FRAMING TYPOLOGIES OF RELATIONS BETWEEN STATE AND VIOLENT NON-STATE ACTOR. FROM SYSTEMIC ANARCHY TO SYSTEMATIC REGULATION

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Abstract:
This article deals with the issue of violent non-state actors (VNSA). First, it shows that states have developed regulatory mechanisms to mitigate anarchy in the international system and create a less conflictual international order. It discusses why regulatory mechanisms have failed in the case of VNSA and have not been as effective as in the case of states. The article then presents empirical strategies that states can employ in the face of dysfunctional regulatory mechanisms, and considers their advantages and disadvantages. The need for selective use is emphasised, as only part of VNSA poses a security threat. The paper concludes by arguing that a combination of strategies is needed to provide a systemic and long-term solution to non-state violence. At the same time, it warns of the pitfalls that must be overcome.

Key Words: Violent non-state actors, international anarchy, regulatory mechanisms, state strategies against violent non-state actors.

Título en Castellano: Tipologías para delimitar las relaciones entre el Estado y los actores no estatales violentos. De la anarquía sistémica a la regulación sistemática

Resumen:
Este artículo aborda la cuestión de los actores no estatales violentos (AENV). En primer lugar, muestra que los Estados han desarrollado mecanismos reguladores para mitigar la anarquía en el sistema internacional y crear un orden internacional menos conflictivo. Analiza por qué los mecanismos reguladores han fracasado en el caso de los AENV y no han sido tan eficaces como en el caso de los Estados. A continuación, el artículo presenta estrategias empíricas que los Estados pueden emplear frente a mecanismos reguladores disfuncionales y considera sus ventajas e inconvenientes. Se hace hincapié en la necesidad de un uso selectivo, ya que sólo una parte de los AENV representan una amenaza para la seguridad. El artículo concluye argumentando que se necesita una combinación de estrategias para proporcionar una solución sistémica y a largo plazo a la violencia no estatal. Al mismo tiempo, advierte de los escollos que hay que superar.

Palabras Clave: Actores no estatales violentos, anarquía internacional, mecanismos reguladores, estrategias estatales contra los actores estatales violentos

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1. Introduction

In an international system that lacks natural hierarchical authority,² states have developed sets of rules (regulatory mechanisms) that mitigate systemic anarchy, creating a less conflictual international order.³ Thus, if the majority-shared and respected rules reduce (not eliminate) the likelihood of violent conflicts between states, we are witnessing the ineffectiveness of these rules against the aggressive behaviour of violent non-state actors (VNSA).⁴ This is especially true for territorially anchored radical Islamic VNSA⁵ such as al-Qaeda and Islamic State offshoots⁶ and their determination to assert themselves by force at the expense of the state.⁷ In a situation where there is massive violence against civilians, spillover of violence into neighbouring states, the creation of a trans-regional network of violence, non-state violence poses an increasing existential problem for many states and their populations, and for international security as a whole.⁸

The goal of this text is twofold. Firstly, it aims to highlight the reasons why regulatory mechanisms fail against many VNSA. And secondly, to summarize the available range of strategic countermeasures by states with respect to the previous goal.

2. Relationship VNSA – State

The existence of VNSA is certainly not a new phenomenon.⁹ However, once the state has functionally asserted itself as the most effective territorial-institutional form of social organization of mankind, non-state violence became sidelined.¹⁰ Nevertheless, VNSA were often able to coexist and cooperate with states. Early modern states, for example, skillfully used the non-state coercive power of privateers, mercenaries and mercantile.¹¹

⁴ VNSA are generally understood as private actors, not integrated into formalised institutions, willing and able to use violence to achieve their goals It is possible to define ideal typologies: insurgents, militias, tribal leaders, warlords, terrorists, organized criminals, private security companies, and marauders. See Schneckener, Ulrich: "Fragile Statehood, Armed Non-State Actors and Security Governance", in Bryden, Alan and Caparini, Marina (eds.) (2006): Private Actors and Security Governance, Geneva, Geneva Centre for the Democratic Control of Armed Forces, pp. 25–31.
⁵ Moreover, the actors like these can be conceptualized by three specific features of Barak and Cohen's theoretical concept of the Modern Sherwood Forest: operating in areas without the presence of state power, cross-border violence, and acting in accordance with the proclamations of radical religious ideology. See Barak, Oren and Cohen, Chanan: "The 'Modern Sherwood Forest ': Theoretical and Practical Challenges", in Miodownik, Dan and Barak, Oren (eds.) (2014): Nonstate Actors in Intrastate Conflicts, Philadelphia, University of Pennsylvania Press, pp. 14–15.
⁶ See Jones, Seth G.; Vallee, Charles; Newlee, Danika; Harrington, Nicholas; Sharb, Clayton and Byrne, Hannah (2018): The Evolution of the Salafi-Jihadist Threat: Current and Future Challenges from the Islamic State, Al-Qaeda, and Other Groups, Washington, Center for Strategic & International Studies.
⁸ Barak and Cohen, op. cit., 15–16.
It was only the advent of nationalism and the nation-state in the 19th century that led to the breaking of this coexistential and utilitarian bond and the delegitimization of the VNSA. Non-state violence became completely incompatible with the concept of the nation-state. The legitimacy of power was newly derived from the citizen-state relationship while the monopoly on organized violence ceased to be extraterritorial and was firmly related to the state ‘s territory. By the end of the 19th century, a conscript citizen army became an isomorphic international political standard. The qualitative and quantitative changes in warfare and the need for numerous powerful and heavily equipped military forces also contributed to the demise of systemic cooperation between states and VNSA, along with growing normative pressure on the state to cut off any cooperation with VNSA. From the late nineteenth century to the twentieth century, open systemic cooperation between VNSA and states really became "unthinkable" and "(n)onstate violence was criminalized".

Non-state violence began to re-emerge subversively in the second half of the 20th century. Insurgents and terrorists were typical actors seeking changes in the internal organization of states (decolonization, national liberation movements), in foreign policies of states (secular terrorism), or conversely as proxy actors during the Cold War. They were not strong enough to face the state's military directly, the violence was asymmetrical.

However, with the rise of religious terrorism at the turn of the 20th and 21st centuries, and especially the territorial rule of radical Islamic groups since the end of the first decade of this century, the strategy of these VNSA has been either to obstruct the state or to directly displace and replace it in its function. Some VNSA are strong enough to directly confront the military forces of the state and use military means to conquer territory. The violence is often symmetrical. The goal of such VNSA is to control territory through military victory (war making) and establish territorial governance (state making). VNSA seek their legitimation by appropriating the empirical functions of the state and mimicking the behaviour of the nation-state itself. Through this empirical behaviour, some of them want to demonstrate sufficient capacity and claim international legal recognition.

3. International anarchy and ways of regulating it

The regulation of international anarchy is viewed as a means to the stability of the international system, where "no country or coalition of countries will be eliminated by some other country

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14 Thompson, op. cit., p. 149.


16 Gray, op. cit., p. 246.

17 Ever since the end of the Cold War, the number of VNSA has been growing and their political and security influence on the international system has been increasing. The main reason for this was the collapse of the Cold War patronage system and the related decline in the ability of Third World states to govern effectively. The VNSA filled this capability gap. See Mandel, Robert (2013): Global Security Upheaval: Armed Nonstate Groups Usurping State Stability Functions, Stanford, Stanford University Press, pp. 9–10, 67, 71. VNSA have also been aided by the easy access to weapons made possible by globalisation. See Williams, Phil (2008): Violent Non-state Actors and National and International Security, Zürich, Eidgenössische Technische Hochschule, p. 6.

or coalition of countries". The feature of the transformation of anarchy from a confrontational (power-balanced) international system to a cooperative (normatively regulated) system is the transformation of the Self's understanding of the Other. At the moment when each actor ceases to be perceived as a (potential) enemy, but instead as someone for whose fate others are responsible (other-regarding ethics), the system finds itself in a configuration where the actor puts its interest (immorality) below the interest of others (morality) and the anarchic character of relations between states disappears.

The four modes used in international political practice – power, economic, legalistic and normative – can be considered as regulatory mechanisms of international anarchy. Although regulatory mechanisms have never been able to completely eliminate anarchy, and although they have not always been able to prevent wars and systemic conflicts, in the long run they have stabilized the system by imposing basic rules of conduct that can reduce the level of violence between actors.

### 3.1. Power regulatory mechanism

The power regulatory mechanism is based on power and influence. Although both can take multiple forms – coercion, force, manipulation, authority, inducement, encouragement, persuasion – in general, the actor with more power and influence has the ability to coerce the actor with less power and influence to behave in a way that he would not behave without this coercion. In the international political practice, one typically encounters a variety of power strategies by which states seek to distribute power among themselves in ways that are most optimal for them. These can be divided into the categories of balancing and non-balancing. Balancing is a tool for achieving a balance of power that represents a systemic point of stability (equilibrium). The balance of power, defined as the resultant aspiration of states to maintain and challenge the status quo, is based on the principle that no country can control an amount of resources that would allow it to eliminate other actors and appropriate all available resources. The technique of internal hard balancing is based on the principle of relying on one's own resources where the actor increases its arms buildup; external hard balancing consists of forming coalitions with other states. Soft balancing then involves limiting the power of others

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21 This text leaves aside the latest interstate political developments, where some of the legalistic and normative, but also economic, mechanisms of regulating anarchy seem to be giving way to the power mechanism.


through the influence of international institutions, diplomacy, informal agreements and sanctions.\(^{29}\)

Non-balancing strategies encompass a range of often mutually combining foreign policy approaches. If balancing implies an explicit or implicit balancing of power potentials, non-balancing strategies seek to avoid confrontation with a potentially more powerful actor.\(^{30}\) For example, the technique of bandwagoning entails the weaker state taking refuge under the protection of the stronger state in exchange for loyalty to its decision-making.\(^{31}\) The appeasement represents direct concessions to the stronger actor with the prospect of gaining superiority over other actors.\(^ {32}\) The neutrality option represents the possibility of staying out of any alliances and acting entirely individually in foreign policy.\(^{33}\) And then there is the principle of hegemonic stability, where a hegemon sets rules that other actors respect\(^{34}\) as "they benefit from the collective goods the hegemon provides".\(^ {35}\)

In short, in a power-based regulatory mechanism, the systemic stability is represented by a material balance in the coercive capacities of actors,\(^{36}\) but the rules of decision making are vested in more powerful actors at the expense of less powerful actors.\(^{37}\)

### 3.2. Economic regulatory mechanism

The economic mode is based on the assumption of cooperation between actors which is stimulated by the institutionalised environment of international organisations and by interdependence. The actor's cooperation in rationalist neoliberal institutionalism is based on an instrumental calculus of actor self-interest where cooperation occurs in the prospect of higher returns and transaction cost savings than violence would bring. For cooperation, actors must adapt their behaviour to the preferences of others (policy coordination), and they must perceive the adapted behaviour as really facilitating the achievement of their intended goals. Thus, the cooperation is not automatic and its probability reflects the actor's expectation of payoff and reciprocity of cooperative behavior.\(^ {38}\) Thus, even in a state of systemic anarchy, the states can

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32 Brawley, *op. cit.*, p. 84.
cooperate with each other if mutual cooperation is able to "produce mutual gains, and avoid shared harm".39

International institutions have played an indispensable role in stimulating cooperation between actors through their ability to create a formalised structure in which states obtain information about each other. The security dilemma can be broken by trust, and states respect each other regardless of their power (self-bidding). Furthermore, international institutions can reduce transaction costs, mediate conflicts between antagonistic states and change the preferences of their members. Thus, institutions can divert an actor from using violence to secure a revenue/profit and reduce the likelihood of violent conflict by making the actions of actors within the organization more efficient than those outside the organization. For this reason the stronger yields to the weaker in order not to lose this effectiveness (after being expelled from the organization). In other words, the institutions erode the power of dominant actors and in turn hypertrophy the power of the weaker ones.40

We can include interdependence effects under this regulatory mechanism too. They primarily consist in the global interconnection of components of domestic societies by transnational/supranational forces into global civil society and networks of transnational corporations. This structural feature of the contemporary world significantly limits the scope of states' freedom to act.41

The economic regulatory mechanism is thus based on the premise that the cooperation yields higher returns than its violent breaking: the systemic stability point is then defined as the actors' shared disinterest in breaking the existing status quo because of the unprofitability of doing so.42

3.3. Legalistic regulatory mechanism

The legalistic mechanism consists in the adoption of an international public law obligation (typically at the UN) that prohibits an actor from acting violently against its environment. The actors are aware that jointly respecting these constraints is beneficial for all. The rules (international law) here are made by the entire international community of states. This community can enforce respect for them by a general agreement on the appropriateness of sanctions against the challenger, and by the willingness and ability of the members of the community to enforce the sanctions as well.43 The success of such action generally depends on two preconditions: the desire of states to create and uphold norms of international law, and the ability to do so.44 Respect from potential challengers to the international order is proportional to the ability of the international community to reach consensus in the UN Security Council on 1) the qualification of the challenger's conduct as contrary to the UN Charter (according to the principle of collective security); 2) the extent of sanctions adopted in accordance with the UN

Charter; 3) the likelihood that sanctions will actually be applied and an enforcement will be taken. Most important in this respect are international territorial norms which contribute to territorial integrity by precluding the forcible conquest/secession of territories, and as well as institutionalizing ways of resolving territorial disputes and conflicts through non-violent means such as mediation and adjudication.

It is pertinent to note that the effect of international law is not absolute as it is not absolutely binding and enforceable because of the relative desire and ability of actors to create and comply with norms. A fundamental problem is typically the vetoes of some permanent members of the UN Security Council who may ad hoc prioritize individual material interests and normative positions that are at odds with the collective interests and positions of the international community. A very recent example is, of course, the behaviour of the Russian Federation in the case of the Ukrainian conflict. Russia has resorted to the use of armed force, which is illegal under international law, in order to achieve a revisionist goal (changing the status quo of territorial integrity in the form of the forcible alteration of an international legal border) that could not otherwise be achieved without violating the rules of collective security.

In utilitarian terms, it exempts itself from aggression against a sovereign neighbouring state and prevents the international community from using the means provided for in the UN Charter in such cases (in particular Chapters VI to VIII) and which the international community legitimately expects in the field of international security. The blocking by one permanent member, which simultaneously violates the fundamental provision of the UN Charter, is in stark contrast to the will of the international community as expressed by the UN Member States in


49 Russia is clearly following a purely rationalist logic, having assessed that the achievement of its goal is crucial and at the same time unattainable within the framework of currently applicable international legal norms, and that, thanks to its own veto in the UN Security Council, violation of the rules of collective security will not be qualified as aggression and the likelihood of sanctions (and their scope) will be zero. In other words, Russia has come to believe that its expected costs of aggression will not exceed its expected gains from aggression (see Lobell, Steven E.: "Structural Realism/Offensive and Defensive Realism", in Denemark, Robert et al. (eds.) [2010]: The International Studies Compendium Project, Oxford, Wiley-Blackwell, p. 6652.


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the General Assembly – nearly three-quarters of whom reject Russia's trampling on "ukrainian sovereignty, independence, and territorial integrity". In the light of this de facto distribution of power in the UN Security Council, the question of the appropriateness of reforming this body appears with renewed urgency and intensity.

The legalistic mechanism of regulation is thus based on the reciprocal respect for the inviolability of the division of the earth's territory and the world's population into sovereign territorial states, and the state's interest in respecting these rules in order to avoid coercive intervention by other states/the international community. The systemic stability occurs on the basis of actors' agreement on the legitimate nature of the international order, and absence of incentives to change the status quo. International law is so firmly embedded in the structure of international politics that even states that do not identify with it (or rather with some of its provisions) more or less submit to it, except in the individual cases of great powers.

3.4. Normative regulatory mechanism

The fourth way of regulation is based on normativity. The principled and worldview beliefs are related to the actor's value and identitarian attitudes and function in dichotomous prototypical categories such as good/bad, just/unjust, etc. They represent the mental equipment (collective consciousness) with the help of which actors imagine and symbolize the forms of political community and thus the significance of their collective existence. Through the reproduction of norms of behaviour, a universal spread of these norms occurs and they become part of the world culture. The global cultural norms then "lead states [...] to incorporate new purposes and goals in their constellations of interests and to abandon older purposes and goals that fall out of favor".

A change in preferences (policies) can occur through the general acceptance of new beliefs. As a result, actors begin to prefer certain types of activities rather than others. From the perspective of regulating anarchy, the transformation of the actor's mind-set towards the

60 Goldstein and Keohane, op. cit., p. 17.
extent and manner of the use of violence is important. Attitudes towards violence have been fundamentally transformed (pacified) over the centuries in the civilising process of the humanitarian revolution as the actors have gradually internalised social norms of behaviour that make the use of violence socially unacceptable, from slavery to territorial conquest. Thus, this process culminated in the last decade of the 20th century, when a majority consensus on the values to be applied in the international system began to emerge. Primarily, such values are progress, wealth, justice and equality. In the spirit of these values, the actors behave in accordance with the logic of appropriateness whereby they voluntarily internalize the norm of the inappropriateness of the use of violence by one against another. In other words, actors "follow norms simply because they think it the right or legitimate thing to do".

Such actors can be seen as socially responsible entities putting "collective interests above their own" since they "identify positively with one another so that the security of each is perceived as the responsibility of all". The actor's identification with an external standard leads to the establishment of a community (world society) rejecting violence. This collective identity entails predictability and harmonisation of mutual expectations and thus systemic stability.

4. VNSA and regulatory mechanisms of international anarchy

After the end of the Cold War, the typical conflict has been one in which a non-state actor is involved. The increase in VNSA-induced violence, such as territorialized radical Islamic groups do, represents another development in the strategic history of the regulation of international anarchy. The limited functionality of regulatory mechanisms vis-à-vis the VNSA not only means that the international system itself is in a partially unregulated configuration, but the awareness of this state simultaneously fuels the determination of the VNSA to attack and possibly replace the existing Westphalian state. The central question is: What are the

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62 This consensus is currently undergoing a massive stress test, as some state actors – challengers to the liberal international order – are increasingly challenging it and seeking to modify/eliminate it.


66 Boli, op. cit., p. 296.


reasons why the regulatory mechanisms have been failing against many VNSA? In other words, why have they not been as effective against VNSA as they have been against states?

4.1. VNSA and the power regulatory mechanism

The power-based mode is applicable to VNSA. At the level of the international system, however, an automatic/programmatic balancing of VNSA power has not occurred yet; we only see the occasional formation of ad hoc counter-insurgency floating coalitions. The most powerful states in the world have not considered an aggressive behaviour of VNSA as a threat to their power or as a disruption of systemic stability. This is because the resource potential of VNSA is still negligible compared to that of the powers, and the VNSA security threat is significantly asymmetric. This is also due to geographical distance and the lack of VNSA ability/intent to explicitly attack such states militarily. Since the current world does not have a resolved universal actor to create and enforce global norms of behaviour, the VNSA aggressiveness is not correctable even by way of hegemonic stability (and, on the contrary, VNSA are encouraged and used by some states for proxy operations).

At the regional level, the situation is similar. Regional powers either do not have the potential for hegemonic control and/or (like the powers) know that the VNSA does not/cannot attack them militarily. And in the regions affected by VNSA aggression, non-potent states lack the means and capacity to resist. The situation is further complicated by the difficulty of forming a balancing coalition due to insufficient material capacity or the lack of harmony of interests among potential balancing partners. If a partial armed counter-action does take place, it is only in the case of a real threat to the interests of a given capacity state.

4.2. VNSA and the economic regulatory mechanism

As far as economic mode is concerned, there are no preconditions for economic cooperation on the part of both VNSA and state actors since their relationship is primarily antagonistic which does not open up a path for cooperation. If VNSA consider the displacement of the state as their payoff, cooperation is ruled out.

State actors do not recognize VNSA as legitimate actors; on the contrary, many of them are listed as terrorist organizations, and thus economic cooperation with them is formally impossible. VNSA economies are isolated from the global economy and transnational corporations, and are de iure illegal. The engagement in global economic and trade exchange is the primary economic incentive motivating an actor to abandon violence in exchange for

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73 For example, the U.S. was aware that the Islamic State (a) was over half-a-planet away, (b) had expressed no explicit intent to undermine U.S. national sovereignty, and (c) showed a high asymmetry in terms of military capabilities. The U.S. motivation in Iraq to intervene against the Islamic State was not a priori security but values-based, namely the intention to prevent the genocide of the Yazidi population.


75 A striking example was 2012 and the inability of the Malian state to defend itself against radical Salafist groups, the fatal inability of the Economic Community of West African States (ECOWAS) to undertake a counterinsurgency operation against these VNSA, and the unilateral French action (formally at the request of the President of Mali) a year later.

cooperation yielding higher returns than conquest. If VNSA are not involved in global trade transactions, economic incentives for VNSA are lacking. At the same time, this situation also implies the impossibility of exerting external economic pressure on VNSA to change behaviour. Thus, forcing VNSA to change their behaviour through economic pressure is ineffective at the level of international system.

At the regional level, however, the economic relationship with state actors need not be a zero-sum game. For example, both Turkey and Syria reportedly took oil from the Islamic State. One can speak of some degree of economic cooperation which opens up at least the theoretical possibility of an economic stimulus on VNSA. However, the limitation of using this mechanism lies in the fact that if such states seek to fulfill their self-interest within the region through economic cooperation with VNSA, they will do so in secrecy. Through economic cooperation with the Islamic State, Syria and Turkey bought, in addition to cheaper oil, mainly the prospect of a mutual ceasefire; the Islamic State gained relatively reliable and creditworthy customers, and also secured peace of arms with these two states. However, the utility of such ad hoc cooperation for instigating a fundamental change in VNSA behavior is low. The relationship between the state and VNSA is purely utilitarian and exclusively regionally definable with no inherent conditionality in terms of pressure to abandon (or at least curtail) aggressive behavior. It can be said that states behaving in this way are in principle acting against the general interest and the attitudes of the international community.

4.3. VNSA and the legalistic regulatory mechanism

In the case of the legalistic mode, there are several problems that make this method ineffective. The basic premise of the principle of collective security, as defined under Chapters VI to VIII of the UN Charter, is the internationally binding exclusion of the use of violence in relations between UN member states. They delegate responsibility for the maintenance of international peace and security to the UN Security Council which has the authority and duty to act in situations of breach of peace. However, VNSA are not a subject of international law, have not accepted an international public law obligation to renounce the use of violence, and are not members of the UN. The collective security framework, primarily regulating relations between states, has not envisaged aggressive VNSA.

The application of the UN Security Council measures to VNSA is thus not without controversy. There is no unified position on whether the international community (of states) should intervene against VNSA, by what means and to what extent. The possibility of using the principle of collective security against VNSA tacitly exists, as Articles 39–42 do not mention the use of enforcement exclusively against states, however only states are to be considered as

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parties to the dispute (Article 32). Further, the UN Security Council is empowered to conduct investigations in any dispute that may lead to international friction (Art. 34). However, the term 'international' includes relations between states, and VNSA constitute a transnational relationship. The Charter does not deal with this dimension.\(^\text{80}\)

However, the perceived threat posed by Al-Qaeda in the wake of the 2001 attacks in the United States led states to seek to address the VNSA at the UN. However, no systemic solution was found. The two resolutions adopted (1368 and 1373) did not automatically authorise states to use force against VNSA in their areas of operation, but only called on the UN Security Council to take steps to prevent Al-Qaida from committing further violence. In effect, states have been given a blank cheque to act against VNSA outside the UN Charter.\(^\text{81}\) But no specific parameters and circumstances of a non-state threat have been clarified in order to give states the legal right to intervene. Bethlehem,\(^\text{82}\) Wilmshurst\(^\text{83}\) and Deeks\(^\text{84}\) suggest taking into account the most important of these: the nature and gravity of the threat, the urgency of the attack, the inability/unwillingness of the target state to counter the threat, and the consent of the target state to a possible military operation. Nevertheless, as these authors themselves point out, these or any other criteria have never become part of any international legal document in international political practice, and the possibility of the use of force against the VNSA remains vague.

The subsequent doctrine of humanitarian intervention, which emerged in 2005 at the instigation of the General Assembly and is based on the principle of the Responsibility to Protect (R2P), is also theoretically applicable against VNSA. According to this doctrine, each state is responsible for the protection of its own population from crimes of genocide, war crimes and crimes against humanity; the international community, through the UN, is responsible for the use of instruments to this end on a case-by-case basis that are consistent with Chapters VI to VIII of the UN Charter.\(^\text{85}\) In international political practice, however, the R2P doctrine fails and falls short of expectations. It has never been translated into a legal form embedded in international law – neither the UN Charter nor other multilateral legal codes mention it. There are no procedures for automatically activating the doctrine, for example under time pressure, without the UN Security Council authorisation.\(^\text{86}\) In addition, there is a serious divergence of opinion among states that is an obstacle to its proper use. Apart from the United States, the United Kingdom and France, which support the concept of R2P, there are also actors, such as China and Russia, which do not support the formalisation of the doctrine and obstruct its application, pointing to the illegality of external intervention in the sovereignty of the

Westphalian state with regard to the rule of non-interference in the internal affairs of another state.\(^{87}\)

Thus, even after these two 'modernisation upgrades', nothing fundamental has changed in the legalistic systemic approach to VNSA. The measures under Chapters VI to VIII still do not explicitly apply to VNSA, and the key problem of how to deal with the violation of the territorial integrity of the state on whose territory the VNSA are located, when that state has not violated the provisions of the UN Charter, has not been satisfactorily resolved. Article 43 of the UN Charter does indeed speak of the right of passage through a member state, but, as noted above, can it really be interpreted so broadly as to automatically give rise to an entitlement to conduct combat operations on its territory?

There are other obstacles to the functioning of this mechanism in addition to these fundamental issues. Functional collective security requires the assumption of common interests and values. The interests and values of VNSA are often completely incompatible with those of the international community. As a consequence, the existence of international law and the concept of collective security is not recognised or respected by VNSA. In this situation, respect for the rules of the international community should be enforced through sanctions and blockades. However, their application to the VNSA is pointless. Sanctions seek to target "an asset freeze, travel ban, and arms embargo",\(^{88}\) but since they are primarily intended to harm formalised trade relations which VNSA are not involved in, they miss the effect.

Furthermore, the counterinsurgency measures taken by the UN Security Council against VNSA are either half-hearted or not taken at all. The reason for this is the lack of conviction among the members of the UN Security Council about the gravity of the situation for the threat to peace and about the moral impermissibility of not preventing VNSA actions. In other words, there is no "universal consensus on appropriate international action"\(^{89}\) against VNSA. Moreover, the PRC and the Russian Federation, as in the case of the humanitarian intervention doctrine, perceive intervention against VNSA as interference in the internal affairs of sovereign states and frequently oppose the adoption of respective resolutions. The result is no/weak mandates for UN counterinsurgency missions.

Last but not least, for the concept of collective security to be credible in the long run, a decisive collective response is required whenever an aggressor attempts to disrupt the status quo. Unfortunately, the international community's responses, if they ever occur, do not usually come in the early stages of conflict but in culminating (crisis-driven) phases which are the most problematic to resolve. This situation is favourable for the aggressor who becomes stronger in its actions, and unfavourable for the international community as it becomes exhausted by its indecision.\(^ {90}\)

In sum, the problematic position of VNSA vis-à-vis international law and the UN, and the protracted and inconsistent positions of the international community vis-à-vis collective actions render the legalistic method ineffective. The legal and political collision between a

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\(^{88}\) Boon, Kristen: "UN Sanctions Against Rebels Here to Stay", IPI Global Observatory, 7 February 2013, at https://theglobalobservatory.org/2013/02/un-sanctions-against-rebels-here-to-stay.

\(^{89}\) Ku and Jacobson, op. cit., p. 25.

possible UN Security Council resolution and state sovereignty remains. Thus, VNSA largely resist the impact of international law.

4.4. VNSA and the normative regulatory mechanism

The normative regulation collapses the most. Although VNSA may be influenced by norms and arguments, and adopt new identities and norms of behavior\textsuperscript{91}, the violence remains a strong element of their identity and an effective tool in achieving their goals.\textsuperscript{92} The difference in values between VNSA and states then results in the absence of consensus on the world order.

At present, the states themselves are probably emerging, at least to some extent, from the era of neoliberal globalisation, which was/is defined by the massive relocation of capital and the spread of the culture and values of the Euro-Atlantic civilisation. And they seem to be entering a period of turbulence characterised by the challenge to Western dominance by emerging and/or revisionist powers (e.g. within the BRICS\textsuperscript{93} or SCO groups).\textsuperscript{94} These actors strive for a multipolar order with the creation of a series of centres of influence and power based on their own cultural-value ladder and political decision-making autonomy.\textsuperscript{95} However, while it appears that states are, at least for the moment, abandoning the path of majority cooperation among themselves and embarking on a path of competition, perhaps even conflict, there is still a consensus among them on the nature of the world order, i.e. that "global political system has taken the form of a global system of states".\textsuperscript{96} The difference between them lies in their view of the nature of the international order to be established, i.e. what "rules, norms, and institutions [...] govern relations among the key players in the international environment".\textsuperscript{97}

Thus, although there are contradictions in the views of states on the organisation of relations among themselves, they do not cast doubt on the question of the organisation of humanity into territorial states. On the contrary, this is precisely what many VNSA are doing. And it is radical Salafist groups that seek to organise social relations according to the original Ummah and Sharia law, completely outside the Westphalian system, but within the framework of Islamic emirates and ultimately the Caliphate. Such VNSA do not recognise Westphalian norms or institutions and therefore do not accept the state as a fundamental component of the


\textsuperscript{93} An intergovernmental grouping of the economically powerful countries of Brazil, Russia, India, China and South Africa.

\textsuperscript{94} The Shanghai Cooperation Organisation is an intergovernmental Eurasian political, economic and security grouping; besides the Observer and Dialogue States, it has 8 permanent members: China, India, Kazakhstan, Kyrgyzstan, Russia, Pakistan, Tajikistan and Uzbekistan.

\textsuperscript{95} Chebankova, Elena: "Introduction", in: Chebankova, Elena and Dutkiewicz, Piotr (eds.) (2022): \textit{Civilizations and World Order}. Abingdon/New York, Routledge, p. 1. In the case of China and the (South)East Asian states, we can speak directly of so-called Asian values influenced by (neo)Confucianism. This is a de facto sacralisation of two fundamental principles that should guide societies and, by implication, the international community. The first is the absolute inviolability of the internal affairs of each state and the absolute inadmissibility of the imposition of the will of one state on another; and the second is the exaltation of qualities such as hard work, frugality, discipline and collective spirit as the means to the prosperity of society and the displacement of democracy and individual human rights as undesirable distractions (ODwyer, Shaun: "Democracy and Confucian Values", \textit{Philosophy East and West}, Vol. 53, n° 1 [Januar 2003], pp. 39–63; Moody Jr., Peter R.: "Asian Values", \textit{Journal of International Affairs}, Vol. 50, n° 1 [Summer 1996], pp. 166–192; and Thompson, Mark R.: "Whatever Happened to ‘Asian Values’?", \textit{Journal of Democracy}, Vol. 12, n° 4 [October 2001], pp. 154–165).

\textsuperscript{96} Bull, \textit{op. cit.}, p. 20.

\textsuperscript{97} Mazarr, Michael J.; Priebe, Miranda; Radin, Andrew, and Stuth Cevallos, Astrid (2016): \textit{Understanding the Current International Order}, Santa Monica, Rand, p. 7.
existing international system.\(^\text{98}\) They seek to destroy it by physical force in order to establish their own privileged position. In doing so, they seek to introduce their own (fanatical) norms, practices and identities at the expense of the Westphalian state, which are incompatible with the worldview of the vast majority of humanity.\(^\text{99}\) It can be concluded that "Salafi Jihadists will inevitably target any state that aids in maintaining the current [world] order".\(^\text{100}\)

The process of transforming violent identities and adopting norms of non-violence is socialization. By this is meant the actor’s internalization of the new norms. It is the process by which one actor transmits its code of behaviour to another actor whereby the socialised actor is led to adopt the norms and rules of the socialising actor.\(^\text{101}\) Behavioural change through socialisation can take place through mechanisms of persuasion (emphasis on doing the right thing), imitation (role-playing – actively adopting the role of another actor), social learning (identifying with a new way of seeing and understanding the world) and cultural fusion (acculturation pressures of the social environment).\(^\text{102}\) In the case of VNSA, the goal of their socialisation is to achieve a long-term state where these actors adopt new norms and rules of behaviour in order to cease posing a security threat to their environment. However, the procedure of socializing VNSA is lengthy, uncertain in outcome, demanding on the commitment of the socializing actors, and unworkable in the case of predatory and ideologically intransigent (unsocializable) VNSA. In other words, to socialize VNSA is generally dangerous and quite unlikely to be widespread.

The basic impulse of the normative regulation does not work. The VNSA put their particular interests above all others (of the international community/Westphalian states). The socialisation of the behavior of states have taken decades or rather hundreds of years. Therefore, in the case of VNSA, some ultra-fast results of socialization, which would represent a systemic solution to non-state threats, may not be expected. A normative regulation of aggressive VNSA cannot be achieved in this configuration.

5. Strategic approaches towards VNSA: from elimination to recognition

Fortunately, VNSA do not represent a homogeneous category that always and in all circumstances poses a security threat to its surroundings as the preceding pages might suggest. While in some cases, such as radical Islamist groups, this is indeed the case, the one-sided perception of VNSA as exclusively anti-systemic spoilers who must always be dealt with by force is flawed. A number of other VNSA need not be viewed in such a strict manner as they may instead be entities that are in turn able to provide security.\(^\text{103}\) The principles of regulatory mechanisms are embedded in the following strategic approaches with respect, first, to selectivity where not all strategies can always be effectively applied to the full spectrum of


\(^{100}\) Turner, *op. cit.*, p. 143.


VNSA; and, second, to the need for conscious and continuous management which must include a dynamic mix of strategies. This corresponds to the variability of strategic approaches that can be used against VNSA. Thus, in addition to a purely confrontational strategy, a broader spectrum of possible relations between states and VNSA is offered.

5.1. Absence of interference

The first strategy to manage non-state violence is the absence of interference. It is based on the classical and offensive realisms which consider the international system as an open arena that is completely anarchic and in which stronger actors can assert themselves forcefully against weaker ones. Violent conflict is seen as an optimal way to resolve disputes and thus non-interference in ongoing non-state conflicts "can resolve political conflicts and lead to peace". The military victory creates the conditions for the emergence of a new social contract and a legitimate government – the victorious actor will either become representative of the interests and needs of the population, or face another actor that will better represent these interests and needs. Violent conflict thus allows for a real political reorganization of society according to the actual actors' power potential.

This strategy is intended to result in international recognition of the victorious VNSA with the capacity to create a territorial state. Such a state would represent an area of stability (as opposed to the current dysfunctional states). The advantage of this strategy is that requires virtually no outside intervention (on the contrary – abstention from it), but on the other hand, it implies the creation of political formations that, because of their internal character and mode of formation, may be completely unacceptable to many current states from a normative point of view. Thus, although at first glance it might seem that mere inaction of the international community or regional grouping is this strategy, the opposite is true since passivity towards VNSA does not equate to a conscious acknowledgement of the empirical capacities of VNSA.

Examples that could be attributed to this strategy include the anti-Gaddafi Libyan Thowars militia (2011) which was expected by the international community to forcefully assert itself in the environment of a dysfunctional state and restore its functionality. Secondly, this strategy can be demonstrated to some extent in the case of Hezbollah and its relationship with international actors. The initially unacceptable non-state group which asserted itself at the expense of other VNSA and the Lebanese state has enjoyed a degree of acceptance from the international community (albeit not unanimous). Its ability to provide security to the local population and distribute public goods is seen as Hezbollah's contribution to stability in the region. Here, the international community prioritizes Hezbollah's role by respecting its power potential and recognizing its certain state-building capacity.

5.2. Mandate territory and trusteeship

The second strategy builds on the model of mandate territories and trusteeships that was widely used in the past. It draws from the neorealist tradition which understands the state as a dominant actor in the international system, and from the English school which emphasizes the

106 Mampilly, op. cit., p. 35.
108 This claim can be countered by arguing that non-state violence is used to spread and persist, with the goal of victory not being paramount. See Kaldor, Mary: "In Defence of New Wars", Stability: International Journal of Security and Development, Vol. 2, nº 1 (February 2013), pp. 2–3.
109 See Waltz, op. cit.
responsibility of the international community of states for the maintenance and enforcement of the international order. Responsibility for the collective maintenance of order within the international system is also close to institutional neoliberalism, specifically the Welsh Security School, within the promotion of humanitarian assistance.

In the current version (new trusteeship), the strategy does not envisage a primary deployment of force against the VNSA although clashes between mandated forces and VNSA may nevertheless occur. However, the primary purpose of this strategy is to reconstruct order and security in the dysfunctional state. The premise of this strategy rests on the argument that an international presence in the territory of dysfunctional states will help to restore their sovereign power, and is a precondition for the demise of VNSA safe havens. Thus, it creates conditions for democratisation and integration of these states into the international system as empirically competent actors.

The undoubted advantage of this strategy is the capacity and expertise of the mandate forces to administer and reconstruct a dysfunctional state whereby the international administration is well equipped to prevent the continuation or re-emergence of violence and to bolster the transition from conflict to peace. But in practice, it is not so easy to implement this. The legitimacy of a reconstituted state always rests with the population, and while an external force may impose a particular political-organisational model on society, the population may perceive this power as illegitimate. Further, international intervention in the territory of formally sovereign states violates the Westphalian principle of non-interference. And there is also the question of the willingness of states to participate in international administration. It must have the capacity to manage the entire state, but the number of actors with this skill and knowledge is limited. The geopolitical aspect also plays a role – the involvement of a particular state may be perceived by others as seeking to gain a strategic advantage in the region.

An example, anyhow imperfect, is the Kosovo conflict which the Kosovo Liberation Army was an active participant in. The international community established the United Nations Mission in Kosovo (UNMIK, 1999) to stabilise the conflict-torn territory. In practice, this was a UN-led protectorate where the decisive force element was the NATO-empowered Kosovo Force (KFOR, 1999). For the concept of the new trusteeship, one can point to the United Nations Mission in Liberia (UNMIL, 2003) whose task was to support the stabilization of situation in the country after two civil wars and create the standard conditions for state’s functioning. The aim was to reduce the likelihood of a recurrence of state’s collapse due to VNSA.

5.3. Counterinsurgency operations

The third strategy, counterinsurgency operations, is a widely accepted and used method of dealing with VNSA. It has its origins in a neorealist understanding of VNSA in international politics. VNSA who act against the will of the state and pose a threat to its security represent spoilers who need to be physically eliminated.

The strategy can be defined as a set of military as well as non-military measures to defeat VNSA and create conditions for stability. Counterinsurgency operations can be distinguished

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110 See Bull, op. cit.
into enemy-centric and population-centric approaches. The first model views counterinsurgency operations as part of a conventional armed conflict, and the primary task is militarily defeat VNSA. In contrast, the second model relies on winning hearts and minds of civil population. The attribution of loyalty to the counterinsurgent actor (and not to the VNSA) means the loss of VNSA operational and resource base and therefore inevitably its defeat.\(^\text{115}\)

The advantage of this strategy is undoubtedly the primary targeting of VNSA armed power capacity and thus its subsequent physical destruction. After a VNSA defeat, the reconstruction of dysfunctional state and its re-integration into the international system can be effectuated. However, a number of drawbacks emerge alongside this. The international counterinsurgency operation once again breaks the Westphalian principle of non-interference. There is no systemic way of obtaining an explicit and legal mandate to form counterinsurgency coalitions, and it is also very problematic to find states willing to participate in the formation of a counterinsurgency coalition. This is also why we can see counterinsurgency operations organised unilaterally and conducted in violation of international law. In addition, a threat of re-emergence of VNSA activity is a significant shortcoming, typically, when a counterinsurgency operation has already been terminated but without addressing the structural causes of VNSA existence.

Perhaps the best-known example of counterinsurgency is the multilateral operation by state and non-state actors against the Islamic State (2014). It is also possible to mention the American intervention against North Vietnamese communist guerrillas (1965) or the Soviet intervention in Afghanistan against the Sunni mujahideen (1979). From a less distant time, the African Union Mission in Somalia (AMISOM, 2007) against Al-Shabaab, the French government's unilateral mission in Mali (Serval, 2013) against Islamist groups, and the Chadian army intervention against Boko Haram in the Cameroonian and Nigerian territories (2016).

### 5.4. Sovereignty interconnection

The fourth strategic model represents a reconnection of VNSA legal and empirical sovereignties. Inspiration can be found in the process of neoliberal bargaining within institutional cooperation.\(^\text{116}\) According to Robert Jackson, sovereignty must be understood in two perspectives.\(^\text{117}\) First, as empirical (de facto; positive) sovereignty, i.e. as an actor's ability to assert its sovereign status by being able to provide security, guarantee the rule of law and deliver public services in a particular territory. The empirically sovereign actor is able to secure its physical survival on its own, i.e. it can resist external/internal adversaries and ensure its own autonomy of decision-making. And second, Jackson defines legal (de iure; negative) sovereignty, i.e. a situation where an actor's existence is guaranteed only by the legal agreement of a wider group of actors. The actor endowed only with legal sovereignty lacks the capacity to provide the full range of public goods and, in the case of predation by other actors, even to physically survive.


\(^{116}\) Axelrod and Keohane, *op. cit.* and Jervis, *op. cit.*

A considerable group of VNSA has established effective control of territory and established an institutional structure through which it can provide public goods and, with the exception of international legal recognition, shows similar behavior as the current states (a strong state possesses both empirical and legal sovereignty). If a particular VNSA evinces these empirical attributes and develops an effective system of governance, other states (the international community) should make an offer of international legal recognition to such an actor and link the legal and empirical dimensions of sovereignty.\footnote{Spears, Ian: "States-Within-States: An Introduction to Their Empirical Attributes", in Kingston, Paul and Spears, Ian (eds.) (2004): \textit{States-within-States: Incipient Political Entities in the Post-Cold War Era}, New York, Palgrave, p. 16; and Mampilly, \textit{op. cit.}, pp. 34, 44, 46, 249.}

The advantage is that the results achieved by this strategy are more sustainable in the long term than those obtained by using only coercion. Offering the prospect of international recognition is a strong bargaining impetus for other VNSA too. In addition, empirical sovereignty is possessed by the most potent VNSA, i.e. actors with the capacity to govern responsibly, and therefore once recognised, a solution to the problem of insufficient governance in territories of limited statehood opens up: these VNSA are able to guarantee responsible governance. A certain disadvantage remains in the normative dimension, as many VNSA could deviate in their understanding of governance and could be ideologically unacceptable to many states. Moreover, in the case of VNSA with a lower degree of empirical sovereignty, recognition would not be an option and thus bargaining effects would not occur, and hence the problem of insufficient governance in dysfunctional territories would not be comprehensively addressed.\footnote{See Börzel, Tania A.; Risse, Thomas and Draude, Anke: "Governance in Areas of Limited Statehood: Conceptual Clarifications and Major Contributions of the Handbook", in Risse, Thomas; Börzel, Tania A. and Draude, Anke (eds.) (2018): \textit{The Oxford Handbook of Governance and Limited Statehood}, Oxford, Oxford University Press, pp. 3–18.}

The closest to this strategy probably are cases of unrecognised states such as Somaliland or Kurdistan; the Somali National Movement has proclaimed the Republic of Somaliland, and the Kurdish Peshmerga has been integrated into the structure of the Kurdish autonomy in northern Iraq. However, despite their empirical capacities, these (and other similar) actors are still denied the international legal component of sovereignty. In contrast, there is a case of the Sudan People's Liberation Army, which was behind the establishment of the Republic of South Sudan (2011). A year later, it transformed into a political party. However, this internationally recognised state formation has not created a very strong empirical statehood and therefore does not fully meet the criteria of this strategy.

5.5. Attitude changing

The fifth strategy consists in putting pressure on cooperative VNSA to change their attitudes. The impetus for the formulation of this strategy comes from the constructivist camp and is based on a radical transformation of VNSA identity.\footnote{Hofmann, Claudia: "Engaging Non-State Armed Groups in Humanitarian Action", \textit{International Peacekeeping}, Vol. 13, nº 3 (September 2006), pp. 396–409.} Cooperative VNSA can be socialised into roles as constructive partners in local and regional governance. They can start cooperating formally and informally to ensure stability, security and the provision of goods, and participating in transnational security governance and state reconstruction.\footnote{Podder, Sukanya: "From Spoilers to Statebuilders: Constructive Approaches to Engagement with Non-State Armed Groups in Fragile States", \textit{OECD Development Co-Operation Working Papers}, nº 5 (October 2012), p. 5.}

The emergence of such cooperation requires a change in attitudes on the part of both states and VNSA. There must be a willingness to share power and benefits of governance equitably, abandon mutually hostile relations, and refrain from oppressing and exploiting the
population. A careful VNSA selection is absolutely crucial. Only those actors who show signs of trying to correct their violent character and abandon their illegal activities may be selected. States, on the other hand, must guarantee non-interference in the agreed agendas. Similarly important is the ongoing monitoring and evaluation of VNSA behaviour. If VNSA are found to be in breach of cooperation agreements and resort to previous patterns of violence, all cooperation must be terminated immediately.\textsuperscript{122}

The advantage of this strategy is that the socialisation leads to a long-term cooperation. The cooperating VNSA are unproblematic from a normative perspective and the nature of the newly adopted identity can lead to rapid international legal recognition. Moreover, the positive pattern and perspective of international legal recognition may act as an incentive for other VNSA. The disadvantage of this mode is the impossibility of dealing with predatory VNSA who refuse to cooperate, are unwilling to renounce violence and are generally unsocializable.

An example can be Peshmerga where the Geneva Call organization succeeded in socializing tribal elders\textsuperscript{123} (2016) who, after a several-week socialization campaign, stopped using underage girls as fighters on the front lines.\textsuperscript{123} Another example is Palestinian Fatah, on which the European Union exerted socialisation pressure for a long time. Fatah has essentially abandoned the role of VNSA and adopted a non-violent identity which is dominated by the role of political actor and statesmanship. Thus, Fatah has transformed from spoiler to governance actor.

\textbf{5.6. Regulatory mechanism complex}

The final strategy combines coercion, bargaining and socialisation. It is based on the consideration that "(i)n most instances, a combination of approaches will be necessary since typically both incentives and disincentives are needed to achieve behavioural changes, which would eventually lead to the reduction or denunciation of violent means".\textsuperscript{124} The advantage is that it includes all VNSA groups.

According to Stephan Walt,\textsuperscript{125} all three tools should be applied successively to those VNSA that have a territorially defined nature, and have already established an institutional structure. These VNSA need to be contained to stop them from expanding territorially (coercion), motivated by the promise of future recognition (bargaining), and guided to a gradual adaptation to existing international norms and practices (socialisation). VNSA who are not territorialized and institutionalized and who at the same time do not pose a security threat, can be tolerated (in the sense that there is no need to use force against them, but they must be included in the process of bargaining and socialization in order to abandon violence completely). And those VNSA who are not territorialized and institutionalized either, but who nonetheless pose a security threat, need to be uncompromisingly pacified/eliminated.

Stephen Walt recommended this strategy to be used against the Islamic State. This means militarily preventing it from expanding territorially beyond the territories it had already controlled, communicating with it about the conditions for accepting its existence (i.e. forcing it to make concessions to its political goals), and exerting socialization pressure and demonstrating that acceptance of international standards (i.e. behavior based on abandoning violence and initiating cooperation) would be fully in line with its new identity. It will probably

\begin{itemize}
  \item \textsuperscript{123} Author’s interview with an INGO worker, 22 May 2017, Geneva.
  \item \textsuperscript{124} Schneckener, "Spoilers or Governance Actors?", \textit{op. cit.}, p. 24.
\end{itemize}

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always remain unanswered whether such a parallel use of tools would have produced the desired results.

However, as Walt keeps claiming, the most illustrative example of this strategy is the Soviet Bolsheviks and their establishment in the international system. The Western world used all three tools against them. A foreign intervention to contain the territorial expansion of the Bolsheviks throughout Russia was followed by diplomatic negotation and by an emphasis on the normative-behavioural practices in international politics. Thus, the Bolsheviks abandoned VNSA behaviour and began to behave as states generally do. This brought mutual respect and coexistence between the USSR and the free world (albeit limitedly and often very uncertainly due to incompatible ideological doctrines).

Table 1: Summary of strategic approaches towards VNSA

<table>
<thead>
<tr>
<th>VNSA management strategy</th>
<th>Tool</th>
<th>Tool application method</th>
<th>Tool application objective</th>
<th>Effect on the system</th>
<th>Unincluded VNSA management</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absence of interference</td>
<td>Conscious restraint</td>
<td>Universally to all VNSA</td>
<td>Incorporating of potent VNSA into the international system</td>
<td>Selective recognition of the VNSA sovereignty (selective extension of the principle of sovereignty)</td>
<td>Impotent VNSA: - eliminated by potent VNSA or - do not pose a security threat or - eliminated by counterinsurgency operations led by states</td>
</tr>
<tr>
<td>Mandate territory and trusteeship (Coercion)</td>
<td>Bargaining</td>
<td>Universally to all VNSA in the territories under the formal jurisdiction of a non-functioning state</td>
<td>International reconstruction of state governance → VNSA elimination</td>
<td>Breach of state sovereignty</td>
<td>-</td>
</tr>
<tr>
<td>Counterinsurgency operations</td>
<td>Coercion</td>
<td>Universally to all VNSA</td>
<td>VNSA international elimination → reconstruction of state governance</td>
<td>Breach of state sovereignty</td>
<td>-</td>
</tr>
<tr>
<td>Sovereignty interconnection</td>
<td>Bargaining</td>
<td>Selectively to empirically sovereign VNSA</td>
<td>Incorporating of empirically sovereign VNSA into the</td>
<td>Selective recognition of the VNSA sovereignty (selective extension of the</td>
<td>VNSA not posing a threat = tolerance</td>
</tr>
</tbody>
</table>
6. Conclusion

This article first introduced the ways how the anarchic international system has been moderated through the four regulatory mechanisms, and highlighted the reasons why these regulatory mechanisms have failed in the case of VNSA. It then showed a set of strategies for managing non-state violence, including the strategy of regulatory mechanism complex appearing to be the most effective, albeit the most challenging, and the only one capable of finding a security solution for each VNSA.

The problems posed by VNSA in today's world, particularly the current unprecedented expansion of radical Salafist proto-states in Africa and Asia,¹²⁶ and the fragmented and contradictory position of states in their responses to the VNSA challenge,¹²⁷ call for a

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reassessment of the current approaches and the need to use a wider range of strategies. The use of multiple strategies or the simultaneous application of parts of them will be important just because the most robust VNSA are hybrid and possess "mechanisms of resilience [...] which enable them to survive defeats and transform themselves". Thus, if the acute problem of VNSA is to be truly addressed effectively, it will be imperative for the states to be selective and sophisticated in their counterstrategies, taking into account the nature and character of particular and respective VNSA.

The states themselves should recognise the inadequacy of current measures against VNSA. These now involve either the conduct of often inconsistent and legally questionable (unilateral) counterinsurgency operations or, even more often, complete passivity. However, unlike the strategy outlined in the text above, passivity does not result in the recognition of the most potent VNSA. Moreover, passivity does not stem from a belief in the appropriateness of such action, but from a lack of commitment to intervene against VNSA. Therefore, the states should proceed to a fundamental transformation of their understanding of VNSA and gradually move towards the implementation of comprehensive strategies which will require flexibility to be able to adapt these strategies in response to changes during violent conflict. As Claudia Hofmann and Ulrich Schneckener argue, the states "need to be aware of the existing range of approaches [a] should focus on finding middle ground that would allow realist, institutionalist, and constructivist approaches to work independently of each other but with a fundamental understanding about each other’s methods. At the same time, actors need to reflect on the changing nature of these armed actors during and in the aftermath of a conflict to apply the appropriate mix of strategies".

The introduction of comprehensive regulatory mechanisms will require overcoming a number of obstacles and considerable effort from the international community. Neither at the level of academia nor at the level of state security practice have sufficiently valid and reliable criteria for assessing non-state security threats been defined yet. No explicit international institution has been established to monitor VNSA activities systemically and systematically. And there has been no consensual plan, if the situation calls for it, to immediately apply relevant and already prepared counter-strategies (without delays due to unprepared negotiations and mutual obstruction by states).

Therefore, a consensual model for dealing with VNSA should be established within the UN (or on another appropriate international platform). It is necessary to clearly define when, by whom, under what conditions and in what manner intervention against VNSA posing an acute threat should take place. However, such an approach necessarily entails a redefinition of the Westphalian understanding of sovereignty and the collective security model. Although such a path is complex and difficult, only a common consensual procedure by the international community can provide a systemic and effective solution to the problems associated with predatory VNSA.

However, such a consensual approach is not favoured by the current international political situation and the nature of great power relations. In one way or another, all of the strategic approaches described above are negatively affected, because in an atmosphere of competition or even conflict, states primarily address security issues arising from threats posed by state rather than non-state actors. The world may soon find itself in a situation where states

use or abuse VNSA as proxy actors to harm the interests of other states, rather than making progress in their systemic regulation. This, in turn, could make an already unfavourable situation even worse than it is today. And even if VNSA are not directly used or abused as proxy actors, it is expected that the degree of passivity of states towards VNSA will deepen. The issue of VNSA may become completely secondary for states.132

The course of events in the Sahel region, and in Mali in particular, where the political interests of the major powers are clashing, show that the situation is indeed beginning to change.133 Due to the long-standing weakness of local leaders to successfully intervene against Salafist groups claiming allegiance to Al-Qaeda or the Islamic State, the security situation there depends to a large extent on the willingness of the international community to maintain multilateral missions with a counterinsurgency mandate and/or on ad hoc unilateral actions by the powers. But the military and political cooperation between Mali's junta, in power since 2021, and Russia, so far through the Wagner group, led to the withdrawal of France's Barkhane mission, in 2022, and the United Nations' MINUSMA, in 2023.134 The Wagner Group has not been involved in large-scale counterinsurgency operations in lieu of international/Western forces.135 As a consequence of these developments, predatory VNSA (including, unfortunately, the Wagners) are becoming increasingly virulent. Conflicts between groups claiming allegiance to Al-Qaeda and the Islamic State are increasing, as is their ability and interest in harming the local population and the Malian state as a whole. The Malian state itself is unable to counter the VNSA and is losing territory under its control. In the last year alone, the Islamic State group has doubled its territory. Civilians are becoming collateral victims of the fighting or are being directly attacked by the VNSA.136 All in all, in the face of spoiling VNSA, the security situation in Mali is much worse without Western assistance.137

The turn of events in this African state may suggest that strategic approaches involving international missions and counterinsurgency operations may be used even less than before in the current international political situation, if it persists or even becomes more complicated. States may wish to act only against those VNSA that they perceive at any given time as posing a truly concrete and fundamental threat to their vital interests.138 In other words, this will further narrow the criteria for when states decide to take direct armed action against VNSA.

As for strategies to accommodate some of the empirically strong and socialisable VNSA, these require all the more the conditions of a cooperative international system; an environment in which multilateral intergovernmental institutional cooperation is essential to the process of their successful integration into the international community. But synergy between states and INGOs is also necessary. Indeed, it is the latter that are absolutely crucial for the socialisation of VNSA. However, if the political legitimacy and consequent role of these actors in the international system is questioned by particularly authoritarian powers, as is often

132 Boyle, op. cit.
133 Kepe, Marta; Treyger, Elina; Curriden, Christian; Cohen, Raphael S.; Klein, Kurt; Rhoades, Ashley L.; Schuh, Erik, and Vest, Nathan (2023): Great-Power Competition and Conflict in Africa, Santa Monica, Rand, p. 131.
137 Le Monde (with AFP), op. cit.
138 Boyle, op. cit.
the case today,\textsuperscript{139} and if they are not seen as important partners in the common work, the path to the socialisation of VNSA will be closed and progress towards a systemic socialisation solution will not be achieved.

Academia certainly offers imperfect but applicable answers to important questions about how to deal with VNSA. It is up to policy-makers, decision-makers and opinion-makers to raise them properly and at least try to put them into practice. Unless the state's approach to VNSA changes in the long term, all existing non-state security threats will continue to emerge. Without political will, all proposed solutions will remain empty theoretical concepts without life, which would only exacerbate the unpleasant features of current international politics. So let us try to remain optimistic\textsuperscript{140} and hope that one day the international community will finally be able to muster the necessary political will, especially for the sake of the weak and failing states that are threatened by VNSA displacement from their own territory, and for the sake of the civilian populations that suffer most from VNSA malign activities.

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\textsuperscript{139} Heiss, Andrew: "NGOs and authoritarianism", in Davies, Thomas (ed.) (2019): Routledge Handbook of NGOs and International Relations, Abingdon/New York, Routledge, pp. 557–572.

\textsuperscript{140} The agreements between states and VNSA, where the spiral of non-state violence has been halted or at least reduced, are certainly proof that not everything has to be all black. In the last decade, a total of 10 agreements have been concluded with VNSA operating in the Central African Republic, Colombia, Libya, Mali, the Philippines and South Sudan (Weller, Marc; Retter, Mark and Varga, Andrea: "Peace Agreements and Instruments", in Weller, Marc; Retter, Mark and Varga, Andrea (eds.) (2021): International Law and Peace Settlements, Cambridge, University of Cambridge, pp. xxxii–xxxiii).


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