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Local Forces and Legitimacy in Counterinsurgency

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Abstract

Local forces can be an effective tool in counterinsurgency provided they are well regulated and used in a just manner. They can contribute to the security sector, as well as developing wartime social order and government legitimacy at the local level. To the contrary, in the Nepal insurgency, local forces were branded predatory by human rights activists and civil society, hence could not gain the political support necessary for their mobilization. Despite spontaneous self-defense uprisings by the people, use of local forces never came into being as a security and social tool of counterinsurgency. Cause-oriented groups generally target local forces existence; however, their legitimate use through a well-worked out mobilization plan results in effective counterinsurgency.

Keywords

Counterinsurgency, Local forces, Violence, Social order, Legitimacy, Mobilization

Introduction

Local forces, as a third armed actor in situations of political violence, play a crucial role, albeit there is no predetermined template for their use, which varies with

context, time, and local conditions. Many countries have used them to their advantage. Dismissing their utility based upon selective historical posturing, as was done in Nepal, is to miss the reality that insurgency involves a contest of mobilizations at a moment when normal politics has broken down and requires a reordering of legitimacy. In this struggle for legitimacy between the government and the insurgents, the group that mobilizes the population wins.

The notion of self-defense and spontaneity of the movement gives local forces greater credibility compared with the insurgents. There has been relatively better understanding of the formation and mobilization of local forces due to the new body of literature (Blocq, 2014; Schubiger, 2016; Fumerton, 2001). Likewise, our knowledge of the forms, functions, settings, challenges, and dynamics of active civilian engagement in the violence of civil conflicts has been enhanced by a plethora of new research on the topic (Jentzsch et al., 2015). In fact, local forces can be used by governments to reduce counterinsurgency costs, gain access to local knowledge, expand their influence into remote areas, or even enhance their legitimacy by giving the impression that they have widespread public support (Jentzsch et al., 2015; Carey et al., 2015).

Necessarily, given the violent nature of the project, local forces can be dangerous and emerge as a negative factor if their objectives and interests are illicit. They may even break-down into sub-groups and indulge in organized crimes and warlordism. There are current examples of this, where unregulated militias, as are present in parts of Africa, Latin America, and Asia, are criminal entities which do not work to support constitutive political order and are not grass-root movements of self-defense.

It is noteworthy that the usefulness of local forces in building social order and enhancing state legitimacy is rarely discussed in the existing literature. Contributions of local forces to local administration, social reconstruction, and constructive changes within their own communities, as well as the social order they establish, have not

received enough attention (Theidon, 2006; Hoffman, 2007; Blair & Kalmanovitz, 2016). Current theories view local forces at the tactical level and adopt an apolitical perspective on how states employ them. At the extreme, any expression of self-defense is identified as illicit and representative of state criminal intent. This is accurate but does not speak to the reality that armed reform and popular empowerment are the essence of counterinsurgency by a democratic state, whether Nepal or any other. If the state is only delegating or outsourcing violence to local forces, then it is limiting them in their ability to function in support of political actions.

This paper discusses the need to transform the initial uprising into building a social order towards restoring the government legitimacy. The first part covers the significance of local forces in counterinsurgency, the second part discusses about the local forces as important component in building a social order in the conflict-torn society, the third part assesses how local forces can be important tool for building legitimacy of the government primarily at the local level, and the final part concludes the paper with observations.

Local Forces in Counterinsurgency

Local forces are introduced as a third actor in civil war studies, alongside state security forces and insurgents (Jentzsch et al., 2015). Definition by Seth Jones, who uses the not-entirely-appropriate term “militia” rather than “local forces,” nevertheless provides a useful definition for the manner in which this article uses the latter term: "an [organised, irregular, armed group drawn from the civilian population] that performs security and governance functions within a state. The primary goal of a militia is population control; especially the establishment of local rule in a given territory” (Jones, 2012, p. 4). The central point is that local forces can be an important tool for governance, as self-defense is integral to all political order.

There are several dimensions involved, which include recruitment, establishment of networks and institutions, and collaboration with the state to build up wartime social order. The social order of wartime is defined by Ana Arjona (2014) as “the set of rules that structure human interaction in a given community during wartime, allowing for...predictability [i.e. people’s expectations about what might happen] to exist” (p. 1374). In facilitating such order, local forces are transformed from merely a tactical armed element – as they are examined in much of the literature – into a social actor that can help reconstitute and build legitimacy of the state at the local level.

Mass Mobilization is Key

Mass mobilization is central to insurgency. Insurgents rely on mobilizing the people, which is carried out through a combination of coercion, deterrence, and persuasion. People generally support the side they see as winning. To deny support to the insurgents, the population must be convinced that the state is able to provide security and is willing to reflect popular aspirations and demands. Empowerment galvanizes self-defense. This requires building up of local forces as auxiliary forces of the state. In the competitive environment, where numbers play a great role, correlation of forces should be built in own favor through mobilization of local forces.

The conflict between coercive and public goods ("hearts and minds") tactics has long been at the heart of the counterinsurgency debate. However, it is clear that local security, which local forces may bolster, is a prerequisite for the counterinsurgent to provide public goods. Additionally, local forces can serve as direct delivery systems for public goods (Biddle, 2008; Kalyvas, 2008). Necessarily, if the central analytical assumption is that the state is flawed and predatory – with the existence of revolt itself serving as a metric of state illegitimacy – mobilizing in its defense will be labeled as illicit.

Local Forces as Force Multiplier

As regular security forces will invariably be insufficient for popular protection, adequate local forces must necessarily fill the gap. In democratic Colombia, for instance, local forces were ultimately central to the regaining of the strategic initiative, while simultaneously highlighting the imperative for state control of such forces. Existing simultaneously with licit formations, which were manned by volunteers from a slice of the national draft, the state was forced to deal with illicit formations, to so-called “paramilitaries,” which mirrored the insurgents in their violence and criminality but, ironically, had emerged in the first instance in self-defense efforts to fill the void created by inadequate state protection (Ospina & Marks, 2011).

In similar fashion, local forces were central to the defense of the nascent democracy in South Vietnam. Of particular interest, given the expeditionary presence of large U.S. forces, was the use in some areas of local forces paired with U.S. Marines in Combined Action Platoons to defend and secure communities as part of counterinsurgency (Peic, 2014, pp. 162-184). Similar initiatives were carried out by the US and its allies in Afghanistan (post-2001) and Iraq (post-2003), where tribal and village local forces were armed and trained in response to insurgent predation (Mowle, 2006). The spectacular success of the so-called Anbar Awakening is well known and presents a strong example of popular self-mobilization empowered through local defense.

These examples highlight the centrality of directing local defense in support of the strategic objective, democratic reform to be achieved through the counterinsurgency strategy. The restoration of Philippine democracy following the 1986 ouster of dictatorial rule serves to illustrate (Marks, 2007). Government forces first cleared insurgent New People's Army (NPA) units in an area, with follow-on efforts destroying the clandestine infrastructure. As elections restored state functioning, residents were

grouped into local forces. Informed by strong intelligence and under the command of regular government formation, the local forces unit protected the new order. Government representatives took development initiatives once security had been restored.

Necessarily, the planning and their execution of local forces is guided by the existing realities on the ground. As noted previously, authentic self-defense can emerge only from popular empowerment. General Saiyud Kerdphol, the legendary of Thai counterinsurgency figure, had planned for local forces in early counterinsurgency efforts but found that the authoritarian nature of the system negated the effort. "The villagers were more afraid of the police than the enemy," he observed in an interview (Marks 2007, p.102). When political upheaval, 1973-1976, brought a more representative system into being, the situation was altered. Effective employment of a variety of local forces combined with shifting external factors led to the collapse of the Communist Party of Thailand (CPT) (Paul, 1984). Popular concerns and the need to protect newly won rights were brought to the forefront by democratic political space. Hence, a willingness to defend what was theirs could be harnessed.

Changing conditions create an ebb and flow. Countries have revived local forces as circumstances require. India, for instance, formed "Village Defense Groups" in the 1990s in Kashmir, disbanded them under the pressure of human rights groups, then revived them at the beginning of 2023 after insurgents launched a campaign of terrorism directed at local Hindus (Hussain, 2013).

Necessarily, local forces work only if they are organized and directed in such manner as to fulfill the purpose for which they were deployed. To fight Maoist insurgents in the central state of Chattisgarh, for example, the Indian federal government established *Salwa Judum*, a local force, in 2005. These, however, had to be dismantled in 2011 after rights groups accused it of committing atrocities.

What is often lost amidst the controversies created by such cases is the reality that people have the right to self-defense. Fumerton (2018) writes that, in Peru, since the local forces members were the villagers themselves, the ethos of universal membership and involvement in community activities planned by its executive committee for the benefit of everyone served to support the legitimacy of local forces. Local forces took pride in themselves as real "citizen" heroes who were sacrificing their lives to protect Peru rather than staying as helpless victims.

This was the position in which Nepal found itself during its own insurgency. Despite popular demands, it was unable to mobilize local forces after the beleaguered and donor-dependent government of Nepal apparently succumbed to the pressure of the human rights activists and civil society in Kathmandu not to do so. International Crisis Group report (2004) cautioned donors to warn government of Nepal against its "dangerous plans for village local forces" citing that such act will cause a lasting damage to the society, worsen human rights as it will mobilize under-armed and under-trained and will have post-conflict consequences as there will be obvious reprisals in the country having ethnic and social divisions. Amnesty International (2003) also expressed concern over the likely mobilization.

Such warnings are not new to Nepal. It is frequently asserted that local forces violate human rights or are very likely to do so (Human Rights Watch 2007a, 2007b; Human Rights Watch 2011). There are others who argue that the use of excessive violence is a natural component of local forces evolution: "whether the local forces are established by government or not, governments end up not being in control of the local forces because local forces develop lives of their own, taking on the predatory ... instincts of the society and government" (Francis, 2005, p. 4; Aliyev, 2016). Undoubtedly, there will be some cases of vengeance which will have to be checked to prevent escalation in the violence. The disadvantages can be negated through accountability and supervision.

In one of the most remarkable instances of local opposition to the Communist Party of Nepal-Maoist (CPN, Maoist) insurgency (1996-2006), which occurred in western Nepal, the people of Dullu village of Dailekh district spontaneously revolted on November 6, 2004 against the *nayasatta* (new regime) of the CPN (Maoist). It had hurt their cultural sentiments and causing unlimited sufferings. People defied the CPN (Maoist) authority. The resistance by the people spread widely and was about to spill into neighboring district, Surkhet.

The Dullu rebellion could have been a blessing in disguise for the state to expand its influence back into the hinterland, and build its legitimacy from the local level. However, government effort was limited in deploying a military base in the location and providing 30 million rupees for the development of the area. The urban intelligentsia, including media, civil society, and human rights activists, portrayed the Dullu uprising as an orchestration of the government and refused to accept it as a spontaneous and authentic uprising. The population was left on its own, with the weak government in Kathmandu frittering away the opportunity to build upon this expression of local ownership, that is, the legitimacy of what was theirs (Shah, 2008).

Had the momentum been reinforced, so as to expand out of Dailekh district, the effort could have led to emergence of the very mobilization sought by political forces in Nepal's democracy. That they were incapable of seizing the moment simply highlighted the lack of political capacity and capability that was at the heart of insufficient policy and strategic guidance throughout the conflict. In the event, the Dailekh awakening was left unsupported (Bohara, 2004). Ironically, it was representative of many other cases of resistance against the CPN (Maoist), such as those that occurred in Ganeshpur of Kapilvastu district, Kanakasundari of Jumla, in Southern Morang district by the native Santhal tribe, and in Larumba of Ilam, and so on, though at a smaller scale. However,

they were all nipped in the bud, for the government of Nepal could not exploit the situation to the benefit of the democratic social order.

Local forces and Social Order

Defining just what social order entails remains an ongoing effort. Marx concentrated on the fundamental economic linkages, Durkheim on shared norms (Durkheim, 1997), and sociologists such as Talcott Parsons upon the institutions of society, which are largely determined by culture and the values that go along with it (Bourricaud, 1984). These include the family, tribe and clan groups, religion, commerce, educational institutions, athletic associations, and even organizations composed of cultural norms and practices that influence the framework of social order. What is clear, though, is that states have a critical role in maintaining social order, especially during conflict.

The state's goal is to regulate behavior in order to maintain social order. It is precisely a battle of contending orders, that which exists and that which challenges, which occurs during insurgency. Insurgents no longer accept the legitimacy of the old-order (*ancien régime*), which they invariably define as corrupt, manipulative, and brutal. This was seen in the Nepal case. The claim was that the violence of the revolutionary challenge was justified as it was self-defense against the ostensible greater violence of the existing order.

Arijona (2014) states that wartime social order consists of norms that govern human interaction in a community during a period of conflict and provide predictability as to what could occur. He further observes that “understanding why order emerges in war zones and what form it takes is an important question, as it relates to civilians’ experiences of war, armed groups’ strategies, and wartime transformation of key aspects

of society” (p. 1384). It is in this sense that local forces can be an effective tool to maintain social order.

In Peru during its insurgency (1982-2000), for instance, Ayacucho Self-defence Committees (*Comités de Autodefensa*) and Peasant Patrols (*rondascampesinas*) played a crucial role in returning peace and security - order - to local areas. In response to popular demands, the government of President Alberto Fujimori in November 1991 legalised the existence of peasant local forces and their ability to carry weapons with the promulgation of *DecretoLegislativo*Nos. 741 and 740. (p. 77), and the new name was given to the local forces, Committees of Self-Defence and Development (CADD) (Fumerton, 2018). Stricter government oversight and management of the self-defence committees followed legal recognition. These regulations and procedures were intended to hold civil defence patrols more responsible to the military for their conduct. As such, they could serve both defensive and constitutive roles.

It was the latter which was particularly important. On the one hand, most participants came from the target population. On the other hand, others came from those who had supported the insurgency or even participated as combatants in insurgent ranks. By rehabilitating, reintegrating, and bringing opponents and supporters of Shining Path together, *Rondascampesinas* created and implemented their own wartime social order that was in accordance with local customs of communal justice, therefore starting to mend the ripped fabric of rural life. These exchanges with erstwhile adversaries were essentially ceremonial, symbolic, and theatrical. Additionally, local forces commanders came up with creative solutions to prevent conflict between communities, such as combining all of the villages in an area-some of which had previously been adversaries-into a single network of interdependent communities governed by a central headquarters.

Arjona (2014) writes that in order to establish a social order during the conflict, the self-defence committees in Ayacucho, Peru, broadened their responsibilities to

include governing for the benefit of their local communities. In addition to patrolling and defending the community, each member was required to work on public projects such as mending roads, cleaning the village water reservoir, and irrigation canals. While women and the elderly had their own particular jobs that supported deployment of a self-defense capacity, which was done principally by males, every physically fit adult was supposed to participate in defending the village when it was attacked (Fumerton, 2018, p.70).

Local Forces for Building Legitimacy

Weber (1947) states that "the most usual basis of legitimacy is a belief in legality, the readiness to conform with rules which are formally correct and have been imposed by accepted procedure" (p.131). It is just such a battle for legitimacy which occurs during an insurgency, with its character determined at any point in time by what might be termed the intangible correlation of forces, that is, the balance of contending beliefs as embraced by the populace. Based on the Weberian notion of legitimate rule, legitimacy exists as long as sufficient people are prepared to follow a political actor and/or consider a political order as binding (Schneckener, 2017).

Counterinsurgency is thus a struggle for legitimacy between the state and insurgents, which necessarily leads to rival mobilizations of incorporation and support. In fact, recent counterinsurgency doctrine (e.g., FM 3–24) states that "legitimacy is the main objective" in counterinsurgency. Local forces are required to reflect the sentiment of general masses in counterinsurgency, where insurgents also compete for winning over the population. In addition, local forces often move from an initial posture of armed self-defense to a more holistic role as social reformers. The local forces can become agents of change and social transformation in the local communities. Fumerton (2018) found just this in his study of peasant local forces in Ayacucho, Peru, as discussed above.

There, the local forces ultimately became crucial to the governance and reconstruction of their towns (p.78).

This leads to a central point: There are two sides to the effects of violence on legitimacy. Violence used in support of a proper and just cause can project a message of rectitude and will be judged as legitimate, stemming from the inherent right of a population to engage in self-defense. Illicit violence, in contrast, will not foster legitimacy. Such violence may have a discrediting impact, especially when it is used indiscriminately. Local forces should not be allowed to fall short of the standard that the people expect from them. Misconduct will only contribute to the strengthening the legitimacy of the rebels.

Conceptually, rebels and local forces come from very different directions. While rebels ideally have to win supporters, increase acceptance and legitimacy over time, local forces have to make sure that they do not diminish their initial advantages regarding legitimacy (Schneckener, 2017). Stanton (2015) adds another dimension to this based on the statistical analysis of civil wars from 1989 to 2010, observing that when local forces are formed from the same community, they are more likely not to use violence irresponsibly against that community. Hence, local forces can be instrumental in restoring social order and writ of the state, even as they enhance their own credibility by being part of the development initiatives of the state.

Conclusion

The pressure brought upon the state to suspend local forces programs is not new and will have to be dealt legally and systematically. Ignoring and undermining people's spontaneous response against insurgents rather than building upon such self-defense impulse is short-sighted, as demonstrated in Nepal. Rather than blanket condemnation, what needs to be figured out is what works in a given context and time. Nepal was

compelled not to utilize local forces, which resulted in the state remaining on the strategic defensive throughout the conflict. Incorporation of local forces into a plan of response was a requirement to regain the initiative. It would have allowed use of self-defense as a support to offensive action, simultaneously buttressing the democratic political processes.

It is this last point which is too often missed but which has increasingly emerged as a central point in considering the phenomenon of local forces. They are not merely a tactical armed component of the violent battle for legitimacy. Rather, if allowed to function correctly, they become much more, contributing to restoring the social order and building the legitimacy of the state. This is the essence of counterinsurgency as waged by a democracy.

References

- Aliyev, H. (2016). Strong militias, weak states and armed violence: Towards a theory of ‘state-parallel’ paramilitaries. *Security Dialogue* 47(6), pp. 498-516. <https://doi.org/10.1177/0967010616669900>.
- Amnesty International Press Release. (11 November 2003). “Nepal: Civilians sucked into ongoing conflict”, (ASA 31/072/2003).
- Arjona, A. (2014). Wartime institutions: A research agenda. *Journal of Conflict Resolution* 58(8): 1360-1389.
- Biddle, Stephen. (2008). Review of the new US Army/Marine Corps counterinsurgency field Manual. *Perspectives on Politics* 6 (2): 347.

- Blair, R.A., & Kalmanovitz, P. (2016). On the rights of warlords: Legitimate authority and basic protection in war-torn societies. *American Political Science Review* 110(3), pp. 428-440. <https://doi.org/10.1017/S0003055416000423>.
- Blocq, D.S. (2014). The grassroots nature of counterinsurgent tribal militia formation: The case of the Fertit in southern Sudan, 1985-1989. *Journal of East African Studies* 8(4): 710-724. <https://doi.org/10.1080/17531055.2014.946336>
- Bohara, R. (2004). "Rebelling against rebels." *Nepali Times*, Issue 226 (17 Dec 2004 - 23 Dec 2004), <https://archive.nepalitimes.com/news.php?id=1473>
- Bourricaud, F. (1984). *The Sociology of Talcott Parsons*. The University of Chicago Press.
- Carey, S.C., Colaresi, M.P., & Mitchell, N.J. (2015). Governments, informal links to militias and accountability. *Journal of Conflict Resolution* 59(5), pp. 850-876. <https://doi.org/10.1177/0022002715576747>
- Durkheim, Emile. (1997). *The division of labor in society*. New York: Free Press.
- Francis, D.J., (Ed.) (2005). Introduction. In David J. Francis (ed.) *Civil militia: Africa's intractable security menace?*, pp. 1-30. Hants, UK: Ashgate Publishing Ltd.
- Fumerton, M. A. (2018). Beyond counterinsurgency: Peasant militias and wartime social order in Peru's civil war. *European Review of Latin American and Caribbean Studies* 0(105), 61. <https://doi.org/10.18352/erlacs.10374>
- Fumerton, M.A. (2001). Rondas Campesinas in the Peruvian Civil War: Peasant Self-defence Organisations in Ayacucho. *Bulletin of Latin American Research* 20(4), pp. 470-497. <https://doi.org/10.1111/1470-9856.00026>

- Human Rights Watch. (2007a). *Thailand: Government-Backed Militias Enflame Violence*. <http://www.hrw.org/news/2007/04/17/thailand-government-backed-militias-enflame-violence> (Accessed on 10 July 2016).
- Human Rights Watch. (2007b). "They came here to kill us: Militia attacks and ethnic targeting of civilians in eastern Chad." New York: Human Rights Watch.
- Human Rights Watch. (2011). "Just don't call it a militia" Impunity, militias, and the "Afghan local police." New York: Human Rights Watch.
- International Crisis Group (2004). Nepal: Dangerous plans for village militias, <https://www.jstor.org/stable/resrep45721>.
- Jentsch, C., Kalyvas, S. N., & Schubiger, L. I. (2015). Militias in civil wars. *Journal of Conflict Resolution*, 59(5), 755–769. <https://doi.org/10.1177/0022002715576753>
- Jones, S.G. (2012). *The strategic logic of militia*. Santa Monica, CA: RAND. Working Paper.
- Kalyvas, N. S. (2008). Review of the New Us Army/Field Manual. *Perspectives on Politics* 6 (2), pp. 351-53.
- Marks, T. A. (2007). *Maoist people's war in post-Vietnam Asia*. White Lotus Press, p. 102.
- Mowle, T. S. (2006). Iraq's militia problem. *Survival* 48, no. 3, pp. 41–58. doi: 10.1080/00396330600905528.

- Paul, A. (1984) "The jungle war the Communist lost", *Reader's Digest*, Asian edition (October 1984), pp.2-6.
- Peic, G. (2014). Civilian defence forces, state capacity and government victory in counterinsurgency wars. *Studies in Conflict & Terrorism* 37, pp. 162–184. doi:10.1080/1057610X.2014.862904.
- Schneckener, U. (2017). Militias and the politics of legitimacy. *Small Wars & Insurgencies*, 28(4–5), p. 803. <https://doi.org/10.1080/09592318.2017.1322334>
- Schubiger, L. I. (2016). State violence and wartime civilian agency: Evidence from Peru. (Unpublished paper)
- Shah, S. (2008). "Revolution and reaction in the Himalayas: cultural resistance and the Maoist in regime in Western Nepal." Aug., Vol. 35, No. 3, pp. 481-499.
- Stanton, J. A. (2015). Regulating militias: Governments, militias, and civilian targeting in civil war. *Journal of Conflict Resolution*, 59(5), pp. 899–923. <https://doi.org/10.1177/0022002715576751>
- Theidon, K. (2006). Justice in transition: The micropolitics of reconciliation in postwar Peru. *Journal of Conflict Resolution* 50, pp. 433-457. <https://doi.org/10.1177/0022002706286954>
- Weber, M. (1947). *The theory of social and economic organization*. Trans. A.M. Henderson and Talcott Parsons. London and New York: Oxford University Press: 124. [Cited from - Cook, D. (2003). *Legitimacy and political violence: A Habermasian perspective*.]