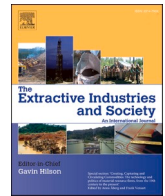




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When rebels govern oil

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ABSTRACT

Numerous oil and gas-producing countries have suffered civil war and internal conflict in the last two decades. Such political instability has had significant ramifications for global energy security. The literature addressing the connection between oil production and civil wars focuses on the contest for physical control over fields, pipelines, transport hubs, and other physical infrastructure. This overlooks how rebels make symbolic and legal claims to oil ownership that parallel the physical confrontation. Alternative national oil companies and other quasi-legal entities assert rebels' authority to manage and dispose of oil. Here, I typologize different forms of rebel oil government and offer empirical examples of each form. I show that rebel oil governance can affect the course of conflicts, helping rebels substantiate internal control and entice international backers. More broadly, these quasi-legal rebel entities disrupt and realign global energy supplies.

1. Introduction

Oil and gas-exporting countries around the world have faced frequent internal conflict and civil wars. This political instability contributes to supply shocks and retards investment (El-Gamal and Jaffe, 2018; Jaffe and Ellass, 2015; Mitchell and Thies, 2012; Monge and Cristóbal, 2021; Toft, 2011). Social scientists debate whether oil contributes to instability and violence, joining slowed economic growth, corruption, and repression among the afflictions of the "resource curse" (Basedau and Richter, 2014; Cotet and Tsui, 2013; Ross, 2006, 2015; Waldner and Smith, 2020). Seizing oil or other valuable resources enables rebels to pay fighters and win more recruits, thus perpetuating conflict. Greed, in this conception, motivates political violence (P. Collier, 2000; Weinstein, 2005). If rebels are merely criminals, then resources that fall into their hands must be illicit and funneled to the black market.

This article draws attention to rebels' efforts to assert legal rights to oil ownership, including the right to sell oil. International commercial law governing privilege state-ownership of resources. National oil companies (NOCs) enjoy unique sovereign authority and privileges. Indeed, many of oil's ill-effects stem from the incentive structures of state-ownership (Basedau and Richter, 2014; Khanna, 2017; Luong and Weinthal, 2010; Mahdavi, 2020; Wolf, 2009). NOCs defend regimes in

times of crisis. They generate revenues with which governments can purchase military equipment and buy off opposition (Cheon et al., 2015; Englebert and Ron, 2004; Merrill and Orlando, 2020; van der Ploeg, 2018). NOCs also provide incumbent regimes distinctive legal advantages over rebel actors. If NOCs have exclusive legal authority to sell oil, any oil rebels touch is necessarily contraband.

Rebels do not accept such encumbrances passively. Some create alternative NOCs or other quasi-legal entities that seek to replace state authority for their own. These symbolic measures are distinct from capturing oil fields, terminals, refineries, or other facilities. Incumbent regimes—and many outside observers—dismiss such legal pretensions as fraud, dressed up criminality. Yet differences in these legal claims, I argue, can substantially affect the course of conflict in resource-rich countries.

This piece proceeds as follows: First, I explore how and why current research on oil and political stability overlooks issues related to ownership in favor of a focus on material possession. Symbolic acts of averring ownership are consequential components of rebel governance, the elaboration of institutions meant to substantiate rebel rulership functionally and symbolically. Secondly, I develop a typology of variation in the forms of rebel oil governance. I combine qualitative case comparisons (Gerring, 2017) and typological theory (D. Collier et al., 2012; Elman, 2005) to propose five distinctive types of rebel oil

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governance. Thirdly, I show how these types of rebel oil governance constrain conflict dynamics, conflict resolution, and the ultimate post-conflict recovery of the oil sector in ways that diverge from expectations of theories that treat rebellion as merely criminal. Attention to rebel oil governance thus can better explain the impact of oil on war and peace and improve policy measures for dealing with resource conflicts.

2. Oil ownership and rebel governance

Much of the discussion of rebel financing hinges on who physically controls valuable commodities. The general consensus is that oil favors incumbent regimes. States use oil rents to enlarge their armies, buy-off opposition, and entice foreign allies (Colgan, 2013; Paine, 2016; Ross, 2013). Rebels try to turn the tables by seizing oil infrastructure. Case studies of rebel groups in Nigeria (Boas, 2011; Courson, 2011), Indonesia (McCarthy, 2007; Schulze, 2007), Syria and Iraq (Al-Tamimi, 2015; Do et al., 2018; Le Billon, 2015), and Colombia (Dunning and Wirpsa, 2004; Gutiérrez Rodríguez, 2019; Richani, 2005), among other contemporary conflicts, detail how rebels benefit financially by seizing, looting, or threatening oil facilities. Oil is difficult for rebels to loot, especially offshore facilities (Andersen et al., 2021; P. Lujala, 2010). Keeping up production requires human and financial capital beyond the means of most rebel groups. Bunkering pipelines or hijacking oil-laden lorries and ships is often a preferred rebel tactic (Ocakli and Scotch, 2017; Ralby and Soud, 2018). Data from the Rebel Contraband Database (Walsh et al., 2018) show that extortion of oil facilities is also very common, shown in Fig. 1. Industry analysts documented 1480 terrorist attacks on oil installations or infrastructure between 2011 and 2016, mostly occurring in countries experiencing civil conflict, such as Colombia, Nigeria, Libya, Iraq, and Pakistan (Ruiz, 2018). In Nigeria alone pipeline sabotage caused the loss of 37,000 barrels on average per year (Umar et al., 2021). These measurements reflect only the physical and material relationship between oil and conflict. They assume, as much of the resource curse theory does, that greedy rebels are mainly interested in physically obtaining goods and conveying them to the black market. The main obstacle is opportunity. Any rebel claims to ownership of oil or other resources are derisory (Marks, 2019, p. 2).

The omission of legal claims is curious because state-ownership is a cornerstone of contemporary oil markets (Wenar, 2008). NOCs, as sovereign agents, have exclusive legal standing to sell oil (Tordo, 2011; Victor, 2013). NOCs market oil abroad in order to generate revenue for the regime and to subsidize domestic energy consumption (Krane, 2018; Losman, 2010; Marcel, 2006). Major international oil companies, customers and partners to NOCs, are generally wary of buying oil of uncertain provenance. This caution imposes a legal handicap on rebels and impedes rebel financing. Rebels may possess oil, but they lack legal authority to dispose of it (D. Dam-de Jong and Stewart, 2019; D. I. Dam-de Jong, 2015). Black market smuggling is their only way to derive revenue (Basu, 2013; Shelley, 2018).

But civil wars are, by definition, characterized by ruptures in sovereignty that unsettle legal certitudes. Indeed, as Sambanis and Schulhofer-Wohl note, sovereignty rupture mean[s] a challenge to an incumbent government's role as the ultimate arbiter of behavior within a polity. Understood in these terms, the rupture of sovereignty that results from the violent contest between the governing authority and its opponents constitutes the core feature of civil war (Sambanis and Schulhofer-Wohl, 2019, p. 1547).

Contradictory ruling and laws emanate from rival constellations of leaders and institutions (Brinton, 1965 [1938]; Rule and Tilly, 1972). Rebellion, thus, occurs across two fronts simultaneously. Rebels challenge states' de facto control, their ability to govern population and control territories. Rebels also contest state's juridical or legal authority and their legitimacy. On the ground they carve out zones of hybrid governance (Podder, 2014; Staniland, 2021). Internationally, they urge foreign state to reconsider their recognition of incumbent regimes (Jackson, 1993). Seizing oil infrastructure directly challenges states' de facto control on the ground. Appealing for recognition, the conferral of rights and privileges reserved for sovereign entities, usurps incumbents' juridical authority.

If the right to dispose of oil is a key element of state power, then rebels' legal claims to proprietorship are integral to efforts to construction of alternative governance. Rebel governance is the set of functional and symbolic institutions rebels launch to establish themselves as alternatives to the incumbent state. These institutions are minimal when rebels are primarily oriented toward immediate plunder.

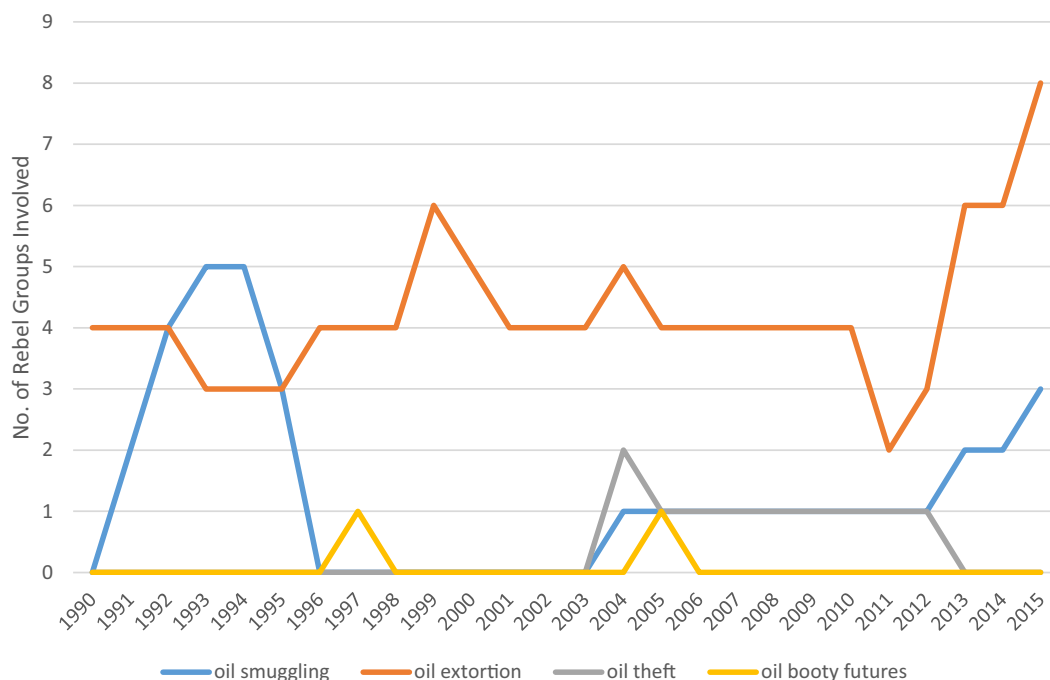


Fig. 1. Oil and rebel groups, 1990–2015 (Source: Rebel contraband dataset).

Such rebels have neither interest nor ability to build durable institutions that regulate their relationship between civilians. Other rebel groups assume more expansive responsibilities. This includes security forces, judiciaries, legislatures, tax collection and other fiscal agencies, schools, and general social welfare organs (Arjona et al., 2015; Cunningham and Loyle, 2021; Duyvesteyn et al., 2016; Furlan, 2020; Mampilly and Stewart, 2021). Some components of rebel governance involve outward-facing economic and political diplomacy aimed at winning foreign allies (Coggins, 2015; Huang, 2016). Establishing institutional apparatuses to manage oil production and marketing, as discussed below, fits within the larger ambit of governing the economies of conflict zones (Nordstrom, 2000; Schultze-Kraft, 2018; Wennmann, 2007).

3. Varieties of rebel oil governance

The idea of governance goes beyond physical control or even administration to focuses on the forms of legitimate authority. Authority involves not just the power the compel, but the justification that make such power normatively sound (Rose-Ackerman, 2017). The alternative institutions of oil governance, including rival national oil companies or other bureaucracies, thus provide a legal framework for rebel governance.

There are two key distinguishing characteristics of regimes of rebel oil governance. The first element is the type of authority rebels have or claim over oil. Commodity markets often distinguish between spot markets, where buyers take physical possession over a good, and “paper” futures, in which nominal ownership rights are conveyed remotely (Johnson, 2015; Manera, 2013). This distinction between physical access and legal rights mirrors the disjunction between empirical (*de facto*) and juridical (*de jure*) sovereignty that occurs during periods of civil war and revolution (Agnew, 2005; Jackson, 1993; Krasner, 2001). Physical possession of oil corresponds in microcosm with *de facto* control. Proprietary claims articulated through alternative NOCs or similar rebel institutions manifest assertions of *de jure* sovereignty. Such claims also open up the possibility for booty futures, offering to sell oil in return for political support.

On this basis we can distinguish three categories of rebel control over oil:

- *Physical possession only.* Rebels have physical (*de facto*) control over oil but make no legal claims.
- *Ownership claims only.* Rebels set up institutions that express legal (*de jure*) claims over oil but lack physical possession.
- *Physical possession and ownership claims.* Rebels have physical control and mount legal claims to the goods (*de facto* and *de jure* control).

The second distinguishing element in rebel oil governance is the spatial scope to which rebels assert authority. Crucially, the spatial scope of claimed authority is not just a measure of the spaces under rebel control (Kalyvas, 2006; Tao et al., 2016). Political leaders strategically lay claim to resource-laden territories, even if these areas are outside of their actual control (Paine, 2016; Zellman, 2020). The value of such resources, often exaggerated in popular imagination, provides political justification and motivation (Le Billon, 2012, p. 32; Watts, 2005). These spatial claims are components of rebels’ larger political agenda and goals. The literature on civil wars often classifies rebels as center-seeking, aiming to take over the state, or separatists, seeking to break away from the state (Asal et al., 2016; Hunziker and Cederman, 2017; Le Billon and Cervantes, 2009). Differences in rebels’ political objectives generate significant variation across a range of rebel behaviors (Jo, 2015, 2016; Stewart, 2018). These differences also bear on the spatial scope in which rebels assert resource governance. Spatial claims to resources take two possible forms:

- *National-level claims.* Such claims are associated with center-seeking rebellions that aim to remove and replace the central government.

Rebels claim rights as the legitimate government for the entire country and thus assert authority across the entirety of national territory (regardless of whether they can actually reach those territories)

- *Sub-national claims.* Separatist rebels, in contrast, unilaterally seek to establish autonomous or independent entities in discreet portions of national territory (Florea, 2017; Horowitz, 1981). Separatism challenges the central government for control in some areas, but not the entirety of national territory. Separatists’ claims to resource ownership pertain only to a sub-national segment. Again, these claims do not necessarily correlate with the physical extent of rebel control.

Table 1 below presents a typology of rebel oil governance modes. The different categories of control generate three major forms of rebel oil governance: illicit oil governance, remote oil governance, and consolidated oil governance. The scope of control generates subsequent subtypes. Each of these should be taken as ideal-type or maximal concepts. Inductive examination of empirical cases offers a building block to consider key characteristics of each typological form. The cases are thus not representative of a pre-defined population. Rather, they correspond with and illustrate key conceptual features for each type of rebel oil governance (George, 2019; George and Bennett, 2005; Thomas, 2011).

3.1. Illicit oil governance

Illicit oil governance emerges when rebels have physical possession of resources without making any legal claims to ownership. More rebels seize and smuggle resources than aver legal claims to own these goods (Albert, 2022). In tacitly conceding that their goods are stolen, rebels moot the question of the spatial scope of their authority. Their goal is plunder, not legality. After taking possession of oil, the key question is how to get these ill-gotten goods to market. Smugglers can carry crude or oil derivatives across porous borders. Fraudulent documentation camouflages the illicit provenance of the goods. Outside firms add to the subterfuge by issuing bogus paperwork of their own (Blas and Farchy, 2021, p. 91). The goal is to pass goods off to credulous or complicit outside buyers. Indeed, illicit goods often cross imperceptibly into licit supply lines (Gregson and Crang, 2017; Khalili, 2021). Yet this secrecy forecloses opportunities for rebels to make positive legal claims to ownership or to mount the larger agenda of oil governance (Gallien and Weigand, 2021; Sweet, 2021). Acting merely as a profit-motivated criminal makes it easy to dismiss rebels’ political agenda (Lessing, 2021).

Among the many rebel groups that engage in oil smuggling, extortion, and theft, the Movement for the Emancipation of the Niger Delta (MEND) provides a useful example of illicit oil governance. MEND’s declared aim is to secure a greater share of oil revenues for the people of southern Nigeria. MEND cited the “theft” of oil from southern soil as a political grievance, but had no institutional organ to formalize alternative ownership claims. The Nigerian government and international oil companies depicted MEND as an organized crime racket and as terrorist organization. MEND obtained substantial volumes of oil through pipeline bunkering and hijacking. It kidnapped or extorted oil workers. Some oil was refined and sold locally. MEND paid off Nigerian officials

Table 1
Forms of rebel oil governance.

Type of rebel control		
<i>Physical only</i>	<i>Legal only</i>	<i>Physical + legal</i>
Illicit oil governance	Remote oil governance	Consolidated oil governance
MEND (Nigeria) (no spatial jurisdiction claimed)	National-Level: TNC (Libya) AN (Venezuela) Subnational: SADR (Morocco)	National-Level: HoR (Libya) Subnational: KRG (Iraq)

(including from the Nigerian NOC) to receive export permits (Boas, 2011; Courson, 2011; Katsouris and Sayne, 2013; Nwajiaku-Dahou, 2012). This willingness to collude with elements of the Nigerian government and oil companies made it easier for MEND to smuggle. But it also discredited the groups' larger political objectives.

3.2. Remote oil governance

If illicit oil governance pushes rebels toward criminal behavior, in remote oil governance rebels make explicitly political claims to rightful ownership without physically possessing the resource. Remote oil governance is a strategy for governments-in-exile or provisional governments in isolated pockets of national territory (Loyle et al., 2021, pp. 6–7; McConnell, 2009). Lacking control of resource-rich space does not disqualify rebels from making legal claims to them.

The case of Libya's Transitional National Council (TNC) in 2011 illustrates remote modes of oil governance in action. The TNC declared itself Libya's provisional government in the first month of the revolution, when it controlled only a sliver of territory in eastern Libya. TNC leaders asserted their right to control the country's oil wealth as Libya's legitimate government. The TNC insisted that the regime of Muammar Qaddafi should be barred from disposing of Libyan national wealth. Qaddafi still controlled the bulk of the country, its oil infrastructure, the NOC, and the central bank, but the international community accepted the TNC's legal claims. The UN embargoed oil sales and froze state bank accounts, preventing the regime from accessing foreign rents. At the same time, TNC officials were rumored to offer booty futures, promising advanced access to oil to those countries willing to break with Qaddafi and back the nascent provisional government (Chivvis, 2013; Talmon, 2011).

Venezuelan opposition factions used similar legal tactics to confront the government of Nicolas Maduro despite evident lack of physical control of the oil itself. Juan Guaidó and the National Assembly (AN) formally annulled the Maduro presidency and implemented an interim government in January 2019. The AN appointed directors and executives for the Venezuelan national oil company, PDVSA. AN officials and spokespersons promised to open the Venezuelan oil sector to foreign investment and warned Maduro's international backers and PDVSA customers, such as China and Turkey, of possible recriminations. The US, European Union, and other states recognized Guaidó and placed sanctions on the Maduro government's exports (Bolton, 2019, 2020). Citgo and Monmeros, PDVSA's downstream subsidiaries in the US and Colombia, respectively, were handed over to AN-appointed managers. The anticipated ouster of Maduro never came. The AN's activities were increasingly restricted to exilic spaces. Maduro's forces remained firmly in control on the ground. Maduro's appointees still oversaw PDVSA's operations within Venezuela, including an estimated 300 billion barrels of onshore and offshore fields.

Even though extraterritorial rebels lack physical proximity to resources, issues of spatial scope still bear on their engagements. Unlike the center-seeking TNC and AN, the Sahrawi Arab Democratic Republic (SADR) has circumscribed subnational claims to oil in Western Sahara alone. In 2001, the Moroccan NOC signed tenders with French and American companies to explore the Anzarane offshore blocks. UN officials deemed these a violation of the sovereignty of Western Sahara. SADR, headquartered in Algeria, underscored legal rights of Sahrawis to the territory by issuing their own tenders. Some small investors signed up with exile government, although none could enter the allocated space. SADR followed up in 2019 by promulgating a maritime jurisdiction law meant to counter Moroccan offshore claims. Pro-SADR NGOs in Europe campaigned to pressure oil companies working with the Moroccan government and complicity in the occupation of Sahrawi territories. The French oil giant Total abandoned exploration projects in the disputed areas. The EU withdrew from maritime agreements which could have provided tacit confirmation to Moroccan claims to the offshore oil fields (Allan and Ojeda-García, 2021; Campos, 2008; Kamal,

2015). Numerous foreign firms refused to transport or trade resources from Western Sahara for fear of legal action (Fernández-Molina and Ojeda-García, 2020; Hagen, 2015).

3.3. Consolidated rebel oil governance

Consolidated rebel oil governance occurs when rebels combine physical possession of oil with explicit legal justification to own the resource at hand. Such consolidation requires rebels to have both bureaucratic-administrative capacities and more-or-less stable territorial control. These contours are typical of unrecognized or de facto states that manage to control resource-rich territories (Caspersen, 2013; Florea, 2017).

Libya's House of Representatives (HoR) government, backed by General Khalifa Haftar, exemplifies how de facto states consolidate oil governance. Following the disputed 2014 election and the ensuing civil war, the Tobruk-based HoR refused to stand down in favor of the internationally-recognized government in Tripoli and instead backed Haftar and his self-styled Libyan National Army. Haftar's forces controlled most of the major oil fields, totaling at least eight billion barrels, and terminals in eastern Libya. The HoR insisted that it was Libya's legitimate government. The HoR accordingly claimed exclusive authority to dispose of oil. The HoR appointed its own slate of managers and director for the Libyan National Oil Company (LNOC) and Libyan Central Bank, setting up rival branches of these organizations in Tobruk. The HoR solicited foreign buyers and tried repeatedly to get purchasers to remit to accounts under its control, not Tripoli's. Haftar also lobbied the US, Russia, and other foreign governments for recognition. The United Nations and most of the international community did not recognize Haftar or the HoR's legitimacy and continued to treat with Tripoli's appointees (Ahram, 2020; Eaton, 2018).

The Kurdistan Regional Government (KRG) in Iraq has sustained similar claims to oil ownership for the last three decades. The longevity of the KRG makes it an especially influential case to consider both longitudinally as it evolved over time and in comparison to other cases (Seawright and Gerring, 2008). The KRG formed as an unrecognized autonomous region in 1991. Kurdish leaders built functional bureaucracy overseeing security, education, and economic welfare within their domain. About ten percent of Iraq's oil, some three billion barrels of proven reserves, are located in KRG soil. Attempts build the autonomous zone into a separate state, including the launch of an independent Kurdish national oil company, failed. Iraq's 2005 constitution granted the Kurdistan region federal status, including broad political autonomy and a guaranteed share of national oil wealth. Kurdish nationalist parties joined in governing coalitions in Baghdad. Still, relations between the KRG and the federal government in Baghdad remained uneasy. Leaders like KRG President Masoud Barzani continued to demand the right of secession and openly questioned Iraq's viability.

Oil was a major flashpoint between Erbil and Baghdad. KRG leadership cited clauses in the Iraqi constitution to claim exclusive rights over "new fields." The KRG promulgated laws permitting foreign equity ownership in oil fields. Federal authorities and the constitutional court ruled these measures unconstitutional for violating provisions prohibiting private oil ownership. The KRG Natural Resources Ministry issued tenders unilaterally, flouting central authorities. The KRG lobbied the US, Israel, Turkey, and other foreign powers, seeking to trade oil for diplomatic support. Commodity trading firms helped in the legal "smoke-and-mirrors" needed to find purchasers of Kurdish oil. These same firms (along with the Russian Rosneft) advanced the KRG some \$3.5 billion ahead of sales, with one issuing corporate debt secured against anticipated Kurdish oil sales (Blas and Farchy, 2021, pp. 285–291).

The rise of the Islamic State group in 2014 provided an opportunity for the KRG to push its separatist claims. Kurdish troops moved into Kirkuk, an oil-rich province which Kurds claim as part of their historical homeland but which had remained under federal control. The KRG

Energy Ministry funneled foreign investors to blocks in the disputed zones, seeking to preempt contracts issued from Baghdad (Anderson and Stansfield, 2009; International Crisis Group, 2012, p. 5; Natali, 2008). In 2015, the crisis deepened when tankers laden with Kurdish-produced oil sailed from Turkish ports to the US and Israel. The Iraqi government deemed the cargo stolen national property (Abbas Zadeh and Kirmanj, 2017; Bishku, 2018; Voller, 2014, pp. 111–112). In September 2017, the KRG staged a long-awaited referendum on independence (including voting in disputed Kirkuk). The federal government declared the referendum a violation of Iraqi sovereignty. Iran and Turkey, which had strong commercial ties with the KRG, nevertheless objected to Kurdish separatist claims and enforced the blockade. Iraqi troops stormed Kirkuk, killing dozens of Kurdish fighters and driving thousands to flee. A renewed civil war seemed imminent. Although the crisis eventually abated, the referendum underscored the abiding tensions between the KRG and the federal government.

The cases of Libya and Iraqi Kurdistan exhibit key features of consolidated rebel oil governance. In both cases, rebels took possession of oil physically and created alternative legal apparatuses for oil management. These *de facto* states were unassailable politically and militarily. Incumbent regimes saw little choice but to provide lump sum payments from national oil wealth. This allowed the HoR and KRG to operate their own apparatuses for rent distribution, including subsidized consumer fuels and massive-scale public employment (Eaton, 2018; Roberts, 2016; Saleem and Skelton, 2020, pp. 12–14).

Yet the spatial domains of rebel governance differed sharply between Libya and Iraq. The HoR, a center-seeking rebel group, claimed the right to rule *all* of Libya. This meant having jurisdictional authority over the totality of Libyan oil, including resources in the west. The HoR decried the Tripoli government for allowing the division of the country. In contrast, the KRG's legal claims to oil were circumscribed to the sub-national space. The KRG deliberately and explicitly undermined Iraq's territorial integrity by seeking to instantiate jurisdictional boundaries. Yet the KRG's territorial claims were inherently limited. The KRG pushed to brink of calamity to extend authority of the oil fields and city of Kirkuk, but made no claims on the far larger oil fields in southern Iraq.

4. Rebel oil governance in war and peace

How does rebel oil governance affect war and peace? What impact do rebels' claims to ownership have on the relationship between states and rebels during and after conflict? Studies of resources and civil war devote immense attention to the economic motivations of rebel actors (Berdal, 2005; Mueller, 2011; Pearce, 2005). The assumption of rebel criminality is embedded in policy discourses, with rebels presumed to be more interested in looting and smuggling than in politics. Defeating rebels, in this view, is largely a matter of diminishing the inducement for mobilization by interdicting resources and stifling rebels' revenues (United Nations Security Council, 2014; World Bank, 2011).

Rebel oil governance insists that rebels' normative and legal claims to resources matter. In examining the conjunction of symbolic and physical power over resources, rebel oil governance captures a wider range of rebel behaviors than just plunder. Rebel oil governance helps explain the various ways states confront rebels and why certain oil-rich rebels are vulnerable to different kinds of countermeasures.

Rebels that eschew ownership claims and engage in illicit oil governance are most likely to follow the predatory logic explicated in resource curse theory. Their primary concerns are getting their hands on the goods and getting them to market. Partnerships among rebels, smugglers, and organized crime are common and often mutually profitable (Mandić, 2020; Thakur, 2021). Financing through illicit oil makes rebels especially vulnerable to interdiction, however. States fortify crucial oil production sites, pipeline, and export terminals. The often hire private military contractors (PMCs) to garrison these sites (Zabylina and Kustova, 2015). The Colombian government and international oil companies, for example, hired mercenaries to defend oil pipelines

from FARC and other leftist guerrillas. At the same time, areas beyond the oil production zone were often left unpatrolled (Leech, 2004; Rochlin, 2011). Ferguson's study of natural resource production in Africa describes a similarly selective projection of state power, concentrating in value-producing areas like oil fields and refineries while less "usable" spaces are consigned to seemingly endemic disorder of rebel control (Ferguson, 2005, 2006). In addition to control over production sites, there is increased policing and fortification at border crossings and ports, which blocks help block rebel-held goods from reaching paying customers (Carter and Poast, 2015; Gallien and Weigand, 2021; Kim and Tajima, 2022).

Rebels that make explicit claims to ownership, whether remotely or in consolidated types of governance, however, open up new points of confrontation with the state. These steps enunciate rebels' aspirations for sovereignty, not just funds. States cannot prevail in these conflicts by interdiction and police actions alone. SADR, for example, has been denied physical access to the territories of Western Sahara for decades, but that has not dampened its legal claims to the resources. States turn to legal and diplomatic means, in addition to their military campaigns, to defend their sovereign standing and dispute rebel claims to ownership. The site of conflict shifts from the domestic arena to new international forums. The Maduro government's legal appeals to replace AN appointees in Citgo failed in US and British courts. The tables turned, though, when PDVSA collateralized debt using Citgo assets. This effectively put the NA-government on the hook for Caracas' spending (Jones, 2020). Foreign venues become the key meeting point where issues of recognition and ownership are adjudicated.

In cases of consolidated rebel oil governance, incumbent regimes' impressive legal stature and standing in international society contrasts with their practical ineptitude. The Iraq government, for instance, could not stop oil flows from Kurdistan physically. But it sued the KRG's customers in US court and threatened to blackball firms doing business with Erbil (Raval, 2014; Schmall, 2014). In Libya, the Tripoli government could not stop tankers from sailing from HoR-controlled ports. Tripoli could only plead for foreign help to seize the contraband. Tripoli's legal engagements were far more effective. After Haftar captured oil fields and export terminals, the LNOC in Tripoli declared force majeure, cancelling contracts and effectively barring international firms from transacting with the Tobruk (Wintour, 2019). The military balance between rebel and state is less important than their relative diplomatic prowess.

The different types of rebel oil governance bear also on transitions to peace and conflict resolution. Reorganizing and rehabilitating the resource sector is a top priority for post-conflict planning (Roy, 2017, 2018). When rebels adopt illicit oil governance, they are likely to be lured by cooptation strategies. States need only to convince greedy rebels that peace is more profitable than war. MEND fighters have been eager to work with the central government as guards for the oil facilities (Nwajiaku-Dahou, 2012). In Iraq in the mid-2000s (Williams, 2009) and Libya in the 2010s (Ahram and Wehrey, 2015; Eaton, 2021; Herbert, 2021), some of the same armed groups that had menaced oil fields and refineries were recruited as facility guards. The enticement of salaries, contracts, and off-the-books expropriation is enough to bring greedy rebels to terms.

The same carrots and sticks are less compelling when rebels make explicit legal claims to oil. Remote and consolidated forms of rebel oil governance raise political stakes in contesting the juridical status of the state itself. Sovereignty, unlike revenues, is not easily subdivided or shared (Bartelson, 2011). Groups that invest in claiming exclusive legal right to oil are unlikely to be satisfied with subordination in existing state-centered patronage networks. Post-conflict power-sharing agreements, especially for consolidated *de facto* states, have to go beyond mere patronage distribution to address formal issues of revenue sharing, administrative control, and ultimate authority over oil (Barma, 2012; Haysom and Kane, 2009; Lujala et al., 2010). The contours of these agreements depend on the spatiality of the dispute. In the contest

between the Libyan government and Haftar's center-seeking rebels, peace negotiations aimed to unify the governing boards of the rival eastern and western central bank and NOC. These measures were couched as steps toward national reintegration. The negotiations foundered, however, as neither side was willing to accept a minority role in the unified NOC (Pack, 2019). In the case of Iraq, national reintegration was exactly what the KRG hoped to avoid. Baghdad offered an enhanced share of federal oil moneys as an inducement to get the KRG to cease unauthorised oil sales and work within the oil policy frameworks set by the central government. These offers were likely equal or even greater than the revenues Erbil received from its disputed fields. Yet Erbil was fundamentally opposed to any plan that affirmed Iraqi sovereignty over Kurdish territory. It rejected these proposals, choosing to maximize political autonomy in its own territory over economic profitability (Al-Qarawee, 2010; Voller, 2014, p. 123).

Rebel oil governance provides a more comprehensive explanation for aspects of conflict dynamics and conflict resolution that resource curse theory ignores. Illicit oil governance most closely resembles the criminal behavior that resource curse theory anticipates. While profitable, this governance strategy leaves rebels vulnerable to interdiction and cooptation. Conflict dynamics differ when rebels make explicit legal claims to oil ownership. Rebels here are not content to smuggle oil covertly, as criminals do. Instead, they devote time and energy to building a legal case to own oil, opening up another front in the battle against the state. Contestation over symbolic rights and legal claims operate in ways that are often divorced from physical control and yet can substantially shape rebel-state interactions during and after conflict.

5. Conclusion

It is easy to dismiss rebels' claims to oil ownership. States enjoy exclusive legal prerogatives over natural resources, especially oil (Bungenberg and Hobe, 2015). Rebels are by definition criminals. They can never own or convey oil licitly, even if states are unable to prevent the physical seizure of resources.

The idea of rebel oil governance, in contrast, questions the states' legal hegemony and reflects the uncertainties that accompany ruptures of sovereignty. By treating contention over legal ownership as empirically variant and substantively significant, rebel oil governance captures more of the disparate forms of resource conflict. The legal claims themselves interact with efforts to seize physical goods. Illicit oil governance prioritizes physical acquisition of oil and utilizes black markets to realize profit while abjuring explicit legal claims. Remote oil governance involves rebels' claims to legal rights of ownership, despite lacking physical possession of the resource. Consolidated oil governance features rebels that couple legal claims to oil with physical access to it. Claims of oil ownership reflect rebels' distinctive political agendas, either to rule the entirety of the country or separate sub-national territories. These agendas inflect rebel oil governance with specific spatial delimitations.

The form of rebel oil governance constrains important dimensions of conflict dynamics and conflict resolution. Policy makers must account for these differences in enacting measure to promote peace and stability. Most rebel groups make no pretense to ownership and undertake illicit oil governance alone. Their actions largely comport with the contours of resource curse theory. These criminal-type rebels are especially vulnerable to the pressure of physical interdiction. They can be coopted into existing resource patronage networks as a route to conflict resolution. But conflict dynamics change when rebels set up institutions to support ownership claims, whether remotely or consolidated with physical possession. Economic strangulation or enticements will not suffice. Rebel claims to oil ownership impugn states' legal and symbolic standing within domestic and international arenas, opening new arenas for competition. The diplomatic and legal disputes which rebel oil governance occasion are often as impactful as physical combat. Conflict resolution, too, requires adjusting legal formulations surround oil,

deciding formally who has the right to convey oil and who the ultimate beneficiary of oil sales will be. Treating all resource conflicts as criminally-motivated and ignoring rebels' ownership claims makes it impossible to undertake the larger types of political and economic reforms that are keys to peace.

The study of rebel oil governance complements but does not replace the large body of research now focused on the rebel resource curse. The studies of resource conflicts advanced by treating physical geography with more granularity. These measured the lootability of resources based primarily on accessibility and proximity to zones of rebel control.¹ Yet this singular material focus renders research oblivious to the symbolic dimensions of conflict. More attention now is needed to the political ecology of resource conflict, the concomitant struggle legal rights and privileges related to oil (Le Billon, 2012; Le Billon and Duffy, 2018; Peluso and Watts, 2001; Watts, 2005).

Looking beyond materiality can help explain how political instability in oil producing countries affects broader oil markets. Many studies account for supply shortfalls by looking at the physical damage civil wars and insurgency inflict on infrastructure (Mitchell and Thies, 2012; Monge and Cristóbal, 2021; Toft, 2011). Rebel oil governance suggests another channel connecting civil wars to wider market volatility: ownership risk. Customers are wary when confronted with conflicting claims of ownership from states and rebels. They put less trust in their counterparty and less confidence in the possibility of adjudicating commercial disputes. As a result of ownership risk, resource markets become less liquid and more fragmented (Bohn and Deacon, 2000; Granovetter, 1992; Metcalf and Wolfram, 2015). Thus, the initiation of rebel claims to resource ownership can destabilize global oil markets even if there is no direct impact on physical supply.

Future research must collect data on how, when, and which rebels mount symbolic claims for resources. A wide range of cases awaits further examination beyond the brief illustrative discussions above. In Algeria in the 1960s and 1970s (Aïssaoui, 2001, p. 49; Garavini, 2011; Kabbanji, 2017) and East Timor through the 1990s (Fernandes, 2011, pp. 174–177; Nevins, 2004), for instance, rebel leaders enunciated legal claims to oil from exile. Before actually came to power, rebels threatened recriminations against those doing business with illegitimate rulers, including cancellation of contracts. They also sought to solicit international support in return for future oil considerations. Their remote oil governance shaped the wars of national liberation and subsequent economic and political trajectories. Likewise, beyond the KRG and HoR, numerous rebel groups have consolidated physical control over oil infrastructure with authoritative bureaucratic apparatus responsible for managing oil production and sales (Florea, 2020). These include historical cases, such as the Chechen Republic of Ichkeria (1991–97) and the Republic of Biafra (1967–70), and contemporary cases like the self-declared Republic of Somaliland (Pegg, 2018; Scheck et al., 2013) and Rojava in northeastern Syria (Michnik and Plakoudas, 2022, pp. 64–65). Several researchers have already examined these cases in light of theories of resource curse. Data has been culled about the physical contest over oil production between rulers and rebels. Yet the legal claims that rebels mount to oil and their linkages back to construction of rebel authority in the domestic and international arenas remain largely unmentioned.

Once data on rebels' ownership claims is collected systematically and comprehensively, research can proceed to develop theories about the etiology of ownership claims and their impact on rebels' ultimate success or failure. Rebels groups claim ownership of oil and other resources less frequently than they choose to resort to black marketeering. But those rebel groups that do aver normative claims to resources are often the most institutionally robust and politically durable (Albert, 2022). Such ownership claims, though unusual, are demand further

¹ Cf. Andersen et al. (2021); Buhaug and Lujala (2005); P. Lujala, Ketil Rod, and Thieme (2007); Walsh et al. (2018)

investigation.

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