Governance Without Control: Insurgent Institutions and Rebel-Civilian Interaction in Contested Zones

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CPW – MPSA Practice Session
February 15, 2017

Introduction

How do rebel groups interact with civilian populations? In both popular and academic analyses of civil war, much attention is paid to civilian victimization by rebels – terrorism, forced displacement, looting and pillaging, and other crimes. Given the theoretical, political, and moral implications of civilian victimization, this focus is entirely understandable. Yet victimization-centered analyses neglect an important, varied set of *nonviolent* interactions between rebels and noncombatants. Even amidst the chaos of civil war, insurgent groups forge complex political and social relationships with local populations.[1] They provide public or club goods and services, extract resources, and create institutions for political participation and civilian feedback. In many ways, these actions resemble the behaviors normally associated with governments: like the states they seek to challenge, rebel groups appear to be governing.

Over the last decade, a small but growing research agenda in comparative politics has sought to better understand the phenomenon of rebel governance. This literature has attempted to explain the underlying factors shaping variation in the form and extent of governance (Weinstein 2007; Metelits 2010; Mampilly 2011; Arjona 2014; Kasfir 2015; Kalyvas 2015; Wickham-Crowley 2015) as well as the consequences stemming from governance choices (Huang 2016; Stewart, forthcoming). Though varied in their theoretical and empirical approaches, some common threads unite these works. One such thread concerns territorial control. With minor exceptions, scholars of rebel governance concur that coercive control of territory is a necessary precondition for the development of governance institutions. Without control over the use of force in a given territory, they argue, rebel groups will be unable to create functional systems of governance. In zones of contested or incomplete

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[1] Throughout this paper, I will use the terms "rebels" and "insurgents" interchangeably; both refer to armed groups seeking to politically challenge or overthrow a state (or "incumbent" or "counterinsurgent") that holds legal sovereignty over them.

control – areas where counterinsurgents pose a significant military challenge to rebel rule – insurgent governance will be highly limited or nonexistent.

I argue that this conclusion is empirically unsupported and theoretically limiting. While a lack of coercive control may inhibit the development of the most sophisticated systems of rebel governance, it does not preclude the creation of an array of functional, important governing institutions. Rebel groups can – and often do – deploy institutions for service provision, extraction, and political organization in areas of incomplete military control. Two key factors make this possible. Rebels can "hide" such institutions from counterinsurgent forces through civilian collaboration and physical evasion, and they can ensure their security through collusion with state agents. In pursuing these strategies, rebels enjoy a key advantage that their state counterparts do not: whereas states require visible governance institutions for legitimacy, insurgents suffer little or no penalty from keeping them hidden. As a result, rebels are often able to deploy institutions in contested zones where incumbents cannot.

The existence of rebel governance in areas of contested control has important implications for our understanding of civil war. Rebels gain key strategic benefits from successful governance institutions. Popular institutions act as important positive inducements in the contest for civilian hearts and minds, granting rebel militaries the strategic advantages that accompany an increase in civilian loyalty and perceptions of legitimacy. They also act as valuable monitoring mechanisms, leveraging rebel administrators as intelligence collectors to identify civilians collaborating with the state. While these benefits accrue in zones of consolidated control (Arjona 2014; Kasfir 2015) as well, they are especially strategically important in areas of contested control, where military success or failure often hinges on civilian agency (Zedong 1938; Galula 2006; Kalyvas 2006). Finally, governance institutions in contested zones allow for extraction of local resources, broadening the overall tax base available for military and political needs.

This paper proceeds as follows. In the following section, I review the existing literature on rebel governance and territorial control. The third section expands upon the argument presented above, and the fourth tests it against case studies of three insurgencies: the Revolutionary Armed Forces of Colombia (FARC) (1990-present); the Afghan Taliban (2001-present); and the Irish Republican Army (IRA) (1919-1921). The final section offers some potential implications for future research.

Existing theories of rebel governance and territorial control

Though scholars of rebel governance broadly agree about the relationship between territorial control and insurgent governance, there is some variation in the rationales they present and conclusions they draw. Weinstein (2007) presents territorial control as a firm prerequisite for governance. He notes that rebel governance can only emerge where insurgents have "a monopoly on the use of force. It may be that the government can infiltrate the area, but the strongest player is the rebel group" (164). A monopoly on the use of force, he argues, enables and motivates the development of governance:

> "Institutions for governing civilians emerge as rebel groups begin to hold territory. Territorial control allows rebels to move freely rather than remain in hiding, offers the prospect of regularized interaction with civilians, and sends a strong signal of rebel strength" (163).

For Weinstein, then territorial control makes governance both *feasible* – by allowing rebels free movement and granting them political legitimacy – and *desirable*, since both civilians and rebels will want to organize and institutionalize their interactions.

Kasfir (2015) presents a slightly altered version of Weinstein's logic of feasibility. The "capacity to govern," he claims, can only exist when rebels "acquire the military capability to defend the area." Without a preponderance of local military power, rebels will be unable to ensure that civilians can participate in governance institutions without facing violent reprisal from the state or other armed

actors (27-29). Civilians will be unwilling to accept services or interact with rebel institutions for fear of punishment, rendering such institutions meaningless. Whereas Weinstein argues that incomplete coercive control poses a prohibitive danger to rebel administrators, Kasfir claims that the same danger prevents civilians from participating in rebel institutions.

Kalyvas (2006) offers an argument consonant with both Weinstein's logic of desirability and Kasfir's logic of feasibility. While Weinstein focuses on rebel institutions in zones of consolidated territorial control, Kalyvas turns his attention to contested zones. For political actors in civil war, "the provision of benefits loses out gradually to the effective use of violence" (114). As a means of convincing civilians, violent coercion is cheaper and more effective than positive inducements like governance goods. The preeminence of "sticks" over "carrots" is mirrored by civilian preferences as well. Caught between violent actors and constantly struggling to survive, civilians lack the luxury of caring about politics or governance issues. As a result, neither rebels nor civilians are motivated to form positive institutions; the power of violence trumps all else (114-17).

In addition to highlighting the lack of demand for institutions in contested zones, Kalyvas concurs with Kasfir that governance in such areas is unfeasible. "Under conditions of incomplete or no control," he notes, "[governance programs] are guaranteed to fail." Social or political programs can only be implemented where rebels exercise coercive control (128). Mampilly (2011) echoes this consensus, stating that "partially effective" or "effective" governance requires the capacity to "provide a degree of stability that makes the production of other government functions possible" (17). Though a rebel group's coercive control is highly variable – both geographically and temporally – "the effectiveness of [its] political authority" varies with control" (59). Arjona (2014) agrees. In creating a typology of systems of rebel governance, she claims that maintaining the monopoly over the use of violence constitutes the minimal level of governance possible (1375). Coercive control is the lowest

common denominator of governance regimes, and can thus be considered a requirement for any type or degree of rebel governance.[2]

Metelits (2010) provides a different rationale for the relationship between territorial control and rebel governance. She argues that, whenever possible, rebel groups will seek to establish "contractual relations" with local civilians. Unlike coercive relationships, contractual agreements – wherein rebels agree to provide governance goods in exchange for material resources – are sustainable. Civilians are unlikely to defect or flee the area, and will thus continue providing a stable resource base for rebel operations.[3] However, contractual relations are not always possible. When rebels face active military competition from the state or other rebel groups, they urgently require short-term resources. They thus prioritize coercive means of extraction over contractual ones (26-28). According to Metelits' logic, then, rebel governance should only occur where armed competition for territorial control is low. This represents a fundamentally distinct logic from the works surveyed above – but one that reaches the same conclusion.

Alone among scholars of rebel governance, Huang (2016) acknowledges that coercive control need not be a *sine qua non* for the development of rebel institutions. She creates a cross-national dataset of rebel governance systems from 1950 to 2006, coded for both the underlying characteristics of the insurgency and the type and degree of its institutionalization. In testing for correlations, Huang shows that territorial control is associated with an increase in the complexity and extent of rebel governance. However, she finds that the latter is not a precondition for the former: in fact, "rebel governance can emerge very rapidly with only tenuous territorial control" (52). To my knowledge, this empirical

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[2] Interestingly, Arjona notes that state institutions "may operate even when rebels own the monopoly over the use of violence" (1372). She does not extend this logic to rebel institutions in state-controlled areas, however.
[3] Metelits' argument largely coincides with Mancur Olson's (1993) "stationary bandit" theory: pure extraction yields greater short term rents, but a durable social contract increases economic productivity and rents from taxation over time.

finding cannot be accounted for by any existing theory of rebel governance and territory. This is the phenomenon I seek to explain in the following pages.

A theory of governance without control

I argue that sophisticated, strategically significant systems of rebel governance can be instituted without coercive control. I do not entirely disagree with the consensus described above: the most complex governance systems are likely not feasible without a full monopoly on the legitimate use of force. But the deployment of a wide range of institutions – encompassing nearly every type of function commonly associated with government – is possible with limited or nonexistent coercive control.

First, a brief word on concepts. Borrowing from Huang (2016), I define rebel governance as a strategy "in which rebels use political organization to forge and manage relations with civilians" (51).[4] This definition is necessarily broad: mirroring the complexity of modern state-society relations, political interactions between rebels and civilians can take many forms. Drawing on Stokke (2006, cited in Mampilly 2011) and Fukuyama (2013), I divide those interactions into four general categories: coercion, extraction, service provision, and political organization. Coercion refers to the ability to control and regulate the use of force – by rival political actors or others – in a society. In the cases I examine here, coercive control over rival political actors is lacking, but coercion to enforce laws and regulate contracts may be present. I consider extraction to be the taking of rents from the civilian population, through formal or informal institutions of taxation.[5] In contrast, service provision is the act of offering public or club goods to the population, ranging from healthcare, education, and infrastructure services to regulatory and dispute resolution mechanisms. Lastly, political organization

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[4] This definition is broadly consistent with those proffered by other authors: Kasfir (2015) defines rebel governances as "the organization of civilians within rebel-held territory for a public purpose" (24). Mampilly (2011), citing Kasfir's earlier work, defines it as "the range of possibilities for organization, authority, and responsiveness created between guerillas and civilians" (4).

[5] Taxation with little legitimacy or mutual consent can be better described as robbery, looting, or protection racketeering. Though their normative connotations are vastly different, these actions also fall under the umbrella of extraction.

is the voluntary or compulsory involvement of civilians in the political project of the insurgency. Political organization can take the form of mobilization into cadres or recruitment into military forces; it can also refer to the creation of feedback mechanisms such as elections and representative bodies to transmit civilian preferences to insurgent leadership.

What makes rebel governance across these categories possible without coercive control? Weinstein and Kasfir are correct: without military superiority, both rebel administrators and civilians participating in rebel institutions are vulnerable to attack from counterinsurgent forces.[6] Under threat of arrest or death, neither is likely to risk involvement in governance institutions. Crucially, however, the threat posed by counterinsurgents is significantly less all-encompassing than Weinstein and Kasfir claim. Rebels can employ two strategies to mitigate the danger posed by state militaries: 1) hiding institutions from counterinsurgent security forces, and 2) reaching collusive agreements with local state actors – political or military – so that they refrain from targeting institutions. Drawing on one or both of these strategies, insurgents are able to diminish the probability of punishment sufficiently to render the deployment of institutions feasible.

Hiding institutions

The first strategy, hiding institutions, rests on an obvious insight: state security forces cannot use their coercive advantage to crush rebel institutions if they cannot locate and target them. Often this is no simple task. Insurgents need not advertise the presence of their institutions in ways visible to counterinsurgent forces. Rebel administrations can dispense public goods and services and regulate aspects of civilian life through informal networks and word of mouth. Moreover, many governance institutions have light physical footprints – at their simplest, courts for dispute resolution require

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[6] For the sake of parsimony, I outline this theory for the simplest model of civil war: a three actor game wherein a state is engaged in a military contest against one insurgent group, while both interact with a civilian body with varying loyalties (cf. Berman, Shapiro, and Felter 2011).

nothing more than a judge and a courtroom, while political meetings can be held in a basement and taxes paid under the guise of legitimate business. In areas of contested control, for example, Taliban judges operated clandestinely, secretly administering justice in makeshift courtrooms in mosques or elsewhere (Baczko 2013). In addition to being covertly operated and physically hidden, institutions can be physically mobile. For example, the FARC in Colombia dispensed healthcare to rural communities through a mobile clinic, simply relocating the medical officials and supplies when they received word of arriving security forces (Penhaul 2011). In many cases, rebels can maintain a level of institutional quality higher than that offered by state forces – even while working clandestinely.

Crucially, the capacity for covert governance is generally not shared by states. As the *de jure* sovereign power, states are expected to conduct the functions of statehood visibly and inclusively – even in zones of contested control or active hostilities. Conceding that such institutions cannot operate publicly is highly damaging to conceptions of state legitimacy. The reputational costs of concealing governance institutions often lead states to continue to advertise them openly; this makes them easy targets for insurgent security forces. In contrast, rebels have lower expectations when it comes to standards of formal authority. While publicly performing the trappings of statehood can increase the domestic and international legitimacy of the insurgency (Mampilly 2011), it is rarely expected.

The covert nature and light, mobile footprint of rebel institutions pose a significant challenge to counterinsurgents. Identifying the bureaucrats administering insurgent institutions and the civilians benefiting from them requires detailed and ongoing local knowledge. To a certain extent, this level of knowledge can be achieved through a comprehensive, lasting military presence in the community. Permanently garrisoned security forces represent an immediate, omnipresent coercive threat. They can monitor daily life, gather their own intelligence, and build personal relationships with key members of the community. But garrisoning poses challenges as well. When viewed as "occupation," it can

engender resentment among local civilians, leading them to withhold information or act in support of the insurgents (for a similar argument, see Pape 2005). Garrisoned troops are vulnerable to ambush and surprise attack, rendering force protection difficult (Zambernardi 2010). Crucially, garrisoning security forces is prohibitively expensive for many counterinsurgents. The U.S. Army/Marine Corps Counterinsurgency Field Manual (2007: 13) recommends a ratio of twenty counterinsurgents per 1000 civilians – scaled up to the context of a national conflict, a highly demanding requirement. Few, if any, incumbents are capable of sustaining garrisons of that size in more than a few contested areas. While a useful tool, garrisoning is not a panacea for the problem of incomplete local knowledge.

Even given a degree of ongoing military presence, moreover, incumbents face a dearth of intelligence. Canadian forces occupying a district in Kandahar, Afghanistan were unable to even identify the local elders legitimately responsible for administering the district (Giustozzi 2008: 51-52), let alone undercover Taliban administrators. To some extent, this lack of intelligence can be resolved through assistance from local civilians. As Kalyvas (2006) notes, civilian collaborators are critical to solving the "identification problem" – determining who supports or fights for the rival political actor. Members of the community, connected to social networks and trusted by their co-inhabitants, are likely to have much better local knowledge than even the best-informed security forces. As such, whichever actor convinces civilians to share intelligence with them – and not with their rival – gains a crucial strategic advantage. Kalyvas claims that the way to achieve this civilian collaboration is through coercion: a "constant and credible armed presence" will be associated with a higher rate of collaboration and a lower rate of defection (132). From this perspective, garrisoning troops should allow for the identification and targeting of rebel administrators.

However, I argue that this association only holds to a point: the minimal footprint of rebel institutions means that even coercion-induced collaboration may be insufficient. Though members of a community have better information than outsiders, some personal information remains private at

the community level. The FARC possessed thousands of *milicianos* – undercover military or political operatives – across Colombia, many of them clandestinely operating in urban areas (McDermott 2011; Acero Velasquez 1995) in the midst of the Colombian police and military. Even given a thorough saturation of security forces and high levels of collaboration, civilians who participate in rebel institutions often have a reasonable belief that they will go undetected. Contrary to Kalyvas, the struggle for survival in contested zones is rarely so all-encompassing as to wholly subsume the exigencies and aspirations of everyday life. Both rebels and civilians can often assume that they can participate in covert institutions without paying the price.

Collusion to preserve institutions

In addition to hiding institutions from state security forces, rebels often reach informal agreements with state agents to preserve them. Incumbent politicians and military leaders frequently have powerful political and economic incentives to make collusive agreements with rebel groups. Keen (1998: 17-21) argues that war distorts local political economies in ways that incentivize "cooperative conflict," wherein opposing forces covertly cooperate to maximize economic gain. Counterinsurgents may sell weapons or ammunition to rebels, or collude to exchange ransoms for captured combatants.
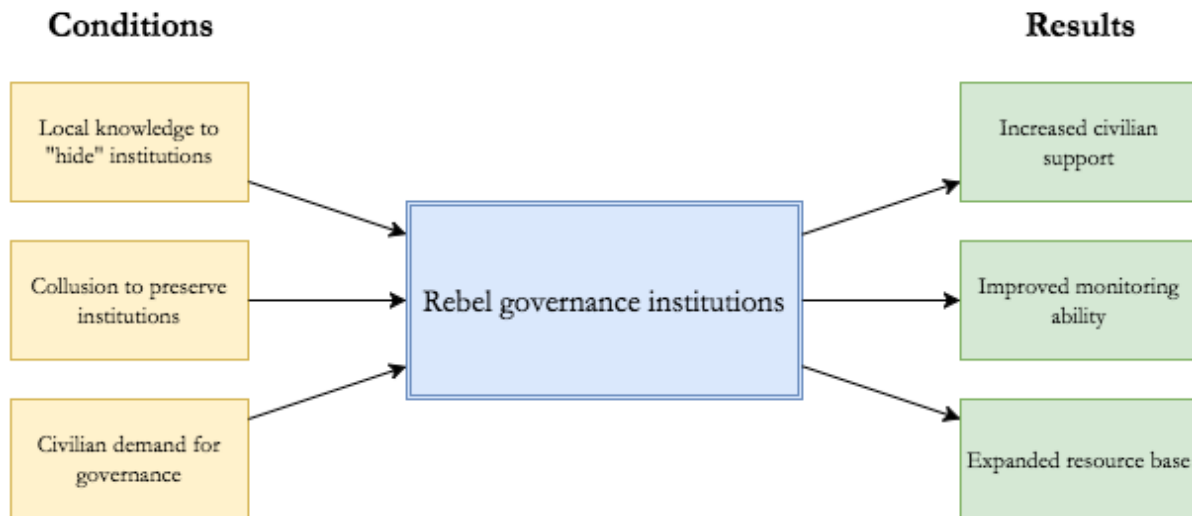
Commonly, this cooperation centers around illicit economies. In peacetime, trafficking in narcotics, precious gems, illegal logging, or other contraband is prohibited. In conflict, however, the fog of war can obscure such activities, enabling state agents to tap into lucrative illicit economies without suffering normative or legal consequences. For example, the Peruvian Army – nominally charged with suppressing the drug trafficking of the Shining Path insurgents – instead tolerated or even taxed coca shipments emerging from the region (Keen 1998). In these types of situations, counterinsurgents may collude with rebels to profit from insurgent institutions administering or regulating the illicit economy. They may jointly tax narcotics producers or share trafficking networks. Counterinsurgents will thus be unlikely to target rebel institutions for destruction.

Such collusion may also reflect a pragmatic attempt to limit war. Rebels and incumbents sometimes tacitly cooperate to minimize losses, developing restricted rules of engagement to limit active conflict (Staniland 2012). Counterinsurgents may reach informal agreements with rebels where they agree to spare rebel institutions in exchange for declaring other political or economic targets off-limits. In addition to limiting the scope of war, declining to target non-combatants such as administrators and civilians is a useful public relations tactic, promoting international support and minimizing the popular backlash that accompanies civilian targeting. Both of these types of collusion – to limit war and to maximize economic profit – can result in rebel institutions being spared destruction.

Of course, governance institutions are only meaningful if they are used (Mampilly 2011; Kasfir 2015). Several factors that often characterize zones of contested control make civilian participation in rebel institutions likely. In the case of extraction, civilians often have no choice. Though rebels may be militarily inferior to counterinsurgents in a given territory, they nearly always have the coercive wherewithal to force civilians to render financial or material support. Looting and stealing is common in warzones. However, civilians in such areas may also accept extraction voluntarily – in exchange for governance services they desire. As in zones of preponderant rebel control, popular demand for governance is likely to be high. Insurgencies commonly break out in areas of low state penetration (Fearon and Laitin 2003; Hendrix 2010), where state institutions have limited reach and service provision is weak. Civilians are likely to be suffering from a lack of public services, ineffective or absent dispute resolution mechanisms, and minimal representation in the central government.

Furthermore, conflict dynamics in contested zones can inhibit access to already-weak state governance institutions. State institutions may be unintentional victims of stray bullets or collateral damage of explosives. Bureaucrats may be unable or unwilling to work in conditions of danger. Moreover, insurgent groups have been empirically shown to use violence to prevent civilians in

Rebel Governance in Contested Zones

Conditions

- Local knowledge to "hide" institutions
- Collusion to preserve institutions
- Civilian demand for governance

→ Rebel governance institutions →

Results

- Increased civilian support
- Improved monitoring ability
- Expanded resource base

contested areas from participating in state governance institutions (Crost et al., 2014; Pape et al., forthcoming). Aware of the strategic benefits of improving governance, rebel groups target both the bureaucrats and local politicians that administer state institutions and the civilians that engage with them.[7] Civilians in contested zones are thus likely to be lacking access to basic governance services and willing to reward actors who can provide such services.

Benefits of rebel governance

Like civilians, rebels stand to benefit from successful governance institutions. Three key benefits stem from the successful implementation of governance in contested zones: 1) institutions act as positive inducements, increasing support among civilians; 2) deployed rebel administrators are better able monitor communities for collaboration with counterinsurgents; and 3) increased resource extraction in contested zones expands the insurgency's overall tax base. Though all three of these results of governance – civilian support, monitoring, and extraction – also accrue in zones of

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[7] This finding represents the mirror image of the reasoning used by Kasfir and Weinstein to claim that rebel governance without control is impossible. As discussed above, however, this logic is not symmetric; reputational costs render states less able to hide their institutions than rebels are.

consolidated control (Arjona 2014; Kasfir 2015), their effects in contested areas have unique significance.

Probably the most critical is the benefit of inducing civilian support ("hearts and minds"). The importance of civilian agency in guerrilla warfare has been evident to generations of analysts and practitioners of irregular war. Mao Zedong (2013) wrote that the outcome of war depended on the popular mobilization of civilians. Galula (2006) agreed, arguing that an insurgent force that succeeds in gaining the support of the population "will win the war." As discussed earlier, an active support base of civilians can provide insurgents with crucial information about enemy combatants (Kalyvas 2006), as well as with the material support and stream of recruits needed to sustain the military effort.

 Can furnishing governance services really promote civilian support? Recent evaluations of "hearts and minds" programs offered by states suggests that offering economic and social development can improve attitudes and decrease violence (Berman, Shapiro, and Felter 2011; Beath, Christia, and Enikolopov 2016). Rebel service provision institutions should produce a similar effect. Given the fact that the baseline level of governance in contested zones is probably low, service provision by rebel administrators is likely to be met with public approval. Implementing effective institutions of service provision and political organization also improves popular perceptions of a group's legitimacy – an important aspect of civilian support for insurgents making claims to political authority. Kotsonouris (1994: 12) notes that the courts instituted by the IRA fulfilled both of these functions: they offered effective service provision "to the thousands of people who used them" as well as "shining proof that the Irish were capable of governing themselves."

Secondly, rebel institutions allow for the monitoring of contested communities. Though the identification problem is especially acute for counterinsurgents (Kalyvas 2006), it is not unique to them; rebels also face intelligence challenges in planning military strategy. Institutions can help mitigate those challenges. Most governance institutions entail the repeated interaction of administrators or

political operatives with civilians. Administrators can often ingratiate themselves into society in a way that active combatants cannot; as a result, they can provide valuable first-hand intelligence on civilian actions, loyalties, and enemy movements to rebel commanders. The FARC's popular militias, primarily charged with urban political organization and recruitment, also offered military intelligence on Colombian security forces (Augusto Castaño 2007; *El Tiempo* 1999).

Finally, governance institutions in contested zones allow for increased resource extraction. Service provision and political organization institutions that promote popular support for insurgents also represent a valuable financial opportunity – taxes can be levied on users of services or communities in general. Extraction need not be so contractual, of course; insurgents can tax civilians as part of a protection racket or simply loot them for resources. Though unlikely to aid the battle for hearts and minds, these techniques also serve to fill insurgent coffers.[8]

Cases

To probe the plausibility of these theoretical claims, I now briefly test them against the empirical record. I map the existence of institutions in contested zones across three insurgencies from around the world: the Revolutionary Armed Forces of Colombia (FARC), the Afghan Taliban, and the Irish Republican Army (IRA). In each case, I outline the form and extent of governance in place, tracing both the factors making it possible and the strategic consequences stemming from it.

These three cases exhibit considerable variation across a range of underlying traits. They include a Communist/revolutionary group (the FARC), a religious/nationalist insurgency (the Afghan Taliban), and a more conventionally nationalist organization (the IRA). They encompass a weak counterinsurgent entity (Afghanistan), a medium-strength one (Colombia), and a strong state (Britain).

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[8] The value of this benefit varies according to rebel territorial control and local political economies. For insurgent groups with little or no consolidated territorial control, or groups that only control economically unproductive areas, the financial benefits to extraction in contested zones may be vast.

They span three continents and nearly a century of conflict. As will be shown, the form and extent of institutionalization varies across the cases. Yet all three groups were able to produce functional institutions in contested zones, providing support to the claim that such governance can exist across a wide range of civil wars.

The Revolutionary Armed Forces of Colombia, 1990-present

Colombia has suffered through a complex, multi-party civil conflict for most of the last half century. At different points over the last fifty years – and often at the same time – Colombia has seen war waged among political insurgents, drug cartels, militias, and the state. Over this period, one group has remained a constant threat to the state: the FARC. Born in the 1960s as a Communist guerrilla insurgency, the FARC grew rapidly throughout the 60s and 70s and established a series of strongholds in rural central and south Colombia. By 1982, it boasted an army of 3,000, operating on 32 fronts. Capitalizing on its strength and wanting to channel its political goals through formal institutions, the group began negotiating with the state and created its own party, the Unión Patriótica (UP) to run for congressional offices at the federal and state level (Bargent 2014).

Yet the FARC's newfound strength provoked a backlash, as a coalition of powerful drug cartels, paramilitaries, and private armies led a mass assassination campaign of UP politicians. In response, the insurgents returned to hiding to regroup, abandoning political approaches in favor of redoubled rebellion. They regrouped quickly, rapidly gaining power and membership. Following the demise of the powerful drug cartels of the 80s, the group began dramatically expanding its criminal activities, including drug production and trafficking, extortion, and kidnapping. These expanded resource flows paid dividends: by 2002, the FARC had an army of 15,000-20,000 and occupied over a third of Colombian territory (Bargent 2014).

Beginning in the 1990s, the FARC demonstrated an ability to deploy political organization, service provision, and extraction institutions in areas of limited or nonexistent control. The largest

such effort was the formation of urban *milicias*, political organizations for civilian mobilization, propaganda, and recruitment.[9] Though the size of these militias remains the subject of debate, it was clearly significant: a 2002 estimate of the total strength of the FARC's militias (popular and Boliviarian) put their membership at 11,000 (Guillen 2002). Militia cells operated in the three largest cities in Colombia – all areas firmly under the control of the Colombian state – including the capital of Bogotá, home to an estimated 4000 *milicianos* (Acero Velasquez 1995; *El Tiempo* 1999).

How did these groups avoid being detected and destroyed by Colombian security forces? FARC militias became adept at concealing their actions and identities. Militia cells were largely insulated from cells in nearby neighborhoods in order to protect their identities in case of infiltration. They were composed of locals, community members who conducted legitimate enterprises in addition to their clandestine activities. Militia members could be "the guy from the corner store, the taxi driver, the guy who passes selling limes, the beggar at the traffic light" (Guillen 2002). Their duties as *milicianos* were only part time, allowing them to "live a normal life but sometimes activate themselves and fulfill a specific charge" (*Semana* 2002). This system appears to have been effective: according to one police source, penetrating militia cells was "one of the most difficult tasks of the anti-guerrilla war" (Guillen 2002).

Once in place, these urban militias offered a wide range of benefits to the FARC. *Milicianos* served an important intelligence function, using their embeddedness in society to gather information on security forces, other armed actors, and potential targets. They also provided logistical support to FARC military actions and sometimes participated in kinetic operations themselves. Early militias

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[9] Though there is considerable confusion in the terminology used in the Colombian press, it appears that the FARC had two militia wings: the popular militias (*milicias populares*) and the Bolivarian militias (*milicias bolivarianas*). The Bolivarian militias were essentially undercover military operatives, and often had military training; the popular militias seemed to focus more on political organization and propaganda (*Semana* 2002; Ferro and Uribe 2002). In the 2000s, the term "Bolivariano movement" (*movimiento bolivariano)* came into use, seemingly to refer to both groups (*VerdadAbierta.com* 2016).

seem to have engaged in service provision as well: one report indicates that FARC militias offered protection in urban neighborhoods lacking state presence, fighting crime, regulating commerce, and organizing cultural events (Acero Velasquez 1995). With or without service provision, militias engaged in resource extraction; taxation of local business and extortion were common (*El Tiempo* 1999; Guillen 2002; *Semana* 2002).

Finally, many militia members seem to also have engaged in substantial political organization. *Milicias* recruited community leaders, politicians, students, and academics to promote popular support for the FARC's goals (Ochoa Moyano 2011). Such operatives often worked under the auspices of the FARC's official – illegal – political party, the Clandestine Colombian Communist Party (PCCC). Framing the covert party as the alternative to the traditional Colombian political system, they sought to recruit participants at universities, unions, and public agencies (*VerdadAbierta.com* 2016; *El Tiempo* 2011).

In addition to the urban militias, the FARC offered clandestine healthcare services to civilians in both urban and rural zones of contested control. A 2006 security services raid discovered an operational FARC health clinic in Bogotá with 22 patients, 16 of whom were civilians (Brittain 2010). Intelligence officials noted that local health clinics appeared to have been collaborating with the FARC facility (*El Tiempo* 2006), indicating that the rebels had secured the cooperation of the local community. The FARC appeared to have a substantial ability to hide health care facilities in the capital: in both 2001 and 2007, FARC clinics were discovered in Bogotá (*El Tiempo* 2001; González 2007).

The FARC also provided healthcare services in rural areas, where state-provided healthcare is lacking in quality. A 2011 report followed a FARC unit operating a mobile hospital in small communities in the interior of the country. The hospital unit was not mobile simply for the convenience of the civilians who used it; when notice arrived that security forces were entering the area or that airstrikes were imminent, it would rapidly relocate into the jungle to hide. The report notes

that the local population valued the service; it quotes a rebel doctor as noting that it was part of an effort to "…win the masses. Because he who wins the masses wins the war" (Penhaul 2011).

The Afghan Taliban, 2001-present

Like Colombia, Afghanistan has been wracked by internal conflict for nearly half a century. Following a decade of insurgency against Soviet occupation (1979-1989), civil war broke out in the early 90s. The coalition of warlords who had fought the Soviets splintered, and bloody in-fighting engulfed much of the country. Against this backdrop of chaos, a new militant group called the Taliban emerged in the southeast of the country promising a strictly enforced, Islamic law-based order. They rapidly gained support and took power in 1995. Once in power, the Taliban installed a harsh, deeply repressive regime; they remained in power until a group of northern warlords, backed by overwhelming NATO airpower, ousted them in 2001.

After regrouping in Pakistan, the Taliban launched an insurgency in 2002 to retake the country. The group has continued to wage war against the NATO-backed government for the last fifteen years, and has started to make significant gains following the 2014 withdrawal of the majority of U.S. troops from the country. It currently controls more territory than it has at any point since 2001.

Over the course of its insurgency, the Taliban has installed fairly sophisticated systems of governance in these areas of consolidated control. However, it has also implemented a series of service provision institutions in areas where its coercive capacity is limited. These institutions fall into two categories: courts for private dispute resolution, and regulation for the poppy economy (which also has significant extractive value). Taliban courts formed an integral part of the group's insurgency strategy. Elias (2009: 51) describes this strategy: when the Taliban sought to expand to a new community, it sent small armed parties to gain a foothold in the area. While their presence remained

covert – before they attempted to take full control of the village – they then introduced one or more mobile courts to the community.

These courts excelled at operating covertly. Judges often had official jobs in the community, where they served as imams or teachers, and fulfilled their judicial duty in secret. Many were physically mobile, traveling by foot or motorbike and responding to requests passed through networks of confidantes (Baczko 2013: XII). One Kandahari civilian accepted a Taliban offer to rule on a land dispute in his family. He was "invited to an ad hoc Taliban court in a ruined farmhouse," where judgment was rendered by "a panel of five mullahs guarded by two gunmen" (Murphy 2010). An elder noted that the secrecy surrounding courts was a response to increased threats from NATO security forces. "Judges are hiding," he claimed. "Sometimes they meet in people's houses, sometimes in the mountains, sometimes in the mosques" (Farrell and Giustozzi 2013: 862). Where the coercive threat was too potent, the Taliban would sometimes "sponsor" local religious judges instead of deploying their own officials (Giustozzi 2013: 89-90).

The popular support benefits the Taliban gained from this practice were enormous. Though the Taliban sometimes used coercion to compel civilians to engage with their courts instead of the state, participation was often voluntary. The judicial institutions of the Afghan state were extremely unpopular, viewed as being both corrupt and impossibly inefficient (Ahmed 2015). "If I have a legal problem," one civilian noted, "the Taliban will rule in an hour according to our customs and Islam. If I take it to the government, in six months nothing will have happened. Then whoever pays the most will win" (Farmer 2010). This view appears to have been widespread: an Afghan deputy governor noted that, once the Taliban arrived in a community, "the people were consulting the government less. They went to the Taliban instead to sort out their issues" (Coghlan 2008, cited in Giustozzi 2013). Even Afghans who were opposed to the politics of the Taliban praised the effectiveness and honesty of its judges (Baczko 2013: XVII; Murphy 2010).

In addition to offering dispute resolution mechanisms, the Taliban also supplied institutions for the protection and regulation of the poppy economy. In exchange for a fee, the Taliban would provide protection from Afghan security forces for both poppy formers and heroin traffickers in zones of contested control. Taliban forces protected poppy forms from eradication by covering them with landmines and IEDs (Sarwary 2015; Wahdatyar 2016). They offered similar protection services to heroin labs, including responding to government raids with force (Peters 2009b). These poppy protection rackets constituted a valuable form of income for the Taliban. They also represented a powerful tool for hearts and minds – poor farmers would rather support an authority that permits them to cultivate poppy, which has a much higher market value than other crops like wheat (*The Associated Press, via NBCNews* 2007; Felbab-Brown 2009).

While the Taliban sometimes risked combat with state forces to preserve its poppy-oriented institutions, often it instead opted for collusion. Sometimes it could simply pay off local government officials to ignore poppy cultivation (*The Associated Press, via NBCNews* 2007). In other cases the collusion was much more sophisticated: Taliban leaders would use smugglers as intermediaries to negotiate elaborate, politically risky agreements with corrupt government officials (Peters 2009a). Through collusion with government authority, the Taliban was able to profit financially from the opium economy, increase support among poppy farmers, and avoid military confrontation – all without the need for coercive superiority.

The Irish Republican Army and the Dáil Éireann, 1919-1921

Though much shorter in duration than the Colombian and Afghan cases discussed above, the insurgency fought by the Irish Republican Army (IRA) featured a spectacularly well-developed system of governance without control. The IRA was born in the context of increasing Irish upheaval. Irish nationalism – already on the rise – was galvanized by the harsh repression of the Easter Rising revolt of 1916 and attempts to introduce conscription. In the 1918 elections, nationalist party Sinn Féin won

a huge majority of seats and promptly decided to declare independence and form a new parliament, the Dáil Éireann. The IRA constituted itself as the armed wing of the Dáil, and began to wage war against British forces on the island (Mulholland 2013).

The war continued until 1921. Throughout that period, the IRA waged a careful guerrilla campaign, using "flying columns" to attack Royal Irish Constabulary (RIC) barracks and conduct hit-and-run attacks and assassinations. Outgunned and surrounded, it never attempted to hold territory, but continued to conduct successful attacks through 1920 and 1921 despite the deployment of harsh auxiliary forces to supplement the RIC. In July 1921, the British agreed to a truce in order to negotiate for peace (Mulholland 2013; Cremin 2017).

Despite never achieving consolidated control over territory, the IRA and the Dáil Éireann forged a sophisticated network of institutions for service provision and political organization. The Dáil Éireann itself represented a fascinating artifact of rebel governance: a democratically-elected political institution for administration, conducted entirely from uncontrolled territory. Like the political gatherings of the FARC *milicias*, meetings of the Dáil Éireann were held covertly to avoid drawing the attention of the RIC. The Dáil met "secretly for short sessions at irregular intervals," hurrying through deliberation for fear of being caught (McCracken 1958: 35). Though administrative functions were restricted by the threat of punishment, the Dáil did accomplish several governance tasks. Its publicity department issued a daily paper, the *Irish Bulletin*, from secret offices in Dublin.[10] It conducted preliminary work in other areas, making minor investments in fisheries and laying the groundwork for education reform. The Dáil also raised money through monetary policy, issuing bonds in 1919 to finance its governance work and to fund the IRA war effort. The existence of the Dáil lent

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[10] Copies of the bulletin were smuggled out of the offices "in laundry and grocery baskets, in a pram, or by cyclist messengers" (McCracken 1958: 37).

legitimacy to the fight for independence, providing proof that "the republic had become a tangible reality" (McCracken 1958: 38-44).

The Dáil's most significant governance achievement, however, was in the area of local government (McCracken 1958; Daly 1994). Following local elections in 1920, most county councils declared loyalty to the Dáil over the British Local Control Board. The Dáil instituted a highly effective system of local oversight, requiring county councils to submit minutes of meetings (through correspondence sent to unsuspicious private Dublin addresses) and deploying teams of undercover inspectors to audit the performance of the councils and support their tax collection efforts (Daly 1994: 123-132).

Equally effective were the dispute mechanisms run by the Dáil, known as Dáil courts. In 1919, the Dáil appointed a committee to create a system of national arbitration courts, consisting of local courts, district courts above them, and a Supreme Court. The IRA was enlisted to enforce the decisions of the courts (Kotsonouris 1994). Like the Dáil itself, the courts were forced to operate covertly. One court in Dublin was held in the main British-controlled courts complex "under the cover of a mundane legal consultation" (48). Other courts were held under whatever ad hoc arrangements were possible, with recordkeeping eschewed for safety.

The Dáil leadership pushed participation in these courts, declaring recourse to the British courts "a betrayal" (Kotsonouris 1994: 49). Pro-Dáil local authorities locked British courthouses and the IRA attacked RIC barracks, diminishing the effectiveness of both British courts and police in rural areas. Dáil courts quickly came to be seen as the only functional judicial system in these areas. One British magistrate noted that "republican courts function everywhere and do all the work, civil and criminal" (Laird 2005: 125). Dáil courts also prevented land seizures, winning the loyalty of concerned farmers. The courts, relatively functional and efficient, thus served as both tools for popular support and manifestations of the legitimacy of the Dáil government.

Conclusion

The evidence shown above provides preliminary support to the hypothesis I proffer: that rebel governance without coercive control can and does exist. Contrary to existing theories of insurgent governance, groups choose to deploy institutions – and civilians choose to participate in them – even without the guarantee of coercive superiority. This finding has potential implications for scholarly work on territorial control in civil war and governance by non-state actors. Territorial control is almost always conceptualized and measured purely in terms of military variables: military presence and capacity, battles won and lost, and the existence of infrastructure for power projection (*e.g.* Tao et al. 2016). This paper suggests that that conceptualization may elide important causal variables we commonly associate with control over territory. If rebel political institutions need not be coterminous with rebel military presence, there may be areas where rebels with governance institutions have a hidden strategic advantage – an ability to mobilize, monitor, and tax the population for military benefit. Measures of territorial control that reflect this advantage may produce better models for predicting outcomes in civil war.

Secondly, this paper has implications for theories of governance by non-state actors. Contrary to the Weberian model of state formation, it suggests that non-state actors can develop the functions of government independent of a monopoly on the legitimate use of physical force. Political authority in civil war does not depend solely on coercion; rebel groups may choose to develop institutions for service provision or political organization while neglecting instruments of coercion. This implication is consonant with existing theories of rebel governance: Huang (2016: 82) and Mampilly (2011: 37-38) agree that rebel governance systems should not be conceptualized as "embryonic" state governments. Rather, they claim, rebel governance should be considered on its own merits – free of the constraints of theories of state formation. Future work investigating the similarities and differences between state formation and rebel governance would be a welcome contribution to the literature on civil war.

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