
- Buzan, B., & Hansen, L. (2009). *The Evolution of International Security Studies*. Cambridge: Cambridge University Press.
- 
- Calame, P. (2008). *Non-State Actors and World Governance*. Forum for a New World Governance Discussion Paper.
- 
- Carames, A., Fisas, V., & Sanz, E. (2007). *Analysis of the Disarmament, Demobilisation and Reintegration (DDR) Programs Existing in the World During 2006*. Escola de Cultura de Pau: Barcelona.
- 
- CIVICUS. (2013). *State of Civil Society 2013: Creating and Enabling Environment*. Johannesburg: CIVICUS.
- 
- Clapham, A. (2006). Human rights obligations of non-state actors in conflict situations. *International Review of the Red Cross*, 88(863), 491-523.
- 
- Clapham, A. (2009). Non-State Actors. In V. Chetail, *Postconflict Peacebuilding: A Lexicon* (pp. 200-210). Oxford: OUP
- 
- Cornwall, A., Robins, S., & von Lieres, B. (2011). *States of Citizenship: Contexts and Cultures of Public Engagement and Citizen Action*. Brighton: IDS
- 
- Court, J., Mendizabal, E., Osborne, D., & Young, J. (2006). *Policy Engagement: How Civil Society Can be More Effective*. London: ODI
- 
- Dannreuther, R. (2007). *International Security: The Contemporary Agenda*. Cambridge: Polity Press
- 
- David-Barrett, E. (forthcoming, 2015). The State-Private Interface in Public Service Provision. State of the Art Paper 6, DLP, University of Birmingham.
- 
- Denney, L. (2012). *Non-state security and justice in fragile states: Lessons from Sierra Leone*. London: ODI
- 
- DfID. (2010). *Building Peaceful States and Societies: A DfID Practice Paper*. London: DfID.
- 
- DfID. (2013). *Thinking and Acting Politically: Supporting Citizen Engagement in governance - The Experience of the State Accountability and Voice Initiative in Nigeria*. London: DfID.
-

- ESID. (2014). *The Effective States and Inclusive Development Research Centre*. Manchester: The Effective States and Inclusive Development Research Centre.
- 
- European Commission. (2013). *Communication on "Strengthening the Role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries"*. Brussels: European Commission.
- 
- European Commission. (2014, January 20). *Proposed European Commission communication on "Strengthening the Role of the Private Sector in Achieving Inclusive and Sustainable Growth in Developing Countries"*. Retrieved May 20, 2014, from European Foundation Centre: [http://www.efc.be/news\\_events/Pages/news\\_Call-for-contributions-EC-communication-private-sector-and-development.aspx](http://www.efc.be/news_events/Pages/news_Call-for-contributions-EC-communication-private-sector-and-development.aspx)
- 
- Fjelde, H., & Nilsson, D. (2012). Rebels against Rebels: Explaining Violence between Rebel Groups. *Journal of Conflict Resolution*, 56(4), 604-628.
- 
- Fritz, V., & Menocal, A. R. (2007). *Understanding State-Building from a Political Economy Perspective*. London: Overseas Development Institute.
- 
- Gardner, K. (2012). *Discordant Development: Global Capitalism and the Struggle for Connection in Bangladesh*. London: Pluto Press.
- 
- Green, D. (2012). *From Poverty to Power: How Active Citizens and Effective States Can Change the World*. Oxfam: Practical Action Publishing Limited.
- 
- Green, D. (2014). *Can donors support civil society activism without destroying it? Some great evidence from Nigeria*. Retrieved September 26, 2014, from From Poverty to Power: <http://oxfamblogs.org/fp2p/can-donors-support-civil-society-activism-without-destroying-it-some-great-evidence-from-nigeria/>
- 
- Grimm, S., Lemay-Hébert, N. & Nay, O. (2014) "'Fragile States': Introducing a Political Concept' in *Third World Quarterly* Vol. 35 Issue No. 2, pp. 316-332
- 
- Grynkwich, A. (2008). Welfare as Warfare: How Violent Non-State Groups Use Social Services to Attack the State. *Studies in Conflict & Terrorism*, 350-370.
- 
- Hadenius, A., & Ugglå, F. (1996). Making Civil Society Work, Promoting Democratic Development: What Can States and Donors Do? *World Development*, 29, 1621-1639.
- 
- Haider, H. (2011). *State-Society Relations and Citizenship in Situations of Conflict and Fragility*. Birmingham: GSDRC.
- 
- Harpviken, K. B., & Kjellman, K. E. (2004). *Beyond Blueprints: Civil Society and Peacebuilding*. Oslo: International Peace Research Institute.
- 
- Haufler, V. (2001). *A Public Role for the Private Sector*. Washington D.C.: The Carnegie Endowment for International Peace.
- 
- Hmoud, M. (2013). Are New Principles Really Needed? The Potential of the Established Distinction Between Responsibility for Attacks by Nonstate Actors and the Law of Self-Defense. *The American Journal of International Law*, 107(3), 576-579.
- 
- Hoffmann, K. & Verweijen, J. (2013). *The Strategic Reversibility of Stateness: Contemporary Mai-Mai Militias and Processes of State (un)Making in South Kivu, DR Congo* (paper presented at the Workshop on Armed Forces and Conflict Dynamics in the Great Lakes region, October 28–30, Kampala, 2013, 1-26).
- 
- Hoffmann, K. & Vlassenroot, K. (2014). Armed groups and the exercise of public authority: the cases of the Mayi-Mayi and Raya Mutomboki in Kalehe, South Kivu. *Peacebuilding*, 2(2), 202-220.
- 
- Hurt, S. (2003). Cooperation and Coercion? The Cotonou Agreement between the European Union and ACP states and the end of the Lome Convention. *Third World Quarterly*, 24(1), 161-176.
- 
- Jackson, A. (2012). *Talking to the Other Side: Humanitarian Engagement with Armed Non-State Actors*. London: Overseas Development Institute - Humanitarian Policy Group.
- 
- Jackson, S. (2007). Of 'Doubtful Nationality': Political Manipulation of Citizenship in the D. R. Congo. *Citizenship Studies*, 11(5), 481-500.
- 
- Joshi, A., Prichard, W., & Heady, C. (2013). *Taxing the Informal Economy: Challenges, Possibilities and Remaining Questions*. Brighton: IDS.
- 
- Kamani, A. (2009). Romantizing the Poor. *Stanford Social Innovation Review*, 38-43.
- 
- Kasfir, N. (2002). Dilemmas of popular support in guerilla war: The National Resistance Army in Uganda UCLA, November 2002. LiCEP6. Los Angeles: <http://www.yale.edu/macmillan/ocvprogram/licep/6/kasfir/kasfir.pdf>.
- 
- La Porte, T. (2012). The Legitimacy and Effectiveness of Non-State Actors and the Public Diplomacy Concept. *Public Diplomacy Theory and Culture Issues: ISA Annual Convention* (pp. 1-13). San Diego: ISA.
- 
- Lake, R. W., & Newman, K. (2002). Differential citizenship in the shadow state. *Geojournal*, 58(2), 109-120.
- 
- Laws, E. (2012). *Political Settlements, Elite Pacts, and Governments of National Unity*. Developmental Leadership Program.
- 
- Lischer, S. K. (2005). *Dangerous Sanctuaries: Refugee Camps, Civil War, and the Dilemmas of Humanitarian Aid*. Ithaca: Cornell University Press.
- 
- Loescher, G., & Milner, J. (2005). *Protracted Refugee Situations: Domestic and International Security Implication*. Oxford: Routledge.
- 
- Maher, D. (2012). The FARC: the longest insurgency, by Garry Leech, Critical. *Critical Studies on Terrorism*, 5(1), 149-152.
- 
- Mampilly, Z. C. (2011). *Rebel Rulers: Insurgent Governance and Civilian Life During War*. New York: Cornell University Press.
- 
- Mandel, R. (2013). *Global Security Upheaval: Armed Nonstate Groups Usurping State Stability Functions*. Redwood City: Stanford University Press.
- 
- Mason, P. (2000). Disarmament, Demobilization and Reintegration Programs as a Means to Prevent Deadly Conflict. In H. W. (ed), *Security Sector Reform* (pp. 37-43). Bonn: Bonn International Center for Conversion.
- 
- McElhane, K. (2009). A Strategic Approach to Corporate Social Responsibility. *Leader to Leader*, 30-36.
- 
- McIlwaine, C. (1998). Civil Society and Development Geography. *Progress in Human Geography*, 22(3), 415-424.
-

- Mcloughlin, C. (2014). When does service delivery improve the legitimacy of a fragile or conflict-affected state? *Governance*, Advance online publication. DOI: 10.1111/gove.12091
- 
- Mcloughlin, C. (2014b) *State Legitimacy*. Concept Brief No. 2. DLP, University of Birmingham.
- 
- National Intelligence Council. (2007). *Nonstate Actors: Impact on International Relations and Implications for the United States*. Washington DC: National Intelligence Officer for Economics and Global Issues.
- 
- Nye, J. S. (2008). Public Diplomacy and Soft Power. *Annals of the American Academy of Political and Social Science*, 616, 94-109.
- 
- Nyers, P. (2006). *Rethinking Refugees: Beyond States of Emergency*. London: Routledge.
- 
- Obi, C., & Rustad, S. A. (2011). Introduction. In C. Obi, & S. A. Rustad, *Oil and Insurgency in the Niger Delta: Managing the Complex Politics of Petro-Violence* (pp. 1-14). London: Zed Books.
- 
- Oxfam. (2013). *Governance and Fragility: What we know about effective programming in fragile contexts*. Oxfam.
- 
- Pearlman, W., & Cunningham, K. G. (2012). Nonstate Actors, Fragmentation, and Conflict Processes. *Journal of Conflict Resolution*, 56(3), 3-15.
- 
- Perera, S. (2013). Alternative Agency: Rwandan Refugee Warriors in Exclusionary States. *Conflict, Security and Development*, 13(5), 569-589.
- 
- Peters, A., Koechlin, L., Forster, T., & Zinkemagel, G. F. (2009). *Non-State Actors As Standard Setters*. Cambridge: Cambridge University Press.
- 
- Phillips, S. (2013). *Political Settlements and State Formation: The Case of Somaliland*. Research Paper 23. DLP, University of Birmingham.
- 
- Prahalad, C., & Hart, S. L. (2002). The Fortune at the Bottom of the Pyramid. *Strategy and Business*, 26, 1-16.
- 
- Putzel, J., & Di John, J. (2012). *Meeting the challenges of crisis states*. Crisis States Research Centre report London: LSE
- 
- Rajak, D. (2011). *In Good Company: An Anatomy of Corporate Social Responsibility*. Stanford: Stanford University Press.
- 
- Redfield, P. (2012). Bioexpectations: Life technologies as humanitarian goods. *Public Culture*, 24(1), 157-184.
- 
- Rijper, A. (2013, November 1). *Fragile States or Hybrid Societies*. Retrieved from The Broker Online: <http://www.thebrokeronline.eu/Articles/Fragile-states-or-hybrid-societies>
- 
- Risse, T. (2011). *Governance Without a State?: Policies and Politics in Areas of Limited Statehood*. New York: Columbia University Press.
- 
- Rosenau, J. N. (1992). Governance, order and change in world politics. In J. N. Rosenau, & E.-O. Czempiel, *Governance without government: Order and change in world politics* (pp. 1-29). Cambridge: Cambridge University Press.
- 
- Salehyan, I. (2008). The Externalities of Civil Strife: Refugees as a Source of International Conflict. *American Journal of Political Science*, 52 (4), 787-801.
- 
- Santarelli, N. C. (2013, July 24). *Nonstate Actors*. Retrieved January 15, 2014, from Oxford Bibliographies: <http://www.oxfordbibliographies.com/view/document/obo-9780199>
- 
- Schuppert, G. F. (2011). Law Without a State? A "New Interplay" Between State and Nonstate Actors in Governance by Rule Making. In T. Risse, *Governance Without a State?: Policies and Politics in Areas of Limited Statehood* (pp. 64-86). New York: Columbia University Press.
- 
- Spurk, C. (2010). Understanding Civil Society. In T. Paffenholz, *Civil Society and Peacebuilding: A Critical Assessment* (pp. 3-29). Boulder: Lynne Rienner.
- 
- Terry, F. (2002). *Condemned to repeat? The paradox of humanitarian action*. Ithaca: Cornell University Press.
- 
- Thomson, S. (2013). Agency as Silence and Muted Voice: The Problem-Solving Networks of Unaccompanied Young Somali Refugee Women in Eastleigh, Nairobi. *Conflict, Security and Development*, 13(5), 589-611.
- 
- Tsai, L. (2011). Friends or Foes? Nonstate Public Goods Providers and Local State Authorities in Nondemocratic and Transitional Systems. *Studies in Comparative International Development*, 46(1), 46-69.
- 
- van der Haar, G., & Weijts, B. (2013). *Engineering Non-State Governance*. The Broker Online.
- 
- Weiner, M. (1996). Bad Neighbors, Bad Neighborhoods: An Inquiry into the Causes of Refugee Flows. *International Security*, 21(1), 5-42.
- 
- Wilmhurst, E., & Wood, M. (2013). Self-Defense Against Nonstate Actors: Reflections on the 'Bethlehem Principles'. *The American Journal of International Law*, 107(2), 390-395.
- 
- Yunus, M. (2010). *Building Social Business: The New Kind of Capitalism that Serves Humanity's Most Pressing Needs*. New York: Public Affairs.
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