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**PROGRESSIVE RECONSTRUCTION
A methodology for stabilization and reconstruction operations**

by

Karl C. Rohr

June 2006

Thesis Advisor:
Second Reader:

Dr. Karen Guttieri
Dr. Kalev Sepp

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A methodology for stabilization and reconstruction operations

Karl C. Rohr
Major, United States Marine Corps
Undergraduate, History (B.A.), Villanova University, 1993

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June 2006

Author: Karl C. Rohr

Approved by: Dr. Karen Guttieri
Thesis Advisor

Dr. Kalev Sepp
Second Reader

Dr. Douglas Porch
Chairman, Department of National Security Affairs

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LIST OF ACRONYMS AND ABBREVIATIONS

CATF Commander Amphibious Task Force
CLF Commander Landing Force
CMOC Civil-military operation center
DoD United States Department of Defense
DoS United States Department of State
MSF Mobile Security Force
NATO North Atlantic Treaty Organization
NCACS National Civil Affairs Coordination Staff
NGO Non-Governmental Organization
NMC National Military Commander
NMR National Mobile Reserve
OICCA officer in charge of civil affairs, national (N) or regional (R)
PRT Provincial reconstruction team
RAOC Rear Area Operations Coordinator
RDO rapid decisive operations
RDS rapid decisive stabilization
RDZ regional development zone
RMC regional military commander
ROL Rule of Law Operations
SSF Static Security Force
SSTR stability, security, transition and reconstruction
UN United Nations
WMD Weapons of mass destruction

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I. INTRODUCTION TO PROGRESSIVE RECONSTRUCTION

The purpose of this thesis is to assess the prospects of a “Progressive Reconstruction” methodology for state building during and after military intervention in failed, failing or rogue states. Progressive Reconstruction requires cooperative civil-military intervention and coordinated pre-intervention planning. It relies upon superior military force for rapid decisive operations, stabilization and sufficient resources for reconstruction in order to generate a stable peace. This is not peacekeeping, or even peace enforcement,; it is military - political intervention into the sovereign affairs of a targeted state. It is an extreme measure taken in response to catastrophic events or in pre-emption of catastrophic circumstances. In this regard, the argument as to why an intervention was initiated is not relevant to this discussion. What is relevant is that these operations are on going, and the United States will continue to play a significant role in them as long as it maintains its global leadership position. Therefore, the US must develop a strong and flexible doctrine for interventions and state building that both complements and supplements other national strategies for expeditionary operations.

The current doctrine espoused by the US is based on the concept of stability, security, transition and reconstruction operations (SSTR). SSTR operations encompass the military and civilian activities conducted across the spectrum from peace to conflict to establish or maintain order in states and regions.¹ Military support to SSTR represents the US Department of Defense’s activities that support US Government plans for operations that lead to sustainable peace while advancing American interests.² According to the Department of Defense Directive (DoDD) 3000.05 of 28 November 2005, military support to SSTR means establishing a sustainable peace while advancing US interests. This is the new American intent, a policy of direct engagement.

Prior to DoDD 3000.05 establishment, theoretical end-state development lagged, even as the United States was heavily committed to massive, costly SSTR operations in Afghanistan and Iraq. Despite a notable need for both unity of effort and unity of command, American strategic planners continued to approach military intervention

¹ Department of Defense Directive 3000.05 of 28 November 2005

² *ibid*

separately from post-conflict reconstruction and stabilization. Conflict resolution theories have focused on civil wars rather than externally driven regime change. Currently, no methodology for state building integrates the missions of externally imposed stabilization and reconstruction into one cohesive and flexible program.

The goal of this thesis is to outline an organizational framework and methodology for SSTR and its desired end state—a stable peace—that will take full advantage of the window of opportunity created by rapid decisive military actions. Initially, this paper describes the implementation and activities of each part of the organization in theory and practice. Secondly, it will describe how the basic sequence of steps in the transition from element to element can be conducted via three programs: (1) the establishment of an interim government, (2) implementing the rule of law, and (3) providing, promoting, and sustaining civil security. An immediate requirement is for a strong implementing organization that is unified, immediately effective, and designed to facilitate long-term success. Additionally, this thesis will reference several interventions, wars, and colonial actions that occurred over a course of one hundred and sixty two years, from 1844 to the present. Conducting a comparative analysis of methods, the author intends to demonstrate how certain measures have been implemented historically and to identify necessary adjustments to programs for future application. The comparative analysis is necessary in order to find the relevant stabilization trends and determine their impact on the campaigns.

A. MILITARY INTERVENTION IN FAILED, FAILING OR ROGUE STATES

Following the October 1993 ambush and firefight in Mogadishu, Somalia, in which eighteen soldiers of an elite US Army Ranger and Delta Force unit were killed, America unilaterally withdrew its military forces and was forced to revisit certain fundamentals of its military doctrine. As the Somalia mission began it was a humanitarian assistance operation, the peacekeeping principles of neutrality, non-involvement in the inner workings of a sovereign government, and rapid exit were the prevailing principles.³ These principles failed in the face of determined resistance put on by sub-national entities reportedly supported by trans-national terrorists. Likewise, the

US military is currently reconsidering its stabilization and reconstruction operations in the Middle East and in relation to the larger context of the global war on terrorism and the resurgent concept of state building.

At issue is the fundamental nature of the American way of war. In a traditional war, or a conventional military expedition, with a major peer competitor, where the object is purely self-defense of the United States, our national interests, or our allies, decisive combat operations are designed to rapidly destabilize and destroy the enemy's capacity to wage offensive war. This is often referred to as kinetic warfare, which denotes warfare that resembles and utilizes weapons that achieve their destructive effects by the shear force of their impact. However, in more common low-intensity conflicts that may or may not involve conventional warfare, such as Somalia and Kosovo a different approach is needed. The approach needed must account for the realities of conventional warfare but where the object is to stabilize and reform the state. This is an "empathetic warfare" approach which denotes warfare that attacks the willpower; the moral and physical capacity for resistance of an opponent through the cognitive dimension, the knowledge and understanding of who he is and how and why he fights.

American forces are experts in kinetic war, but; far less so in empathetic war. In the post-September 11th era, a lack of understanding of the opposition has generated new problems for nation states intervening in failed or failing states and regime change characterized by a loss of government control.—These are problems that cannot be defeated by smart-bombs and direct assault. Internal or limited wars have formed the majority of security crises of this age. It is this type of conflict – what the United States Marine Corps has in the past called *small wars* – that concerns us here. In these conflicts disenfranchised persons are pitted against the state or subgroups within the state because of a desire to ensure security or self-actualization.³ More recently, pre-emptive intervention or regime change as espoused by the United States and exercised in Afghanistan and Iraq has placed the intervention force in the position of the government in the small war. This is the physically stronger position but it often lacks moral legitimacy because it is externally imposed by foreigners.

³ Department of Defense Directive 3000.05 of 28 November 2005, 8

Failed, failing, and rogue states are havens for international criminals and terrorists, and although international norms of state sovereignty prohibit intervention by one state in the domestic affairs of another, the international community can no longer ignore these internal conflicts.⁴ The international community, under the auspices of the United Nations, has deployed large peace keeping and peace enforcement forces to maintain stability in places which lacked legitimate authority such as the Congo (1960-1964) and Somalia (1992-1993). The constant struggle for power in these fractured nations produces situations in which sub national groups continually resort to violence to gain political and economic power. Although external military interventions by both international and national actors generally attempted to aid extant regimes against destabilizing forces, the US-led coalitions that invaded Iraq (2003 to present) and Afghanistan (2001 to present), deliberately destroyed the regimes there. The governance vacuums that resulted in both nations sparked more violent competition. Regional warlords vied for authority with Afghanistan's interim government and then elected leader Hamid Karzai and his government, and multiple insurgencies arose in Iraq to challenge the US coalition and the interim governing councils it supported. The current doctrine for SSTR operations is not designed to disrupt and defeat this competition sufficiently.

1. Current US Doctrine

Current US doctrine describes post-conflict efforts as the phase of a military operation, which is characterized as those actions following the imposition of order within a disrupted society. The US Army Field Manual 3-07 "Stability and Support Operations" describes four generic campaign phases: deter/engage; seize initiative; decisive operations; and transition. Stability operations, according to US Army doctrine, are vital to contain conflicts during hostilities and to secure the environment for civilian authorities after the "decisive" actions.⁵ Stability operations, then, occur after the

⁴ Boutros Boutros Ghali, "An Agenda for Peace, Preventive Diplomacy, peacemaking and peace-keeping," Report of the Secretary General pursuant to the statement adopted by the Summit meeting of the Security Council on 31 January 1992

⁵ Headquarters Department of the Army, Field Manual 3-07 (FM 100-20), *Stability Operations and Support Operations* February 2003, 1-2

decisive operations phase and enables the transition to self-sustaining peace—the prerequisite for the redeployment of stabilization forces.⁶

In an SSTR operation military ground force is essential for the establishment of stability. Current Joint Military doctrine for Military Operations Other than War (MOOTW), JPUB 3-07, states that the role of the military should decline as the target state becomes more secure. The doctrine points out that military and civilian personnel with administrative and reconstruction skills should replace the combat soldiers over time. This process is currently gradual and ad-hoc in nature and focused more on the military exit strategy than the explicit goal of SSTR operations, namely, a political and societal stable peace.

A major flaw in the joint doctrine is the lack of integration between the initial intervention and stabilization operations and the long term reconstruction effort. Even the emerging doctrine, FM 3-05.40 “Civil Affairs Operations - Initial Draft” from 30 October 2005 and the FM Interim 3-07.22 “Counterinsurgency Operations” put in place 1 October 2004 and to be replaced 1 October 2006, does not address clearly through what method civilian and military teams for stabilization and reconstruction should be integrated. As was demonstrated effectively by General Sir Gerald Templar and the Briggs Plan during the Malayan Emergency (1948-1960)⁷, effective integration and unity of effort is necessary to enable success in all aspects of an intervention including humanitarian assistance, civil administration, and political and economic reconstruction.⁸

Current MOOTW doctrine is based on participation in UN peacekeeping and peace enforcement operations, short-term noncombatant evacuation operations and limited duration humanitarian assistance missions. There is no current doctrine for forcibly imposed state building. The last doctrinal publications written for this type of operation were the USMC “Small Wars Manual” of 1940 and the US Army and Navy “Manual of Military Government and Civil Affairs” of 22 December 1943. Both of these

⁶ Headquarters Department of the Army, Field Manual 3-07 (FM 100-20), *Stability Operations and Support Operations* February 2003, 1-3

⁷ Noel Barber, *The War of the Running Dogs, the Malayan Emergency: 1948-1960*, (New York: Bantam 1971 (1987)) Chapters 7 and 14

⁸ Colonel Peter Menk, Post Conflict Requirements Workshop, (Center for Strategic Learning Issues Paper 1-01 January 2001) 2

manuals were written prior to the 1949 Geneva Conventions and the 1945 UN Charter. Inevitably, there are doctrinal and conceptual conflicts among these documents. The current standard based on the UN Charter provides no guidance to military forces engaged in forcible state building. Realistic, innovative, and definitive adjustments to stability operations frameworks need to be made accordingly. The transitions — from the military intervention to the post conflict reconstruction phase to a stable peace — are procedural and conceptual gaps in US SSTR doctrine.

In order to achieve the goal of a stable peace, both the civilian and military decision-makers must be prepared to implement all aspects of an intervention from the very beginning. The imperativeness of this statement is amplified by the fact that at the start of intervention operations, which means the planning stage, civilian agencies tend to have staffing, administrative, communications, and logistics problems in the regions in which SSTR operations will be required. Country specific security and logistics concerns often dictate that only the U.S. military is best positioned to initially respond to the crisis. Currently, the US military provides significant administrative, logistical, and equipment support to civilian-run non-governmental agencies (NGOs) who supplies large numbers of administrative personnel through liaison and-deploying military wherever-international agencies and participating governments either fail to or are unable to provide the necessary resources. Non-governmental organizations became prominent participants in post-conflict reconstruction efforts in the 1990s, but their limited logistical transportation and security capabilities often limit their operations to urban areas. In Afghanistan, the US military established mixed civil-military Provincial Reconstruction Teams to address local security and reconstruction needs in the countryside where the central Afghan government did not operate effectively and where NGOs found it too dangerous to provide reconstruction services.

The transition to post-conflict requires sustained commitment and cooperation among US government agencies, including the Department of Defense. However, it must be recognized that during the early stages of an intervention the military can operate independently.⁹ A military force that has neutralized major armed opposition will be grudgingly respected, and in some instances, welcomed, at the outset of transitional

⁹ Department of Defense Directive 3000.05 of 28 November 2005

activities. This break with the target state's political and military past creates a window of opportunity to reshape the political order during an intervention. However, this window, as Robert Orr elegantly observed, is not only narrow, it is intimately related to the military operation itself:

Patterns of governance and participation are not open for discussion during a conflict and are most malleable in the period soon after the conflict ends. For the US and other international actors to have any hope of affecting these fundamental issues, they must be ready to engage before lines harden.¹⁰

With the passing of time, resistance is to be expected from those who believe their security and welfare to be under threat either by the intervention or by societal contests for power. This is particularly acute in states suffering from long-term conflicts.¹¹ The failure of the military to plan and structure its forces appropriately to deal with these conflicts can be detrimental to the short-term goal of achieving a stable security situation and devastating to the long-term goal of establishing a sustainable peace.

2. Overwhelming Force and Sustainable Peace

Sustainable peace is the decisive turning point where the target state is capable of providing its own security, maintaining the rule of law, and exercising a free and independent democratic governance without extensive external military and civilian support. The achievement of sustainable peace requires a major long term commitment of foreign forces. It is not one that most nations are willing to or capable of accepting. For the US to commence one of these projects, it requires vital national interest to be engaged. Once begun, the use of force must not be qualified. Political and military objectives must be synchronized and executed in unison, with public support assured at the outset. Once US forces are committed they must not be constrained by the vagaries of neutrality and should be designed to deal with the asymmetric threats common to insurgency.

Global national and international leaders would do well to follow the Colin Powell-Caspar Weinberger doctrine when making the decision to intervene. The emphasis

¹⁰ Robert Orr, "Title of Article," *The Wash Quarterly* (Autumn 2002).

¹¹ Ramesh Thakur, From Peacekeeping to Peace Enforcement: the UN Operation in Somalia, *The Journal of Modern African Studies*, Vol 32, No. 3 (Sep., 1994), 387-410: 394

in this doctrine is upon the use of overwhelming force. An initial assessment must determine that the US possesses the capability to defeat an adversary by a large margin, and to bring the same level of effort into non-combat operations. Although the US military easily overwhelms most military adversaries in the kinetic fight, less focus has been given to assembling the capacity to overwhelm subversives in SSTR operations the empathic fight.

Overwhelming force in SSTR operations is different than in standard military operations. SSTR is designed to build capacity rather than to destroy. Unlike a conventional military action like the 1990 Persian Gulf War, SSTR cannot be brought to quick decision through combat. Once a vital national security interest is identified leaders must prepare the home front for long-term operations filled with peaks and valleys.¹² SSTR often concludes without defeat in a classical military sense such as Napoleon met at Waterloo. Victory may leave combatants merely defused, disarmed and integrated into society. The goal is to build internal capacity so as to avoid creating “quasi-permanent” dependencies.¹³ To build this capacity will require a large input of manpower, money and time, three things not easily given.

B. PROGRESSIVE RECONSTRUCTION

Progressive Reconstruction fills the need for a comprehensive state building methodology; it is not peacekeeping. Historically these operations are relatively common having occurred on a consistent basis over time. In the nineteenth and early twentieth centuries small wars tied to the colonial push by western nations were staples of international relations. Even then successful colonial small war strategies incorporated to some extent state rehabilitation or construction of infrastructure and governmental organization. They focused on the isolation of the noncombatant population and tried to win them over through the original hearts and minds campaigns. The *tache d'huile*, oil

¹² Francis Fukuyama, *State Building, Governance and World Order in the 21st Century*. (Ithaca: Cornell University, 2004) 103

¹³ Francis Fukuyama, *State Building, Governance and World Order in the 21st Century*. (Ithaca: Cornell University, 2004) 104

patch or oil spot technique is one such program that has been reworked many times.¹⁴ However most of these activities had the exploitation of resources and or the establishment of permanent colonies as an ulterior motive which tended to drive the indigenous populations into the arms of revolutionaries.

1. Historical Precedent

During the late nineteenth and early twentieth centuries colonialism was in its ascendancy. Theories for intervention into the affairs of non-western states abounded. As popular support for imperialism waned, consensus developed around the concepts of indirect rule, meaning rule would be managed indirectly through indigenous agents, and managed cheaply and efficiently regarding personnel and treasure.¹⁵ Following this line, much of colonial warfare was based on the occupation, subjugation and organization of territory and its indigenous peoples for profit. For example, General Hubert Lyautey in the French campaigns in Morocco was less concerned with the clash of armies and more concerned with the preservation and exploitation of the productive potential of the target region.¹⁶ The use of indirect rule, the governing of a state through a native organization, was the vehicle for exploitation.¹⁷ Colonial power was thus deeply entrenched in the governance of the state, but through indirect means.

After World War I, small wars continued to thrive. The US intervention in the Dominican Republic 1916-1921 was a prime example of an American small war. United States Marine and Navy leaders, like Colonel Joseph Pendelton, realized the need for a combination of civil and military measures. They strengthened civilian governing structures at local and national levels and declared martial law. This in addition to the

¹⁴ Jean Gottman, "Chapter 10. Bugead, Gallieni, Lyautey: The Development of French Colonial Warfare," in *Makers of Modern Strategy, Military Thought from Machiavelli to Hitler*, ed. Edward M. Earle (Princeton NJ: Princeton University Press, 1948), 248

¹⁵ Douglas Porch, *Wars of Empire*, Smithsonian History of Warfare Series, (New York: Harper-Collins, 2000, 2006).

¹⁶ Jean Gottman, "Chapter 10. Bugead, Gallieni, Lyautey: The Development of French Colonial Warfare," in *Makers of Modern Strategy, Military Thought from Machiavelli to Hitler*, ed. Edward M. Earle (Princeton NJ: Princeton University Press, 1948), 235.

¹⁷ Terence Craig Coen, *The Indian Political Service. A Study in Indirect Rule*, (London: Chatto & Windus, 1971). Chapter 3, "Indirect Rule," 14-15.

creation of a Gendarmerie was a version of indirect rule and constituted blatant external involvement in the internal affairs of a sovereign state.¹⁸

Post-World War II small wars were cast in the shadow of the Cold War, in local conflicts that were surrogates of a larger struggle between communist-East and democratic-West. The anti-colonial movement was heavily influenced with arms and advisors by the Cold War powers in a similar pattern to the competition between colonial powers before WWI. In many cases, local conflicts such as the conflict in the Congo Republic took on international value as proxy wars for the superpowers with the United Nations caught in the middle. In the Congo, the United Nations attempted through the concepts of preventive diplomacy and peacekeeping to remain neutral while also providing military and governance support to the state.¹⁹ The UN attempted to walk a thin line of non-intervention in the internal affairs of the Congo while trying to maintain the peace. This operation violated the extant norms of peacekeeping, then confined to inter-positional missions between states who have signed an agreement, conducted by impartial, lightly armed observers. Difficulties in the Congo in the 1960s caused a reaffirmation of those norms until the end of the Cold War and the pressing needs of humanitarian crises within states emerged in the 1990's.

With the end of the Cold War many hidden or suppressed rivalries and conflicts surfaced as the major powers national interests changed. Although the superpowers had not participated in peacekeeping prior to this time, the US played a role in several stabilization and reconstruction operations in the 1990s.²⁰ The heaviest US involvement was the UN-sanctioned mission in Somalia and participation with NATO military forces in the Balkans. The UN, meanwhile, had undertaken its most robust governance effort in Cambodia in 1993.²¹ In each of these cases, certain and varied amounts of governmental

¹⁸ Keith Bickel, *Mars Learning, The Marine Corps' Development of Small Wars Doctrine, 1915-1940*, (Boulder CO: Westview Press, 2001) Chapter 4, "Intervention in the Dominican Republic and Lessons Learned," 112.

¹⁹ Even Luard, *A History of the United Nations*. Volume 2: The Age of Decolonization, 1955-1965, (New York: St Martin's Press, 1989), 198-316: 308

²⁰ Andrea L. Hoshmand, "Provincial Reconstruction Teams in Afghanistan," (International Security and Economic Policy Project Course, 10 May 2005) 3

²¹ Sorpong Peou, "Implementing Cambodia's Peace Agreement," in Stephen J. Stedman, (ed). 499-530: 505

control passed into the hands of the intervention forces. With these operations the principle of non-intervention in the internal affairs of sovereign states began to slide. However, following the prescriptions of Boutros Boutros Ghali's *Agenda for Peace*, the UN began to consider it the responsibility of the world body to intervene when a state proved a threat to the security of its people, or proved unable to protect its people from harm. This intrusion in internal affairs is by nature much more difficult than peacekeeping. What was discovered was that the use of force even by UN troops is never neutral.²²

Two US post-9/11 interventions (in Afghanistan and Iraq) involved both major military commitments and the destruction of the previous regimes. The United States claimed a rarely used principle of self-defense, that is, pre-emptive defense.²³ These combat operations were characterized by rapid strikes by relatively small but powerful forces focused on regime change but not on the post conflict activity of state building. In other words stabilization and reconstruction forces were not pre-deployed and waiting in the wings. The SSTR forces for these two states were once again assembled *ad hoc* but with fewer forces available on hand to be detailed to this mission.

Humanitarian and development aid have long been remedies to environmental factors that enable insurgency, although it seems this fact is recently rediscovered UN and US policy makers.²⁴ Also recently rediscovered is the tendency of insurgencies to be attracted to outlying regions that have no garrison like presence.²⁵ Progressive reconstruction applies insights from experience to probable contingencies. This type of

²² Ramesh Thakur, From Peacekeeping to Peace Enforcement: the UN Operation in Somalia, *The Journal of Modern African Studies*, Vol 32, No. 3 (Sep., 1994), 387-410: 405

²³ Indeed, the United Nations declared the Al Qaeda attacks of 9/11 to be a breach of international peace and security, opening the door for the US to invoke Article 51 of the United Nations Charter for a self-defense claim, although the defense would be against the terrorist organization al Qaeda, and not Afghanistan itself. See John Yoo, "Using Force," *The University of Chicago Law Review* Vol. 71, No. 3, Summer 2004. The US failed to gain explicit UN authorization for the invasion of Iraq. Moreover, Kofi Annan in 2004 said that in his view, the US invasion was "illegal." Colum Lynch, US Allies Dispute Annan on Iraq War, *Washington Post* (September 17, 2004), A18. Australia, Britain and the United States have insisted that the terms of the cease fire agreements ending the 1991 Persian Gulf War provided authority for military action.

²⁴ Michael J. McNerney, "Reconstruction in Afghanistan: Are PRTs a Model or a Muddle?" *Parameters* (Winter 2005-2006) 32-46

²⁵ For a historical example, see Keith Bickel, *Mars Learning, The Marine Corps' Development of Small Wars Doctrine, 1915-1940*, (Boulder CO: Westview Press, 2001) Chapter 4, "Intervention in the Dominican Republic and Lessons Learned," 157

conflict will be the principle activity of warfare for the foreseeable future.²⁶ Therefore the forces for it should be prepared in conjunction with combat forces prior to military intervention.

2. Projecting Stability Through Organization

Post conflict reconstruction activities have tended to be concentrated in major urban areas, near supporting infrastructure such as hotels, ports and airfields, where impaired governments and international security forces can exercise security. These secure localities tend to become the focus of aid and reconstruction efforts to the detriment of the rural or outlying regions and cause uneven development in both the short and long term.²⁷ In Afghanistan as in Somalia before it the massing of aid agencies in the more secure urban capitals inevitably drew the rural populations into the cities creating an internally displaced person issue. Additionally, the resulting overcrowding overwhelmed the municipal services. The overcrowding caused sanitation issues as well as monetary instability as prices for rents and goods reflected the increased demand in part from the aid agencies themselves. The influx of foreign money with the arrival of NGO's and other agencies tended to create its own economic issues for good and ill.

Progressive Reconstruction is designed to break this tendency to urban centric operations by placing specially designed stabilization and reconstruction forces throughout the target state. By rapidly establishing support centers and security forces in remote regions away from the major urban centers Progressive Reconstruction will create smaller more manageable centers of attraction that will prove better at providing stability and support to the local conditions.

In this manner Progressive Reconstruction has some commonality with the French colonial concept of *progressive occupation*, a type of indirect rule, from the late nineteenth century and incorporates elements of organization such as the *tache d'huile*,

²⁶ Hans Binnendijk and Stuart Johnson, "Transforming for Stabilization and Reconstruction Operations," Center For Technology and National Security Policy, National Defense University, Working Paper (November 12, 2003) 23

²⁷ Keith Bickel, *Mars Learning, The Marine Corps' Development of Small Wars Doctrine, 1915-1940*, (Boulder CO: Westview Press, 2001) Chapter 4, "Intervention in the Dominican Republic and Lessons Learned," 157

and *quadrillage et ratisage* or gridding concepts from the early and mid-twentieth century.²⁸ These concepts assumed the initial conventional military victory in an intervention and focused on the immediate and long-term conservation and rehabilitation of the occupied territory. They provided for the stabilization of the country by placing specially designed static paramilitary forces into regional zones. These forces were then backed up by highly mobile reserves.²⁹

It must be pointed out however, that ultimately the theories of indirect rule failed when put into practice, because they sought to stabilize and exploit colonies, rather than to stabilize and work with free nations. Will similar activities work today and tomorrow toward the goal of state stabilization if the end state is clearly changed? Progressive Reconstruction, in keeping with the ideals of democracy, independence and self-determination, is not intended to create a colony for exploitation but to create a viable self-governing state that can take its place as a productive member of the world body.

3. The Functions of Progressive Reconstruction

Creating the organization for governance, security and the rule of law is the most important step of Progressive Reconstruction. It requires top down planning with bottom up refinement and stresses the unity of effort that is a must to successful SSTR operations. As stated this is not peacekeeping or peace enforcement, it will be perceived even in the instance of an invited intervention as occupation because of the heavy military presence. In fact by international law and custom this type of operation must follow the laws of occupation. These rules require the intervention force to provide for the basic governance, security, rule of law and humanitarian assistance of the territory be it liberated or conquered.

Progressive Reconstruction commences with pre-intervention civilian-military integrated planning and training. This integrated planning ensures that stabilization and reconstruction objectives will be targeted for seizure in the initial operation. Upon implementation Progressive Reconstruction assumes the defeat or expulsion of

²⁸ Roger Trinquier, *Modern Warfare, A French view of Counterinsurgency*, (New York: Fredrick A. Praeger, 1964). 51

²⁹ Jean Gottman, "Chapter 10. Bugead, Gallieni, Lyautey: The Development of French Colonial Warfare," in *Makers of Modern Strategy, Military Thought from Machiavelli to Hitler*, ed. Edward M. Earle (Princeton NJ: Princeton University Press, 1948), 264

belligerents and focuses on the immediate deployment of an interim military government. The interim government and its attendant forces provide security and the rule of law. In support martial law will be proclaimed as a means of providing legal authority to ensure compliance.³⁰ The overarching intent behind the pre-planned organization is to prevent a power vacuum in the wake of the interventions combat forces. To this end security and the rule of law bolster governance.

Immediate security, rule of law, and governance are accomplished by the rapid establishment of regional development zones (RDZ) and insertion of provincial reconstruction team's (PRT). Establishing RDZ's in conjunction with regular force rear area operations ensures the lines of communication are protected for additional combat operations, as well as securing key infrastructure and personnel for post conflict operations. The PRT's ensure that the local populace is directly engaged and local conditions are rapidly addressed. The gradual move from military to civilian control lends to the building of strong civil administrative institutions that in turn build the state. The transfer of security responsibilities to indigenous forces and the increased self-sufficiency of the indigenous people lends to the withdrawal of the intervention force and the growth of a stable peace.

Achieving the goal of a stable peace requires "a nuanced approach that progressively strengthens the central government" and addresses local issues.³¹ Progressive Reconstruction allows the indigenous people to focus on recovery by providing stability and helps build the new government from bottom up. To this end the protection of the people must be a goal of the interim government. Some levels of protection are at odds with the desired end state of a liberal democracy.³² This is not to say that interim governance should be authoritarian. Interim governance needs to be designed in such a manner as to bring all elements of society into the democratic process.³³ Clear political objectives maintained throughout will help keep the people

³⁰ Ralph H Gabriel, "American Experience with Military Government," *The American Historical Review*, Vol 49, Issue 4 (July, 1944), 630-643. 634

³¹ Nicole Ball, "The Challenge of Rebuilding War-Torn Societies," in Pamela Aall et al, (eds.) 719-736: 732

³² Joel E. Hamby, "Civil-Military Operations, Joint Doctrine and the Malayan Emergency," *Joint Forces Quarterly* (Autumn 2002). 54-61: 55

focused and build understanding of the deliberate but inevitably slow process of government organization and institution building.

In Chapter II of this thesis the proposed organization of Progressive Reconstruction will be detailed extolling the centralized planning and decentralized execution that is needed in SSTR operations. The organization of the government, security and rule of law institutions will reflect this. The imposition of order and the temporary relief of governance envisioned in Progressive Reconstruction would give the target state and multinational support forces the opportunity to select, train and integrate a governmental system deliberately over time that is not rushed or cobbled together.³⁴ If the indigenous governmental system is stood up too quickly, it risks collapse from corruption and subversion. If stood up too slowly, the damage done may be irreparable. This concept of momentum, relative superiority, and decisive windows of opportunity for stabilization will be discussed further in Chapter III. The United States through Progressive Reconstruction can enable the temporary relief necessary for the host nation to recover. This will be the focus of the following chapters.

³³ Army Field Manual, Vol 1, (UK) *Counterinsurgency Operations* p B-2-4, July 2001

³⁴ Army Field Manual, Vol 1, (UK) *Counterinsurgency Operations* p B-2-4, July 2001

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II. INTERVENTION PLANNING

Creating the appropriate organization for a successful intervention is crucial to the success of Progressive Reconstruction. Unity of command and thereby, unity of effort, are necessary for dynamic SSTR operations. Integrated planning of the interim, military and civilian governments is the first step. By interim government it is meant exactly a temporary government that acts as steward and regent in place of the deposed or fallen regime. Planning should divide the target state into sub-regions and assign regional military commands to them. These commands should have an offensive and defensive military capability as well as a robust reconstruction and humanitarian assistance footprint. These regional commands will deploy immediately on the heels of rapid decisive operations (RDO) to support the overall interim government intent. Once in place they should organize their area of operation to best influence long duration stabilization, reconstruction and transition operations. The focus of effort should be upon providing governance, law enforcement and security. Humanitarian assistance missions are subordinate to and integrated with overall stabilization. A modified Provincial Reconstruction team will be the mode of implementation within the RDZ. The overarching intent behind the pre-planned organization is to prevent a power vacuum in the wake of the interventions combat forces.

A. INTERIM GOVERNMENT

As defined by United States Marine Corps doctrine, interim government is the exercise of jurisdiction by a military commander or civilian administrator over a territory or region as directed by the President of the United States.³⁵ In this sense, it differs from definitions of interim government that would include those developed by indigenous actors in revolutionary regimes, caretaker transitional regimes led by outgoing rulers, or internationally administered regimes directed by the UN. Here the term implies externally imposed governance over a period of time by a military commander or civilian administrator over belligerents or other inhabitants of a foreign state during war or in the

³⁵ USMC, *Small Wars Manual*, (Manhattan, Kansas: Sunflower Press) date Sect 13

immediate post conflict.³⁶ An interim military or civilian government is a government imposed by force or by agreement where the law of war determines the legality of its acts.³⁷ The establishment of an interim military or civilian government does not transfer sovereignty; the intervening power gains the authority to exercise limited sovereign like rights through the use of power in accordance to the law of war.³⁸ The establishment of an interim military or civilian government becomes necessary in both an invasion-based intervention and civil affairs based intervention when the legitimate government fails, or ceases to exist.

According to Article 6 of the Geneva Conventions of 1949, an interim military government is intended to administer areas occupied by force where the legitimate government no longer exercises its functions.³⁹ The word "occupation", as used in Article 6, has a wider meaning than it has in Article 42 of the Regulations annex to the Fourth Hague Convention of 1907. So far as individuals are concerned, the application of the Fourth Geneva Convention does not depend upon the existence of a state of occupation within the meaning of the Article 42 referred to above. The relations between the civilian population of a territory and troops advancing into that territory are governed by the present Convention whether they are fighting or not. There is no intermediate period between what might be termed the invasion phase and the inauguration of a stable regime of occupation. Even a patrol which penetrates into enemy territory without any intention of staying there must respect the Conventions in its dealings with the civilians it meets. When it withdraws, for example, it cannot take civilians with it, for that would be contrary to Article 49 which prohibits the deportation or forcible transfer of persons from occupied territory. It is responsible as the representative of the intervening power to restore and maintain public order, ensure human rights and provide the rule of law to the targeted territory.⁴⁰ The interim government discussed here is the occupier and has the

³⁶ This would be the "revolutionary provisional" type of interim governance in the typology provided by Yossi Shain and Juan Linz (eds.) *Between States*. (New York: Cambridge University Press, 1995)

³⁷ Marine Corps Reference Publication (MCRP) 5-12.1A Chpt 6, Sec I. General, Art. 358, *Nature of Government*.

³⁸ *ibid*

³⁹ Geneva Conventions 1949, Art 6. & Art 45.

⁴⁰ Geneva Conventions 1949, Art 47 & Hague Regulations 1907 Art 43

legal capacity of the “legitimate power” to meet these obligations. The same is true for a follow on civilian run interim government. Progressive Reconstruction requires a civilian interim government to take over from military governors as soon as practicable, for example, when security is established. This civilian government must be designed concurrently and in conjunction with the military planning.

The interim regimes have the authority to govern the target state however; these do not usurp national sovereignty. According to the Geneva Conventions and the United Nations Charter the sovereignty of a nation resides with the people and cannot be deprived or supplanted. In circumstances where the host nation’s government is unwilling or unable to govern an interim government may be established. A field manual from the World War II era notes, “Sovereignty is not transferred by reason of occupation but the right of control passes to the occupying force, limited only by international law and custom.”⁴¹ This type of government whether administered by officers of the intervening military force; by foreign civilians or by indigenous civilians left in office is the government of and for all the inhabitants, native or foreign.⁴² Civil functionaries who are retained will be protected in the performance of their duties by the intervening military forces. The local laws and ordinances may be left in force. In general, however, they are subject to being in whole or in part suspended and others substituted in their stead, at the discretion of the governing authority in accordance with international law.

1. The Military Governor and the Civilian Administrator

The military commander or the civilian administrator by Presidential Order exercises an interim government with expressed or implied sanction of Congress, or by a United Nation’s Mandate or both. The Commander is the representative of the United States and or the World Body and should be guided in his actions by the policies, and principles of justice in accordance with international laws and treaties, the Uniform Code of Military Justice, and the Law of Land Warfare. The commander bears responsibility for interim government and is considered the Military Governor. Like a Roman Proconsul, the commander is in singular charge of all efforts military and civilian giving direction and coordination towards a common goal.

⁴¹ *United States Army and Navy Manual of Military Government and Civil Affairs*, Washington 1943, 1

⁴² *USMC, Small Wars Manual* (Manhattan, Kansas: Sunflower Press) Sect 13-8

Leadership in an intervention requires not only the ability to lead in a military sense but also to understand how to coordinate, and communicate with civilian organizations and to achieve consensus. Unity of Command must reach beyond just military functions. The goal is to ensure that the commander of the operation views the intervention as a whole entity not as two parts; integrating the warfighting with the state building efforts. Additionally unified territorial commands would need to be established in the occupied territory and the leaders of these must also be capable of this dual responsibility. This would create not an occupied point but a zone, and not a military post but a center of influence and action.⁴³ All of these zones must answer to a common leader; a leader who also commanded the initial intervention. This will further enhance the prestige of the occupying forces. Unity of command was noted as essential, even in the colonial period as clearly stated by French General Hubert Lyautey “A colonial expedition should always be under the command of the chief appointed to be the first administrator of the country after its conquest.”⁴⁴

In order that unity of command be achieved; the military commander who leads the intervention must also be the Interim Military Governor. This will give the commander symbolic ownership of the post-conflict as well as the conflict. In planning this relationship, the personnel and infrastructure that will be key to post-conflict operations must be identified and protected during the combat operation. Once the initial combat operations are underway, the commander supervises, through his Officer in Charge for Civil Affairs (OICCA) and civil affairs staff, the establishment of Regional Development Zone’s (RDZ) and the insertion of PRT’s. The RDZ relieves the population from the potential insurgent’s threat by providing for the basics of survival and security. The RDZ commander undertakes proactive measures that serve to convince the population that their situation will improve. It demonstrates this commitment to the intensive, long duration concentration of efforts, resources and personnel by being on scene immediately and efficiently.⁴⁵ This type of coordinated response can only be put

⁴³ Jean Gottman, “Chapter 10. Bugead, Gallieni, Lyautey: The Development of French Colonial Warfare,” in *Makers of Modern Strategy, Military Thought from Machiavelli to Hitler*, ed. Edward M. Earle (Princeton NJ: Princeton University Press, 1948), 243

⁴⁴ *ibid.*

⁴⁵ David Galula, *Counterinsurgency Warfare, Theory and Practice*. New York: Preager, 1968 (2005)79

forth if there is unity of effort. This intense unity of effort requires unity of command. This unity of command must reside in a single commander who has authority over all activities military and civilian within a target state. To this end the Military Governor will remain in overall command of both military and civilian operations until rapid decisive operations (RDO) are complete and all the RDZ are occupied. The transfer of powers to the Civilian Administrator can be affected at this time.

The Civilian Administrator must not only be familiar with civic action and politics, but also the use of military force, as she or he will be the Chief Executive with powers representing the Commander-in-Chief. Prior to the intervention, the Civilian Administrator must be designated and involved in the operation planning. The Civilian Administrator takes over when the RDO are complete and the RDZ are fully established. The Military Governor will then turn over command of the military forces to the National Military Commander who will in turn be subordinate to the Civilian Administrator.

The relationship of the Civilian Administrator to the Military Governor is similar in concept to the relationship between Commander Amphibious Task Force (CATF) and the Commander Land Forces (CLF) in an amphibious assault. In an amphibious assault the CATF is in command until the CLF is established and capable of taking command ashore. The passage of command is conducted as a battle hand over where staffs and commanders transfer information. In the planning phases the two cooperate towards the common goal with the CATF acting as the coordinating authority. During planning, matters on which the CATF and CLF are unable to agree are referred to their common superior for decision.⁴⁶ In this sense the Military Governor would be in the role of CATF and the Civilian Administrator the CLF. Here the common superior would be the President of the United States. The battle hand over would be conducted once the Military Governor declares the RDZ are sufficiently secure and the Civilian Administrator is capable of taking command.

2. Martial Law

Under the Military Governor or Civilian Administrator the interim government has the authority to exercise limited sovereign like rights. One sovereign-like right that

⁴⁶ Joint Pub 3-02.1, *Joint Doctrine for Landing Force Operations*, pp II-1 to II-17, XVI-1 to XVI-8, XVII-6, XVII-10.

must be exercised is the imposition of martial law. Martial law is the administration of the law by a duly constituted military or civilian authority.⁴⁷ In an intervention of the type intended by Progressive Reconstruction the immediate implementation of martial law in areas under military control is a necessity and is in keeping with international law. The intervening military is required by law to provide protection to the inhabitants and infrastructure that fall under its control due to acts of war.⁴⁸ Martial law needs to be implemented in order to ensure the legitimacy of the law enforcement role for the military and the interim government.

Martial law and interim government seem to be anti-democratic practices, as described by one observer in 1944, “The connotation of Martial Law is tyranny.”⁴⁹ It provides, however, a device by which the intervention force guarantees public order. Francis Lieber explains this in his famous General Order 100, Instructions for the Government of Armies of the United States in the Field, April 24, 1863:

Martial Law is simply military authority exercised in accordance with the laws and usages of war...Military oppression is not Martial Law: it is the abuse of the power which that law confers...As Martial Law is executed by military force, it is incumbent on those who administer it to be strictly guided by the principles of justice, honor, and humanity—virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.⁵⁰

Martial law reflects the two basic principles of military government; these can be adopted by the interim government discussed in this thesis.⁵¹ The first is the function of military government during conflict is to assist the combatant forces in the accomplishment of their mission. The second is that military necessity and international law dictates military government to safeguard and secure the population and infrastructure of the areas already under military control.

⁴⁷ USMC, *Small Wars Manual* (Manhattan, Kansas: Sunflower Press) Sect 13

⁴⁸ MCRP 5-12.1A Chpt 6, Sec I. General, Art. 358, *Nature of Government*.

⁴⁹ Ralph H Gabriel,, “American Experience with Military Government,” *The American Historical Review*, Vol 49, Issue 4 (July, 1944), 630-643.634

⁵⁰ Francis Lieber, General Order 100, *Instructions for the Government of Armies of the United States in the Field*, April 24, 1863

⁵¹ Ralph H Gabriel,, “American Experience with Military Government,” *The American Historical Review*, Vol 49, Issue 4 (July, 1944), 630-643.637

Military authority in this instance rises above civil authority, yet the military governor is in fact governed by law. It is the “conscious effort to carry into the office of the military governor the old American concept of a government of laws and not of men.”⁵² An example is the public warning to the indigenous people, the proclamation of interim government and martial law. By right an interim government proclaims itself.⁵³ However, an official proclamation announcing to the people that an interim government has been established and advising them in general as to their expected conduct is advised. The inhabitants do not owe allegiance to the interim government; but they do owe obedience.⁵⁴ The proclamation should include information on the relationship of the intervention forces and the civilian populace as well as the former belligerents and government employees. Prior knowledge of local customs is a key piece to enforcing rules and regulations. Avoidance of regulations counter to long-standing cultural beliefs is necessary. “Government, whether it be military or civil must be adjusted to the culture of the peoples governed.”⁵⁵ The tenants of the proclamation must be known and clearly understood by the intervention forces and the indigenous population to avoid misunderstandings.

The following is an example proclamation and supplemental order as issued by the author during Operation Iraqi Freedom⁵⁶:

AN NASR, IRAQ APRIL 27, 2003 STATEMENT OF UNDERSTANDING

(Adapted from the USMC Small Wars Manual 1940)

Opening Statement:

It is the responsibility of the police to provide impartial non-partisan assistance to the community in matters of security, public and private, and to ensure the welfare and safety of the residents of An Nasr and the surrounding villages. The size of the Police Force is based upon the needs of the community and is established by the Town Council,

⁵²Ralph H Gabriel, “American Experience with Military Government,” *The American Historical Review*, Vol 49, Issue 4 (July, 1944), 630-643. 637

⁵³ *USMC, Small Wars Manual* (Manhattan, Kansas: Sunflower Press) Sect 13

⁵⁴ *ibid.*

⁵⁵ Ralph H Gabriel, “American Experience with Military Government,” *The American Historical Review*, Vol 49, Issue 4 (July, 1944), 630-643.640

⁵⁶ Author’s note: The issuance of orders like this was the exception and not the rule in OIF 1. I’ve found no evidence of similar orders being issued at this low, local village level.

their mission is to Protect and to serve the Community. The Senior Coalition Military Officer for the Region must approve all Appointments. This is now Captain Karl C. Rohr, United States Marine Corps.

Rules and Regulations:

1. Local Laws and government are to be in force. Local criminal courts have Jurisdiction over Iraqi Citizens. Obedience of the orders of the Commander of the Coalition Forces is to be expected of all. Those who disobey such orders or regulations, or commit acts of hostility against the Coalition Forces will be dealt with according to the Rules of Land Warfare: taken into custody as enemy prisoners of war or illegal combatants. All who cheerfully accept the coalition forces will be protected.
2. The Coalition Forces are not your enemy, only the enemy of those who misgoverned you. We come to help re-establish the Rule of Law and the Way of Peace to enable you to resume your ordinary occupations.
3. All Coalition Forces are subject to United States Military Law, the Uniform Code of Military Justice and the Laws of Land Warfare as accepted by the United States Department of Defense. The Local criminal and civil courts have no jurisdiction over Coalition Forces.

Regulations:

- It is unlawful to sell or attempt to sell to members of this Command any Drugs or Alcohol.
- To engage the members of this Command in any Commercial Dealings without Approval from the Commanding Officer.
- To act as a spy or to supply information to the opposing forces.
- To cause damage to public property or utilities.
- To impair sources of fresh water.
- To destroy, damage, or hide any kinds of supplies or materials useful or belonging to the Civil Government.
- To aid prisoners to escape, or willingly assist the opposing forces.
- To harm or injure members of the Coalition Forces.
- To attempt to influence members of the Coalition Forces to fail or be derelict in the performance of their duties.
- To damage or alter military signs or notices.
- To recruit troops or cause desertion from the local Police Forces.
- To commit any act of War, Treason, or to violate the Laws of War.
- To spread Alarmist or false reports, to swear falsely.
- To interfere with coalition troops.
- To commit arson or to unlawfully convert property to the injury of Coalition Forces.
- To signal or communicate with opposing forces by any means.
- To sketch, film or photograph places or materials used by the coalition forces.
- To perform any act in substantial obstruction to the civil or military Governments.
- To Violate any proclamation or regulation issued by the Coalition Forces.
- To conspire, attempt to do so, or aid and abet anyone violating the foregoing regulations.

3. Organization

The organization and planning of the interim government is every bit as important as the planning and execution of the combat operations. In fact, the two should not be separated for they are mutually supporting. The efficient administration of an interim government requires that the personnel appointed or assigned be particularly qualified. Unlike rapid decisive operations that rely on maneuver, speed and concentration, maximizing combat technologies, to overwhelm the enemy's capacity to resist, stability operations rely on presence, the rule of law, and civic action. Therefore, stability operations differ from RDO in that they require maximized manpower supported by technology. Approached differently RDO relies more on kinetic operations while stabilization relies more on empathic operations. This is due to the fact that the target of stability operations is the people's susceptibility to insurgency and criminality as opposed to the enemy armed forces capacity to resist.⁵⁷ Thus, the organization of the military and civilian forces that face stabilization must be different than that involved in combat operations. The difference begins with leadership and flows through the organization of the force.

a. The National Military Coordinator (NMC)

This is the principle advisor to the Civilian Administrator on military issues. He is put in place as the Military Governor and Civilian Administrator conduct their battle handover. He is the commanding officer for all combatant forces in theater not assigned to RDZ. He is responsible for de-conflicting, coordinating and supporting all military activities within the target state. He will work closely with the National Officer In Charge for Civil Affairs (NOICCA) and his staff to ensure the military forces in theater fully support counterinsurgency and SSTR operations. He is subordinate to the Civilian Administrator (CA). Conflicts between the CA staff and the military staff will be resolved by the Civilian Administrator.

b. The Combatant Staff

The military staff that oversees and supports the military activities within the target state. This staff works directly for the NMC and assists him in supporting the Civilian Administrator regarding combatant military issues. Works with the CA

⁵⁷ David Galula, *Counterinsurgency Warfare, Theory and Practice*. New York: Praeger, 1968 (2005) 77

coordination staff to coordinate and de-conflict activities to avoid duplication of effort or interference. Combatant issues are, but not limited to, expelling main body guerilla forces, preventing their return, installing garrisons to protect the population and infrastructure, border patrol and training the national police forces.⁵⁸

c. The National Officer In Charge for Civil Affairs (NOICCA)

The NOICCA is the principle advisor to Military Governor on Civil Affairs who becomes the principle advisor to the Civilian Administrator after command has been shifted once rapid decisive operations are concluded. The NOICCA must be an expert in both the military and civil actions required for stabilization and reconstruction operations. He must be capable of managing large organizations through a diverse staff that includes not only military and government civilians but international organization and non-governmental organization civilian and military members.

d. The National Civil Affairs Coordination Staff (NCACS)

The NCACS is separate staff from the combatant staff that coordinates stabilization and reconstruction efforts and planning. The staff has both civilian and military members. The NCACS maintains contact and coordinates with pertinent governmental, international and non governmental organizations who may play roles in the post conflict reconstruction effort.

e. The National Mobile Reserve (NMR)

In addition to establishing the RDZ, upon completion of the defeat or expulsion of organized belligerents the military coordinator will constitute and retain a national level mobile reserve, it should be in the strength and mobility of a Marine Expeditionary Unit or an Army Striker Brigade with reinforcing air elements. This reserve will be capable of reinforcing anywhere in the target nation on a moments notice. This reserve must be capable of conducting area denial and population control operations. When sent into an established RDZ the reserve commander will be subordinate to the RDZ Commander. The National Military Commander will however reserve the right to overrule the RDZ Commander if needed. Mobile forces such as this reserve will prevent insurgents from forming in regions where Provincial Reconstruction Teams and other

⁵⁸ David Galula, *Counterinsurgency Warfare, Theory and Practice*. New York: Praeger, 1968 (2005) 87

RDZ security forces are thin. It is an economy of force measure allowing RDZ forces to concentrate main efforts and supporting efforts throughout the region.⁵⁹

f. The Regional Development Zone (RDZ)

Administrative zone into which Provincial Reconstruction Teams are inserted, generally following pre-existing municipal boundaries, the number of RDZ's is determined by the territory size and population density.

(1) The Regional Military Commander (RMC). The RMC is a Battalion, regimental or brigade commander subordinate to the Military Governor or Civilian Administrator. The RMC is to be the overall commander of the RDZ. He will approve and is responsible for all operations civil or military in the RDZ. The size of the unit involved is directly related to the size of the state and region into which it is deployed. The composition of the unit is also dependent on the threat assessments made in the pre-planning phase. However, it is noted that motorized and mechanized infantry heavy units are best suited to these deployments. The commander must be well versed in the rules and regulations of martial law as well the workings of the interim government. Similar to the Military Governor or Civilian Administrator he must fully understand the policies, and principles of justice in accordance with international laws and treaties, the Uniform Code of Military Justice, and the Law of Land Warfare. The commander bears responsibility for interim government and acts as the direct representative of this government and the government of the United States in the assigned region.

The RMC and his forces will establish themselves to best support the stabilization and reconstruction efforts of the PRT(s) in the assigned region. The disposition of the force will be set following the *quadrillage et ratisage* and gridding concepts. *Quadrillage* means literally to keep a region under tight police control while *ratisage* means to comb an area with military or police forces and in this scenario describes the mission of the intervention military force.⁶⁰ Gridding is a program “in which the military organization follows the lines of the civil administration to make maximum use of all command possibilities and to permit normal administration to

⁵⁹ David Galula, *Counterinsurgency Warfare, Theory and Practice*. New York: Preager, 1968 (2005), 81

⁶⁰ *Harper Collins French Dictionary*, (New York: HarperCollins 2000) 160

function insofar as possible.”⁶¹ It is a form of defense in depth where resource and key infrastructure centers in direct contact with the population become the defensive strong points. These positions located within the population recreate the effects of strategic hamlets more than isolated forts.⁶² The strong points however, are ineffective in and of themselves. These strong points or static positions must be connected by interval or mobile forces as shown in Figures 1.⁶³ The map symbols represent motorized infantry patrols operating as connecting files between the dispersed forward operating bases and static strongpoints. It is the mission of these mobile forces to conduct counterinsurgency operations throughout the assigned region. These operations include actions such as cordon and search, isolation missions, raids and rapid reaction, reinforcement.

(2) The Mobile Security Forces (MSF). The mobile security forces mission is to provide rapid reaction, suppression, counterinsurgency and reinforcing forces in support of the RMC intent. This unit may require additional air and ground transport and should maintain its own organic fire support assets. This unit should have a heavy armor component available and ready access to air support. Under martial law this unit is authorized to enforce the rule of law in the target state.

(3) The Static Security Force (SSF). The static security forces mission is to provide protection to key infrastructure and lines of communication in support of the RMC intent. This unit will need additional motor transport and surveillance equipment. These units will provide the mobile forces with detailed information of the area, key personnel and sites to which they are assigned. Under martial law this unit is capable of enforcing the rule of law in the target state.

(4) The Regional Officer In Charge for Civil Affairs (ROICCA). The ROICCA is the principle advisor to the RMC on reconstruction issues in the rank of Colonel, Lieutenant Colonel or Major depending on the size of the region and the units assigned. This position may become a civilian position as security improves.

⁶¹ Roger Trinquier, *Modern Warfare, A French view of Counterinsurgency*, (New York: Fredrick A. Preager, 1964) 51

⁶² Roger Trinquier, *Modern Warfare, A French view of Counterinsurgency*, (New York: Fredrick A. Preager, 1964) 52

⁶³ *ibid*, 54

(5) Regional Committees for Stabilization and Reconstruction (RCSR). The RCSR is comprised of the RMC the ROICCA, Mobile and Static Security Force Commanders and the PRT Commander(s). The committee is responsible for the coordination and de-confliction of all SSTR operations in the RDZ. The RMC is the senior executive agent with the authority to overrule any deadlock.

(6) Provincial Reconstruction Team (PRT). The mission of the PRT is to establish an interdisciplinary team capable of being staffed by multiple government agencies for SSTR operations. The ratio of civilian to military members is determined by the security situation. PRT's extend the authority of the central government by providing interim governance and law enforcement; monitor, assess and report on development of regions; facilitate information sharing; contribute to the reconstruction process; and closely coordinate the civil-military stabilization and reconstruction plans including the activities and support of NGO's.⁶⁴ To be most effective PRT's should be standing organizations, however this may not be possible in this era of limited manpower resources. PRT's could be run in cadre or annual exercises could bring the various elements together. In any event the knowledge and skills needed to run a successful PRT and RDZ are perishable; they require continual training and maintenance. The Department of State Office of the Coordinator for Reconstruction and Stabilization with support, manpower and money, from the Department of Defense could be the repository for the knowledge, expertise and cadre of personnel to run these programs.⁶⁵ PRT's are purely military until the security situation is stabilized then civilian personnel can backfill military members.

⁶⁴ Michael J. McNerney, "Reconstruction in Afghanistan: Are PRTs a Model or a Muddle?" *Parameters* (Winter 2005-2006) 32-46

⁶⁵ Andrea L. Hoshmand, *Provincial Reconstruction Teams in Afghanistan*, (International Security and Economic Policy Project Course, 10 May 2005) 26

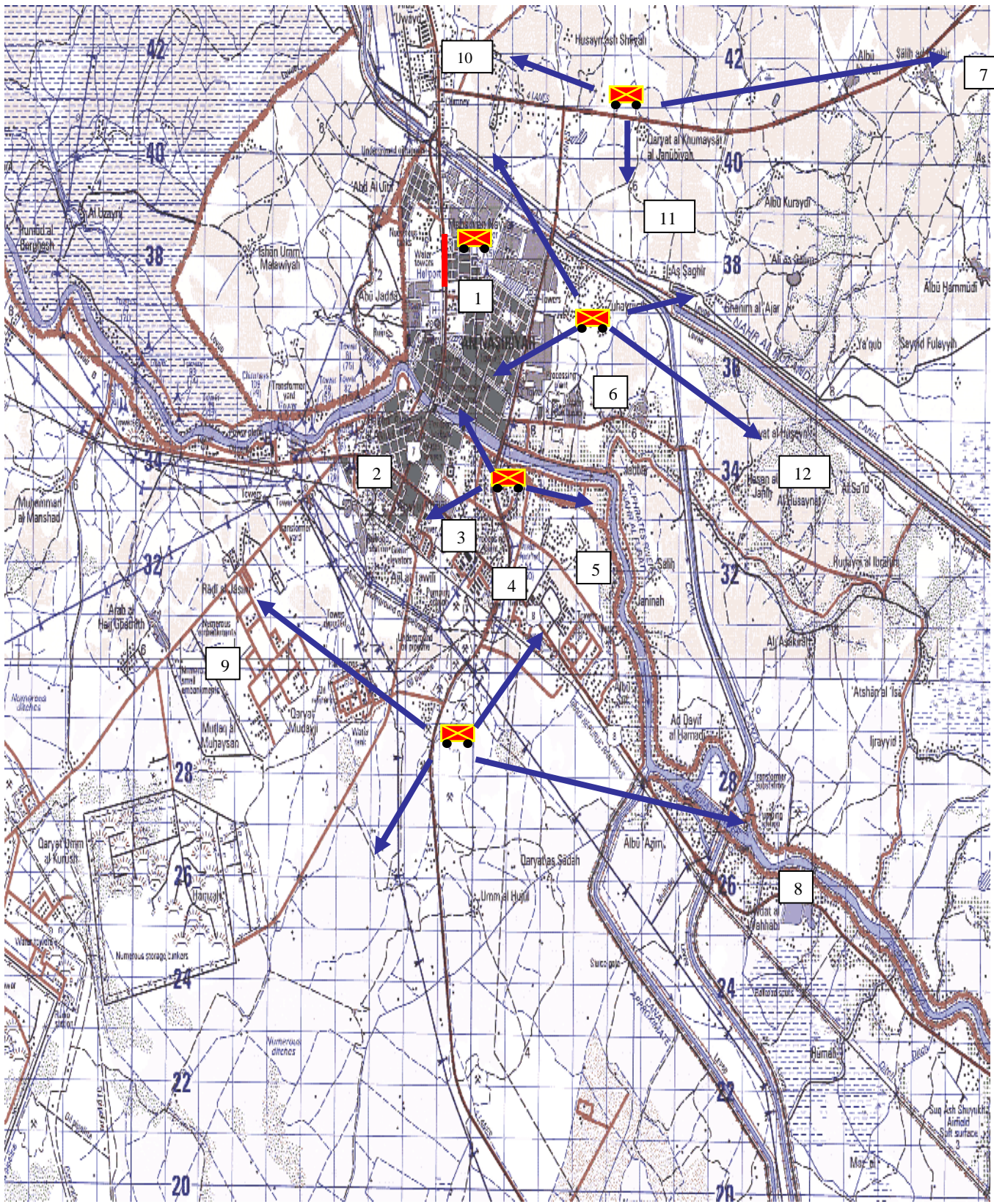


Figure 1. Infantry Battalion Regional Development Zone

Figure 1. (Legend)

- 1) Regional Development Zone Headquarters and PRT Forward Operating Base with Helicopter Landing Zone
- 2) Electrical Power Plant SSF Strongpoint
- 3) Railroad Station and Grain Storage facility SSF Strongpoint
- 4) PRT Forward Operating Base (South)
- 5) Fuel Oil Storage Facility SSF Strongpoint
- 6) Water Treatment Facility SSF Strongpoint
- 7) PRT Forward Operating Base (North)
- 8) PRT Substation (South East)
- 9) PRT Substation (South West)
- 10) PRT Substation (North West)
- 11) Water treatment station SSF Strongpoint
- 12) PRT Substation (East)

Note:

- 1) MSF units are denoted as Infantry Company's or Platoons: each is assigned a sector for operation.
- 2) This construct is based on a Infantry Battalion (Motorized) of three Rifle Company's and One Weapons Company Reinforced by a PRT
- 3) The Infantry Battalion is further reinforced by a Tank Platoon and Mechanized Infantry Platoon that along with the Battalion's Anti-Armor/Heavy machine Gun Platoon constitute a Rapid Reaction Force.

(7) Commander Provincial Reconstruction Team (Cmdr PRT,) (Major or Lt Col). The Commander of a PRT should have specialized training in how to run a multi-discipline organization and in particular how to work with civilian organizations.

(8) The PRT Committee. The PRT Committee is comprised of the PRT Commander and the OIC of each sub-team. The committee is responsible for coordinating and de-conflicting all SSTR operations in the PRT zone of action. The PRT Commander is the senior executive agent with the authority to overrule any deadlock.

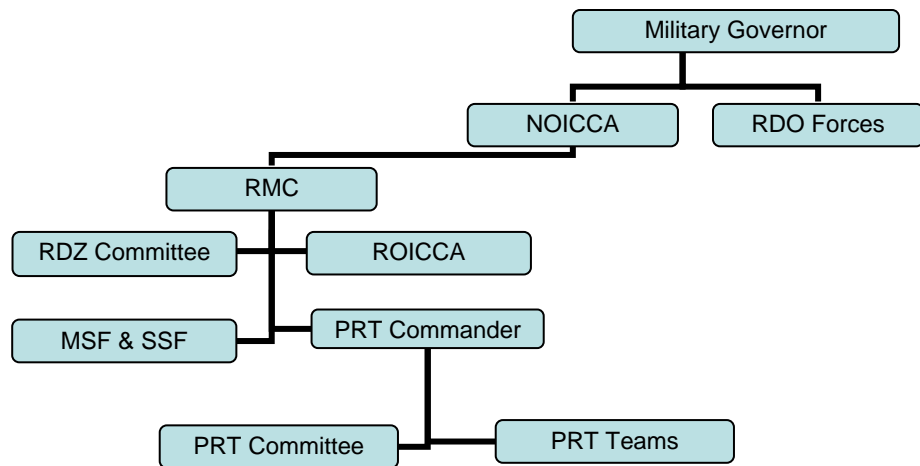


Figure 2. Command Relationship of Military Governor

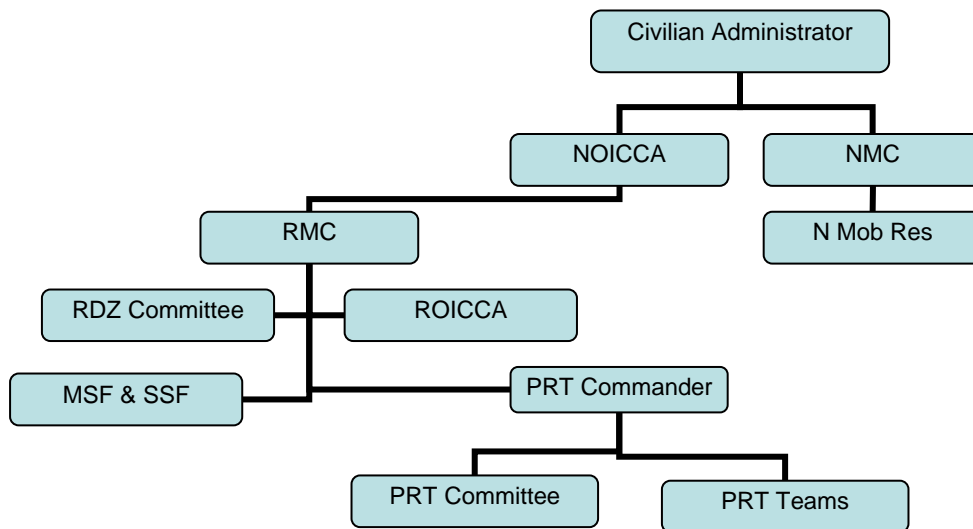


Figure 3. Command Relationship of Civilian Administrator

g. Provincial Reconstruction Team design (the sub-teams)

(1) Security Team. The responsibility of the security team is to provide security to the PRT operation. The basic organization of the security team is based on a motorized or mechanized infantry company with attachments as deemed necessary.

(2) Justice Team. The responsibilities of the justice team are to provide an interim judicial system, with the capabilities of establishing a military tribunal, or exceptional military court support and to train an indigenous judiciary and local police. Further they are to conduct a survey of the judicial infrastructure regarding available personnel and physical courts, prisons and police facilities. The basic organization of the interim justice team requires a functioning legal unit capable of establishing a military tribunal or exceptional court; a training and survey team; as well as a criminal and insurgent detention team.

(3) Reconstruction Team. The responsibilities of the reconstruction team are to provide immediate humanitarian assistance support via construction or repair of critical infrastructure. The team must also be able to conduct a survey of future reconstruction needs. The basic organization of the team is formed around an engineer company or platoon with air transportable construction equipment and other attachments as deemed necessary.

(4) Medical Team. The responsibilities of the medical team are to provide immediate emergency medical support to the indigenous population and the PRT itself. The team must be capable of conducting a survey of the regional medical needs in both infrastructure and personnel. The basic organization of the team is formed around a medical platoon with veterinary and other support as needed.

(5) Governance and Civil Affairs Team. The responsibilities of the governance and civil affairs team are to provide governmental advice to the PRT Commander as he administers the assigned zone. Further they are to operate a Civil Military Operation Center (CMOC) for the coordination of civic action within the PRT area of operation. The team will also provide contracting and disbursing support for stabilization and reconstruction projects in the area of operation. Additionally this team will be the repository of linguists who will provide translation and interpretation support

to the PRT. The basic organization will be a civil affairs team reinforced as deemed necessary to conduct the mission.

(6) Communications Section. The responsibilities of the communications section is to provide communications for the PRT and to provide a communication network for the indigenous leadership. The basic organization will be a communication section similar to that which supports detached special operations units in the field.

(7) Logistics Section. The responsibilities of the logistics section are to provide transportation and logistics support to the PRT and to support the stabilization and reconstruction projects. The basic organization will be a logistics and motor transport section with attachments as deemed necessary to support the mission.

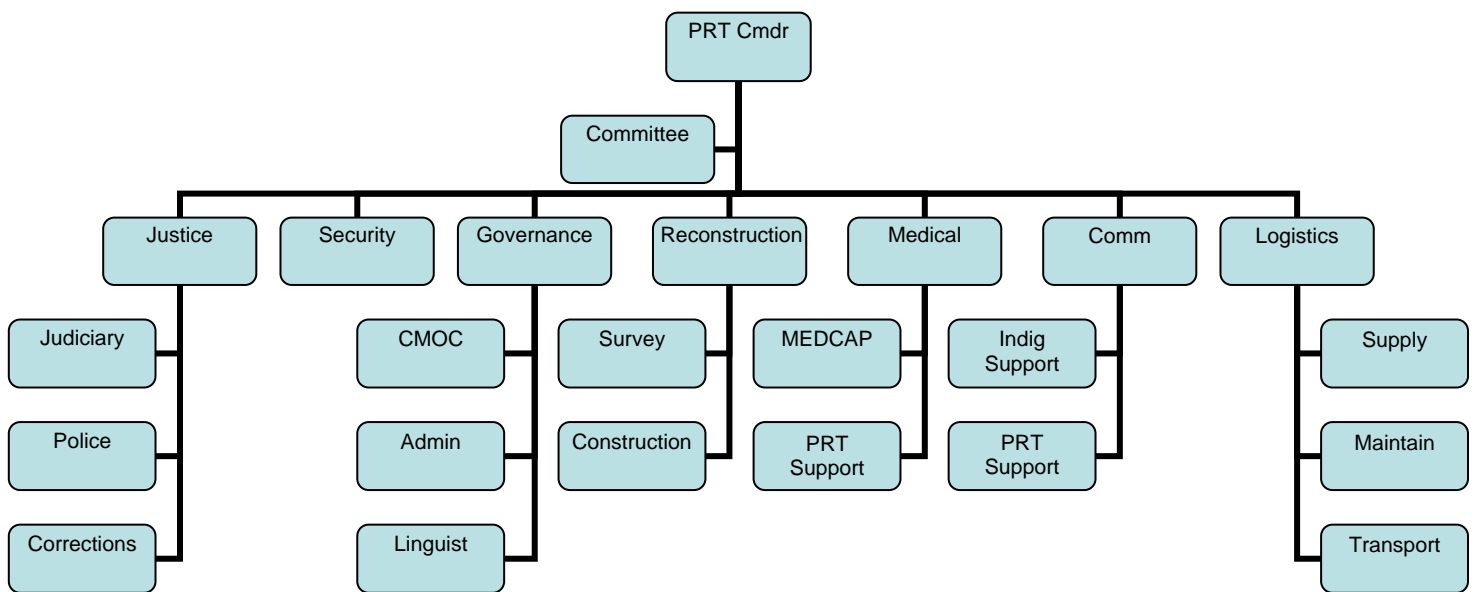


Figure 4. PRT Structure

B. CONCLUSION

In this chapter the discussion focused on the role and organization of the intervention SSTR forces in regard to the Progressive Reconstruction plan. It espoused the use of martial law as a tool of legitimacy and governance. It focused on the concept of unity of command even in these complex contingencies. It discussed command

relationships in particular that between the Military Governor and the Civilian Administrator. It showed how the battle handover between these two would occur and discussed the purpose of this concept. It then detailed the actual organization of the SSTR forces. This included the hierarchy of command and the structure of the various organizations. The focus was on the detail of the Provincial Reconstruction Team and its attendant security forces that are the linchpins to a successful operation. In Chapter three of this thesis the discussion will move on to the implementation of Progressive Reconstruction during the RDO phase via a process called rapid decisive stabilization, and will discuss the marriage of kinetic and empathic warfare techniques. The argument will follow the initial action of establishing the Interim Government and the RDZ. It will examine momentum and initiative with a particular focus on the concept of relative superiority and how these relate to successful SSTR operations.

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III. RAPID DECISIVE OPERATIONS AND STABILIZATION

A commanding general of occupied territory is charged with the duty of maintaining peace and order, punishing crime, and protecting lives and property within the area of his command. His responsibility is coexistent with his area of command. He is charged with notice of occurrences taking place within that territory...dereliction of his duty rests upon him... –The Nuremburg Tribunal

The first step in Progressive Reconstruction based military intervention is the destruction, expulsion or separation of belligerent forces through the use of force, or rapid decisive operations (RDO). RDO are designed to enable “the military instrument to respond quickly with smaller, more lethal, forces to bring regional conflict threatening US interest to a rapid and decisive close. Its central operational framework is a form of kinetic warfare—effects based operations—integrated application of precision engagement, information operations, theater enablers, dominant maneuver to produce a relentless series of multidimensional raids, strikes, and ground assaults throughout the battlespace. When correctly arranged in time and space, these operations attack the adversary in dimensions he is unable to counter, allowing US forces and their allies to dictate the tempo and terms of any operation.”⁶⁶ During this phase Progressive Reconstruction requires that the regional development zones (RDZ) are a supporting effort to the RDO. RDO forces being under the same command will however, target for seizure key infrastructure that will support stability operations. These will then be handed over to the regional military commanders (RMC) who are establishing the RDZ. During RDO the RMC will play the role of the traditional rear area operation coordinator or RAOC. As such the mission of the RMC will be to stabilize their region while facilitating combat operations. In addition the RMC is charged with developing the enabling force for future stabilization, security, transition, and reconstruction (SSTR) operations.

The second step in Progressive Reconstruction is based on empathetic warfare, rapid decisive stabilization operations (RDS): the deploying of the Interim Military

⁶⁶ Brian Watson, “Reshaping the Expeditionary Army to Win Decisively: The Case for Greater Stabilization Capacity in the Modular Force,” US Army Strategic Studies Institute (August 2005) from the US Joint Forces Command, *A Concept for Rapid Decisive Operations—White Paper* version 2.0, Washington D.C.: Joint Chiefs of Staff, July 2002. 4

Government, establishing the RDZ and enforcing the rule of law (ROL) to enable future SSTR operations. RDZ forces following immediately behind the RDO forces prevent a power vacuum and growth of lawlessness. This allows the imposition of temporary direct rule, facilitating the move to indirect rule and eventual independence. This juncture is critical to address the potential development of a small war, as “Small wars manifest themselves when ‘organized forces are defeated and scattered, its members may still be unconquered and may continue opposition through petty depredations degenerating into unorganized guerilla or bandit warfare.’”⁶⁷ Criminality and guerilla warfare operate hand-in-hand as often the insurgents fund their military activities through crime. As a result, an intervention force has to enforce the ROL in occupied territory, and can do so as an exercise of limited sovereign like rights as discussed in Chapter II. In order for the intervention force commander to enforce the ROL, he must have the backing of a system of justice to deal with criminal non-combatants and a system of reconstruction to counter act subversion.

This chapter will discuss the initial implementation of Progressive Reconstruction enabled by RDO. It will examine the need for unity of command and effort. It will focus on the need to gain and maintain momentum viewing the operation as a single action. This is contrary to the concept of phasing. Phasing is a linear planning tool for combat operations. Before discussing the integrated operation of Progressive Reconstruction it is necessary to identify what phases I-IV are: I) Pre-deployment; II) Deployment; III) Decisive; IV) Stability Operations. It is a tendency of basic human nature is to codify or rank activities. Unfortunately that tendency applies to this list I-IV. The sequence assigned to each phase, is assumed by many to be linear. In some aspects it is. Pre-deployment planning and preparation must occur before deployment. That is simple. However simplistically phasing operations linearly is counterproductive and not in keeping with effects based operations.

This thesis will examine how momentum was gained, lost and regained historically. It will discuss the concept of direct rule with emphasis on the ROL and

⁶⁷ Samuel M. Harrington, Major USMC, in Keith Bickle, *Mars Learning, The Marine Corps' Development of Small Wars Doctrine, 1915-1940*, (Boulder CO: Westview Press, 2001) Chapter 4, “Intervention in the Dominican Republic and Lessons Learned,” 134

security. It will also further the discussion of martial law as a principle of SSTR. The laws to be followed are those of the intervened state that do not contradict international human rights laws and that do not prevent or interfere with the conduct of military actions. The right to enforce these laws is held under the interim government and the obligation is held under international law and custom. Further it will examine the paradox that exists wherein the first months of an intervention the US military is the most capable and best equipped force for the mission yet it is the force most reluctant to undertake it.⁶⁸

A. UNITY OF COMMAND

Unity of command is required to ensure unity of effort for every objective. Both combat and post combat operations to be effective must be under one responsible commander. A single commander will ensure that all efforts will be directed and coordinated towards a common goal. Coordination is best achieved by vesting a single commander with the requisite authority to direct all forces employed in pursuit of a common goal. The commander should be selected on the basis of experience, a strong will and dominating personality. He must be able to counteract fitful interagency coordination issues. For example, if a department is at odds with itself the department head can break the impasse.⁶⁹ But only the commander stands over them all. The argument stands for their only being one in charge.

The basic difficulty of traditional SSTR operations such as those run by the UN is their dual chain of authority for field operations. Military officers are in charge of operations but civilians are in charge of logistics and budgets.⁷⁰ These UN forces tend to be woefully inadequate to the task of providing for public order as they struggle with neutrality and impartiality, both unrealistic aspirations in a war zone. In both the Congo ONUC and Cambodia UNTAC operations the UN forces suffered from a lack of unity of command and effort. The military answered to far too many outside forces and could not successfully synergize efforts to achieve the common goals and achieve a rapid decisive end state. ONUC had to, by default as the former Belgian administrators fled and the

⁶⁸ James Fallows, "The Fifty First State?" Atlantic Monthly 13, November 2002

⁶⁹ Bruce R. Pirnie, *Civilians and Soldiers, Achieving Better Coordination*, National Security Research Division, (RAND, 1998). 1

⁷⁰ William J. Durch, "The UN Operation in the Congo: 1960-1964," in William J. Durch (ed.), *The Evolution of UN Peacekeeping. Case Studies and Comparative Analysis*, (New York: St. Martin's Press, 1993), 342

Congolese government failed, take over many of the tasks of governance including the task of forcibly suppressing the Katangan revolt.⁷¹ UNTAC was mandated to manage the government but was not prepared to be as involved as needed as this following statement demonstrates:

“UNTAC suffered from a lack of planning and coordination ‘No substantial planning had taken place in anticipation and, other than on the initiative of some contributing countries, no contingents had been earmarked for the operation [Within UNTAC] there never was any strategic planning...In the early stages of the transitional period, such dilatory planning and ambiguity about timetables made ‘reluctant cooperation’ from the parties, especially from the Khmer Rouge, a rational response.” — Sorpong Peou⁷²

Commanders need the authority and resources to implement interim governance and control all activities civil and military. They must have the capacity to manage finances and control the flow of aid in their area of operation. The force would provide social services to the people demonstrating support capacity visibly beneficial to the population at large. The force must be capable of mobilizing the population, actively involving as many as possible in the reconstruction effort giving them belief in the new cause. Without a unified effort subordinated to a single commander the SSTR operation will suffer indecision, duplication of effort and overwhelming complication.

B. MOMENTUM

All our recent conquest...developed through two phases: that of the initial war, with the winning of apparently decisive victories, followed by that of insurrection, inevitable painful, and of which the issue was more administrative than military, the organization of the country. — E.F. Gautier, Morocco 1910.

RDO represent the immediate measures, the entry and enabling force actions that set the stage for long term sustained activity. The immediacy of the crisis that generally precedes intervention tends to overshadow the inevitable long-term programs that must follow. The ultimate success of an intervention can only be determined through the

⁷¹ Roland Paris, *At War's End, Building Peace After Civil Conflict*, (Cambridge: University Press 2004) 14

⁷² Sorpong Peou, “*Implementing Cambodia's Peace Agreement*,” in Stephen J. Stedman, (ed). 499-530: 516

dangerous and slow progressive transition to democracy and a stable peace.⁷³ Yet despite this long term nature it is often thought that interventions are won and lost in the first months. The longer it takes to implement security during an intervention the less chance the intervention has of success as with each passing day the people become more and more susceptible to subversion.⁷⁴ For the intervention force in SSTR as in regular combat gaining and maintaining momentum is critical throughout.⁷⁵ The sooner the intervention force can insert its interim government, gaining relative superiority, a decisive advantage over anti-government forces, the better the situation will be. However gaining and maintaining this relative superiority is extremely difficult.

Relative superiority is a concept originally intended to discuss special operations however; it is useful in SSTR operations as well.⁷⁶ How to gain and maintain a continuous and sustained effort, maintaining relative superiority, throughout an intervention has been a subject that has perplexed practitioners for centuries. The ‘how to’ maintenance of the impulsion of unified effort has been the subject of many different discourses.⁷⁷ The longer an operation, the more difficult it becomes to maintain relative superiority. Once lost, momentum can be regained but it becomes increasingly difficult to do so.⁷⁸ As SSTR operations are necessarily long-term, momentum building will be of the utmost importance. To facilitate the effort initiative must be seized as quickly as possible. The initial tactical SSTR operations should focus on highly visible short-term efforts supplemented by intense advertising of longer-term efforts to come.

When democratic states intervene, they seek to secure the population, promote the rule of law, and build self-sustaining institutions as quickly as possible. The literature on conflict resolution agrees that the longer it takes to establish a stable and effective

⁷³ Edward Mansfield and Jack Snyder “Democratic Transitions and War: From Napoleon to the Millennium’s End,” in Pamela Aall et al, (eds.) 113-126: 126

⁷⁴ Frank Kitson, *Low Intensity Operations*. (London: Faber, 1971 (1973)) 80

⁷⁵ Timothy Sisks, “Democratization and Peacebuilding; Perils and Promises,” in, Pamela Aall et al, (eds.) 785-800: 797

⁷⁶ William McRaven, *Spec Ops, Case Studies in Special Operations Warfare: Theory and Practice*, Random House Publishing: Presidio Press, 1996. 4

⁷⁷ Paddy Griffith, *Forward into Battle, fighting tactics from Waterloo to the near future*. (Crowood Press, Wiltshire England, 1991) 103

⁷⁸ William McRaven, *Spec Ops, Case Studies in Special Operations Warfare: Theory and Practice*, (Random House Publishing: Presidio Press, 1996). 6

government the more the people suffer.⁷⁹ When external actors compel change, those actors such as the United States, must be capable of taking over the roles of the government without delay.⁸⁰ SSTR operations must match the rapidity of action that combat operations exert. This tempo is imperative to maintain momentum and build upon initial relative superiority. Unfortunately, there is currently no methodology as to how to accomplish this comprehensive state building.⁸¹ Francis Fukuyama states that the problem with current systems of transition and reconstruction is that they do not know how to transfer institutional capacity and lack long-term plans.⁸² The current methods rely on ad hoc groupings of military, government and private players generally incapable of forging the necessary organization.⁸³ None of these activities currently are designed for rapid deployment or implementation.

1. Losing Momentum

One of the best examples of the loss of momentum in an intervention is the ill-fated UN operation Restore Hope. In this unprecedented action the US played the role of an enabling force. Somalia was a country without a government whose people lacked the basic food and medical supplies to survive. Prior to the intervention the supplies could only be brought in via a loose network of NGO's and warlord run militias.⁸⁴ This Byzantine network was extremely corrupt and inefficient. The arrival of US forces quieted the situation for a short period. This should have been the time for the international community to establish true law and order, and most likely would have required a hands-on, direct rule approach. However, this opportunity was wasted and the local bandit leaders used it to their advantage correctly reading the limited intentions of the US forces and forming plans to exploit the situation. Once they realized the

⁷⁹ Robert Orr "Governing When Chaos Rules: Enhancing Governance and Participation." *The Washington Quarterly*, Vol 25, No. 4, (Autumn 2002). 139-152:139

⁸⁰ Brian Watson, "Reshaping the Expeditionary Army to Win Decisively: The Case for Greater Stabilization Capacity in the Modular Force," US Army Strategic Studies Institute (August 2005) 5

⁸¹ Francis Fukuyama, *State Building, Governance and World Order in the 21st Century*. (Ithaca: Cornell University, 2004) 99

⁸² *ibid*, pg 104

⁸³ Pamela Aall, , "What do NGOs Bring to Peacekeeping?" in, Pamela Aall et al, (eds.) 365-384: 377

⁸⁴ I.M. Lewis, *A Modern History of Somalia, Nation and State in the Horn of Africa, 4th Edition*, (Athens Ohio: Ohio University Press, 2002) 270

international force was not going to enforce basic law and order or enforce peace, opting on a strict food delivery operation only, the warlords began flexing their muscle.

The US mandate did not include the creation or implementation of a new government.⁸⁵ This, it was argued, would have required far too much involvement. As a result looting became rampant, exploitation of the foreign intervention became the goal of the warlords. Making matters worse peace deals were brokered with the warlords, giving them de facto legitimacy and ignoring the will of the average people, and the rural population. Corners were cut to speed the withdrawal of US troops. The design of the interim Somali government, basically an amalgam of warlords, was fatally flawed, the time invested in it was inadequate and demonstrated the lack of true commitment to rebuilding the Somali state.⁸⁶ The momentum gained in the initial landing of foreign troops was quickly lost and eventually exploited by the local warring factions. From that point on the various UN and US forces were playing catch up trying vainly to regain the initiative garnered by the relative superiority of the initial actions. Had the planners of Restore Hope followed the Powell-Weinberger Doctrine beyond merely the initial enabling and follow on withdrawal phases the operation would have had the capability for success.

2. Reopening Windows

In state building efforts that involve counterinsurgency operations there are times when momentum is lost and the insurgents gain the upper hand. When this occurs the window of opportunity can be considered closed or relative superiority lost. In this eventuality a modified RDO-RDS enabling operation can be launched in order to reclaim the initiative, to reopen the window. The keys to this effort are isolation, organization and unified command and control. Historically these reclamation projects have been successful to varying degrees in the Greek Civil War; the Philippine Huk Rebellion and the Malayan Emergency.

At the outset of the Greek Civil War, 1946-1949, the security forces and the British Army that supported them were not organized, equipped or trained to fight a

⁸⁵ I.M. Lewis, *A modern History of Somalia, Nation and State in the Horn of Africa*, 4th Edition, (Athens Ohio: Ohio University Press, 2002) 277

⁸⁶ *ibid*, 278

counterinsurgency campaign.⁸⁷ By 1947 the insurgency was growing rapidly and the competing and disorganized Greek government agencies were not up to the task of defeating it. This same year the United States under the Truman Doctrine stepped in, replacing the British forces. US military aid and military advisers quickly flooded the country raising the skill and professionalism of the armed forces dramatically.⁸⁸ However, the US trained and equipped Greeks remained unable to crush the guerillas. The preferred tactic was large scale inefficient search-and-destroy missions that were not tied to political, economic and humanitarian efforts.⁸⁹ Frustrated with the lack of results gained from the heavy investment, the Greeks began to experiment with smaller scale isolation operations which included such activity as temporary relocation of non-combatant populations. Further, they appointed General Papagos as the new commander-in-chief. General Papagos, a famous and respected war hero, accepted the job under the condition that he be allowed complete and solitary command. This had the effect of reducing bureaucratic and political interference in field operations.⁹⁰ The results were felt immediately; the guerilla forces hard pressed by well organized and coordinated government forces began resorting to greater and greater acts of violence and terrorism angering the general populace. This anger and the increased professional and dedicated efforts of the security forces isolated the guerillas, and in conjunction with proactive diplomatic and political actions broke the insurgency.

The Philippine Huk Rebellion, 1945-1953, started along similar lines. The guerilla forces began exploiting the turmoil in government at the end of WWII in order to rectify real and perceived grievances.⁹¹ At the outset it was estimated that ten percent of the population supported the Huks; ten percent did not and eighty percent were neutral.⁹² This neutral majority was exploited, both willingly and unwillingly, by the Huk

⁸⁷ Robert Asprey, *War in the Shadows, The Guerilla in History*, (New York: Doubleday, 1975) 736

⁸⁸ Robert Asprey, *War in the Shadows, The Guerilla in History*, (New York: Doubleday, 1975) 740-741

⁸⁹ John Ellis, *From the Barrel of a Gun: A history of Guerilla, Revolutionary and Counterinsurgency Warfare, from the Romans to the Present*. (Pennsylvania: Stackpole Books, 1995) 200-204

⁹⁰ Robert Asprey, *War in the Shadows, The Guerilla in History*, (New York: Doubleday, 1975) 742

⁹¹ John Ellis, *From the Barrel of a Gun, A history of Guerilla, Revolutionary and Counterinsurgency Warfare, from the Romans to the Present*. (Pennsylvania: Stackpole Books, 1995) 205

⁹² Robert Asprey, *War in the Shadows, The Guerilla in History*, (New York: Doubleday, 1975) 748

into providing food, clothing, shelter, security and information to the guerillas. The Huk fully understood that every action they took provoked a reaction from this target group, the government forces did not. As in Greece, the state security forces were woefully under-prepared to face this type of warfare. They were poorly trained, ill disciplined, few in number and best at providing static defenses.⁹³ They tended to resort to extreme violence and intrusive tactics when frustrated by the more agile guerilla forces. The US, recognizing the danger immediately, began funneling military aid and advisors into the Philippines. The Philippine security forces benefited greatly but made the same mistake as the Greeks by initiating large scale search-and-destroy operations. Again these served to little effect except to anger the neutral population. Surprise was absolutely necessary for these operations to succeed yet it was impossible to achieve with such large troop movements. Further many of the tactics such as free fire zones and recon by fire only caused pain for the peasantry. More sophisticated tactics were sought.

By 1950 the Philippine Army and Police Forces began operating small patrols, extending the presence of the government to the village level.⁹⁴ They roamed far and wide establishing mobile checkpoints, and generally focusing on disrupting guerilla communications. Further they developed infiltration units or “psuedo-huk” that could operate in insurgent territory gaining vast amounts of actionable intelligence.⁹⁵ The ability to exploit this new found initiative and verve came from the appointment of Ramon Magsaysay as the Secretary of National Defense.

Magsaysay like General Papagos was a strong, independent operator who understood the power of unified coordinated command. At one point there were over twelve different organizations competitively collecting intelligence on Huk activities. These efforts were not coordinated and the information gained was not readily shared. After his appointment Magsaysay forced the issue, streamlined these activities and focused the overall effort. The major aim of all civ-mil activities was now to win civil cooperation. To this end he restructured an old and often dreaded Army tactic called the

⁹³ Robert Asprey, *War in the Shadows, The Guerilla in History*, (New York: Doubleday, 1975) 748-758

⁹⁴ John Ellis, *From the Barrel of a Gun: A history of Guerilla, Revolutionary and Counterinsurgency Warfare, from the Romans to the Present*. (Pennsylvania: Stackpole Books, 1995) 207

⁹⁵ Robert Asprey, *War in the Shadows, The Guerilla in History*, (New York: Doubleday, 1975) 756

zona into a less invasive version of isolation and intelligence gathering.⁹⁶ Individual regions or zones were isolated by the military but not as a search-and-destroy mission. The mission ensured positive interrogation of the population while insuring individual privacy and reinforcing the concept of positive government sponsored stability and security. The patrolling of small mobile units became constant and aggressively reinforced the security provided by the central government.⁹⁷ Further generous amnesty programs were offered in order to bring guerillas in peacefully. The revised programs were so effective that eighteen months after Magsaysay took charge the insurgency was broken.⁹⁸

The Malayan Emergency was of far greater magnitude than the previous two, however, the concept for prosecution was the same. Post WWII a Chinese backed communist rebellion took root in Malaya lasting from 1948 to 1960. Once again the turmoil of WWII was exploited by a subnational group bent on overthrowing the existing government.⁹⁹ In this case the government was a colonial Governorate of Great Britain, though independence was promised in the future. As with both Greece and the Philippines the security forces of the state, including British and Commonwealth troops, were not properly organized, prepared or sufficiently large enough to prevent the insurgents from establishing substantial guerilla bases throughout the country. In addition, the British Malayan government was slow to respond to the growing threat. However, they did declare a State of Emergency which gave the security force powers similar to Martial Law.

The British counterinsurgency program was best articulated by Sir Henry Briggs in what came to be known as the Brigg's Plan.¹⁰⁰ This plan consisted of the following tenets:

⁹⁶ Robert Asprey, *War in the Shadows, The Guerilla in History*, (New York: Doubleday, 1975) 758

⁹⁷ John Ellis, *From the Barrel of a Gun: A history of Guerilla, Revolutionary and Counterinsurgency Warfare, from the Romans to the Present*. (Pennsylvania: Stackpole Books, 1995) 208

⁹⁸ Robert Asprey, *War in the Shadows, The Guerilla in History*, (New York: Doubleday, 1975) 758

⁹⁹ John Ellis, *From the Barrel of a Gun: A history of Guerilla, Revolutionary and Counterinsurgency Warfare, from the Romans to the Present*. (Pennsylvania: Stackpole Books, 1995) 209

¹⁰⁰ John Ellis, *From the Barrel of a Gun: A history of Guerilla, Revolutionary and Counterinsurgency Warfare, from the Romans to the Present*. (Pennsylvania: Stackpole Books, 1995) 210

- (1) To dominate the populated areas and to build up a feeling of complete security which would, in time, result in a steady and increasing flow of information from all sources.
- (2) To break the Communist organizations within the populated areas.
- (3) To isolate the guerillas from the food and supply organizations in the populated areas.
- (4) To destroy the guerillas by forcing them to attack the security forces on their own ground.

Actions taken under this plan involved resettlement to strategic hamlets, relocating over five hundred thousand people by 1953, identification card systems and cordon and search operations. They had the right to impose curfews and issue severe penalties for aiding the insurgency. Yet the authority to implement these actions did not end the war.

Unfortunately, the British military began the war as had the other government forces, concentrating upon large scale operations, grand sweeping actions attempting to scour the jungles for guerillas. These activities met with the same limited success, wasted manpower and resources as had the Greek and Philippine operations. The British eventually learned the same lesson that only small, mobile, self-sufficient patrols, capable of surviving on their own over long periods of time could effectively hunt and kill the guerillas.¹⁰¹ Further, these actions had to be tied to civilian political and economic activity and be subordinate to the overall campaign plan that answered to a single unified command.

Ultimately it took a strong personality to wield the authority and meld the disparate civ-mil organizations of state and security into one cohesive force capable of defeating the insurgency. This strength was brought to Malaya in the person of General Sir Gerald Templar. Templar was a dynamic, unconventional character with immense energy who understood clearly the mission at hand. His famous quote “The battle for the hearts and minds of the people” has summarized his concept of stability operations. He realized that his job was to implement the solid plans and organizational strategies laid

¹⁰¹ Robert Asprey, *War in the Shadows, The Guerilla in History*, (New York: Doubleday, 1975) 789

out by his predecessors that had just not been followed through in a forceful coherent manner. One of his tactics was to remove the State of Emergency by regions.¹⁰² When a region was deemed close to secure he would focus on it, ramping up the security measures and security force presence for a brief period then backing off and declaring the region “white” or free from insurgents. The region would then be freed from the heavy restriction of the Emergency as a reward. Additionally, the counterinsurgents offered amnesty, monetary rewards and re-training to any guerilla willing to surrender. This proved highly useful at garnering information on other insurgents.

What these three examples demonstrate is that even when the initial window of opportunity to prevent the violence is missed, through lack of understanding of the threat, negligence or unprepared security forces, the initiative can be regained through resolute action. The actions most commonly effective: isolation of the insurgents from the general population; deployment of a coherent, tailored counterinsurgency organization; and unity of command designed to focus all the power of the central government on the problem at hand.

Following this logic, Progressive Reconstruction can be used to stabilize regions of instability in a preexisting guerilla war through the employment of combined RDO-RDS in a surgical manner. An unstable province can be targeted for isolation and infiltration and domination by government forces. These forces operating under Martial Law would exercise all the restrictive controls necessary to protect the people and infrastructure of the RDZ. The application of these restrictive measures, while onerous, if well organized with a clear, disciplined and coherent multi-faceted mission and command structure, such as the RDZ, will be able to secure the population and deny the insurgents the foothold they desire.

C. THE ESTABLISHMENT OF RDZ: RAPID DECISIVE STABILIZATION

In Haiti, Nicaragua and Santo Domingo... no district...was pacified by military means alone. — Colonel Samuel B. Griffith, USMC, 1950.

¹⁰² Noel Barber, *The War of the Running Dogs, The Malayan Emergency: 1948-1960*, (New York: Bantam Books, 1971(1987)) 199

Progressive Reconstruction's operational concept is the rapid establishment of stability following in trace of a military action in order to facilitate long-term SSTR operations. It requires the placing of a specially designed and organized force in the newly liberated areas on the heels of decisive military actions. The targeted areas must include strategic economic sites, transportation lines, population centers, medical, sanitation, subsistence, and communication nodes. Post war recovery will depend on the economically important road and rail networks, airports and communications facilities. These are facilities that will be targeted and possibly destroyed by RDO forces and local defenders during combat.¹⁰³ The RMC will be charged with conducting triage on this infrastructure to ensure the humanitarian impact is minimized and crisis averted.

1. Enabling Force

Rapid deployment of RDZ forces behind RDO forces would provide for relative superiority allowing the SSTR operation to set up while they have the initiative. These units as discussed are specially designed to provide the initial stability and organization for sustained operations to maintain the momentum. Failure to quickly implement competent interim governmental control via military force in the wake of direct intervention may cause civil war, anarchy, and chaos. The intervention force cannot assume that the previous local government will function in any capacity during post conflict. "These places typically have no revenue systems, no public funds; no way anybody at any level of governance can do anything right away."¹⁰⁴ While Barton is exaggerating for effect in this quote, it is understood that a regime change will collapse the previous government and in a failed state where the government is broken, a vacuum of governance will exist requiring foreign intervention forces to fill this role in the interim. The design of Progressive Reconstruction and a specially organized unit providing this effort parallels current military thought on forcible entry forces as initial enabling forces. In this case it would be an enabling force for state building.

Progressive Reconstruction as an enabling system is designed to defeat insurgent forces quickly and decisively before they can take root and begin to expand thereby gaining relative superiority. It is worth noting that all insurgencies regardless of the

¹⁰³ James Fallows, "The Fifty First State?" Atlantic Monthly 13, November 2002, 7

¹⁰⁴ Fredrick Barton in James Fallows, "The Fifty First State?" Atlantic Monthly 13, November 2002

support they have from outside organizations or states are local. The issues that motivate the average insurgent recruit are issues born and bred in localized conditions. International or trans-national support from outside the target state can be defeated by removing local issues as well. It is hard to stir resentment amongst hard working well compensated peoples. A first step towards gaining relative superiority in counter-insurgency must be visible and rapid remedying of local ills. Attacking the unstable political situation at the local level once initial combat operations have moved on will assist the intervention forces with the gaining of popular support. Progressive Reconstruction accomplishes this by protecting the population and isolating them from the potential insurgents through the immediate emplacement of an organization, the RDZ and PRT, which enforces governance, the ROL and security.

We must assume that regardless of the US intentions for intervention, insurgents will find fertile grounds for recruitment by exploiting the mere presence of foreigners. Altruism will not be understood as a motive for intervention. What will be understood are immediate visible benefits and strong military presence enforcing the ROL. After the initial assault and combat has achieved local victory and the RDO forces prepare to move on to the next objective the Progressive Reconstruction forces move in and begin to repair damage, provide security and subsistence. They must foster good will and working relationships with the local population in order to develop the safety net of intelligence which will be necessary for counter-insurgency operations in the future.

2. Direct Rule

Because we would have destroyed the political order...Conquered Iraqis would turn to the US government for emergency relief, civil order, economic reconstruction, and protection of their borders.¹⁰⁵ — James Fallows, 2002.

In the initial action of a Progressive Reconstruction operation the indigenous government must be assumed to be nonexistent, failed or failing. According to Hans Binnendijk the US military action will fracture the already weak state structure.¹⁰⁶ The military force must be prepared to establish an Interim Military Government and exercise

¹⁰⁵ James Fallows, "The Fifty First State?" Atlantic Monthly 13, November 2002, 5

¹⁰⁶ Hans Binnendijk and Stuart Johnson, Transforming for Stabilization and Reconstruction Operations, Center for Technology and National Security Policy, National Defense University, Working Paper (November 12, 2003) 23

direct rule.¹⁰⁷ The purpose of direct rule is to protect the indigenous population by providing for them while they recover from the immediate effects of war. It will also provide a buffer separating the various ethnic sub-national entities, preventing any one group from assuming dominance.¹⁰⁸ Once secure and stabilized the indigenous people can set about their own recovery. Establishing direct rule will include the insertion of security forces and PRT's. These forces will protect infrastructure and conduct basic governmental functions. Law enforcement and judicial action, particularly anti-looting and curfew operations will be principle activities. It is fostered by the set up of static security forces that will protect infrastructure, individuals and institutions while mobile forces prosecute the insurgents more directly. Key leaders and institutions that begin working for the intervention forces will be in need of particular protection as subversives and insurgents will target the more visible collaboration projects. Protection must be provided to critical nodes such as natural resources, civil registries, power, water, and fuel facilities. Further protection must be extended to military facilities and hardware as well as public institutions, government buildings, museums, communications centers, and courthouses.

The concept of Direct Rule in this case is the undertaking of day-to-day governance, law enforcement and security of the target state by the intervening military force. In this manner the Progressive Reconstruction forces follow more closely than the RDO forces the Powell-Weinberger doctrine. The organization and planning involved here is particularly designed for establishing momentum, maintaining and sustaining this momentum and transitioning the target state, weaning it from foreign support. The concept is not just overwhelming force, it is the use of the appropriate forces to guarantee as much as possible success. Success is achieved through—the long term creation of a stable peace. The forces involved could be one man or a hundred thousand. The focus is not on numbers but on the appropriate force tailored for the mission. It just happens that SSTR missions tend to be manpower intensive in ways RDO with precision kinetic technologies are not. In order to implement direct rule the enabling force would have to

¹⁰⁷ Douglas Porch, *The Conquest of Morocco*, (London: Macmillan, 1986 (1987)) 239

¹⁰⁸ Stephen Biddle, "Seeing Baghdad, Thinking Saigon," *Foreign Affairs*, Vol. 85, Number 2 (March/April 2006) 2-14: 9

be robust. This force is justified as direct rule sets the stage for integrating indigenous personnel, establishing a regime based on more indirect rule and transitioning to independence in an orderly progressive fashion.

3. Establishing the Rule of Law: Martial Law and the Issuance of Supplemental Regulations

Law enforcement must be a priority in an intervention. The laws will be laid out in the Proclamation of Interim Military Government and its supplemental regulations. This is done in conjunction with the commencement of the intervention. As the belligerent armed forces are being destroyed or expelled from the targeted area of operations the designated RMC deploys his RDZ team and commences ROL operations. The more rapid the destruction and expulsion of the enemy main force the greater the need to rapidly deploy the stabilization forces.¹⁰⁹ The rapid deployment of stabilization forces will prevent the power vacuum in which criminal, guerilla and insurgent forces thrive. Timing is everything, if there is a moments hesitation criminals will exploit it.

The principle measure to ensure the ROL is the declaration of martial law and the issuance of supplemental regulations. Martial law authorizes the intervening military force to actively enforce the law. Martial law in this case is somewhat different than that which has historically been in play. Here martial law is used to support the activities of an interim government. Whereas historically interim government assumed the role of a real government exercised by a military or civilian governor over inhabitants of an enemy country as a result of war and martial law was intended to be an exercise of military authority over a states own population.¹¹⁰ In Progressive Reconstruction martial law is seen as the tool of the interim government which authorizes it to enforce the law via the intervention military force in order to maintain order. Martial law can be declared and rescinded and when necessary declared again, while the interim government is permanent only ending when the indigenous government is capable of standing alone.

The interim government issues the order for martial law as the first step in providing security in the newly occupied territory. It uses martial law and the subsequent

¹⁰⁹ Robert Orr, *Winning the Peace, An American Strategy for Post-Conflict Reconstruction*, (CSIS, 2000) 298

¹¹⁰ *USMC, Small Wars Manual* Sect 13-2 and 13-3 Definitions: Martial Law and Military Government Distinctions, (Kansas: Sunflower University Press) 13-3: 2

supplemental orders to establish the legitimacy of the interim regime. The proclamation and supplemental orders establish the rules on internal movement, and regulates air and overland movement. It establishes an identification regime including the issuance of documents, personal identification, property ownership, court records, voter registries, birth certificates and drivers' licenses. All these forms of control will be vital to suppressing potential insurgents. A force able to implement these programs quickly will be given differential treatment. The neutral majority of the population will comply leaving the potential insurgents without support and protection.

The proclamation will address the disposition in regard to the retention, paying off, or dissolution of the previous regime military, law enforcement and civil services. As such it can be used to engage indigenous forces capable of promoting immediate stability.¹¹¹ It can implement a plan for the future disposition of indigenous armed forces and intelligence services regarding their potential for rehire in the new constabulary force. It will also ensure the immediate health, provisions, and security for former belligerents.¹¹² Programs such as these will give former combatants a known mechanism for support and will help garner their cooperation. The proclamation also introduces a design for a former belligerent reintegration strategy. It provides a structure for future employment, pensions and other material support for demobilized forces. Further, the proclamation identifies future roles, mission and structure of security forces, and sets the stage for the PRT to begin vetting potential officers and other individuals.¹¹³ Here the concept of temporary direct rule will allow local level initiatives to take root as the foreign intervention forces will sideline potential warlords and criminal bosses who will not be able to exploit the weak.

Marital law and interim military policing involves basic law enforcement as well as establishing border security including customs to prevent arms and other contraband from entering or exiting the target state. It covers the protection of vulnerable elements of society including women, children and other minorities. It is designed to ensure the flow

¹¹¹ Post-Conflict Reconstruction, Essential Tasks, Office of the Coordinator for Reconstruction and Stabilization, United States Department of State, April 2005 I-1

¹¹² Post-Conflict Reconstruction, Essential Tasks, Office of the Coordinator for Reconstruction and Stabilization, United States Department of State, April 2005 I-2

¹¹³ *ibid*, pg I-3

of humanitarian aid to the needy. The declaration of martial law allows the intervention military forces to perform civilian police functions, including crime investigation and criminal incarceration. It also covers crowd control, prevention of looting, and management of civil disturbances. As martial law is implemented the Provincial Reconstruction Teams establish themselves and begin an initial infrastructure and security survey. The survey involves a quick review of available resources and the results should be compared to the pre-intervention intelligence. Establishing security and the ROL will be principle efforts of the interim government and martial law is the mechanism through which it will be achieved.

D. THE TRANSITIONAL POLITICAL AUTHORITY, FROM DIRECT TO INDIRECT RULE

Indirect rule is rule through the native natural hierarchy, in other words the people must choose their own leadership while the intervention force provides support via financing, equipment and expertise.¹¹⁴ Coordination is required both within the US government and through the interagency process and among actors in the field to ensure a smooth transition from direct to indirect rule. These actors include international organizations regional alliances, NGO and indigenous personnel. As already stated, the forcible occupation of a country brings with it the responsibility for all the government functions of that country yet the military force cannot do this work alone for long. Local and international personnel must be brought to bear to work together in an organized manner to ensure these services are provided. As soon as the security situation allows and in accordance with a solid pre-designed plan civilian agencies must be brought in and stood up in support of the overall operation. The transition from military to civilian to indigenous control must be seamless. The best way to make this transition is to empower and employ indigenous personnel alongside foreign experts and administrators organized and subordinate to a central coordinating organization.

Indigenous state apparatus must be fully funded for successful implementation. Payment of salaries for indigenous service providers and granting contracts locally will reinforce the desire of the locals to work with the US and Coalition forces. The regional

¹¹⁴ Douglas Porch *The Conquest of Morocco*, London: Macmillan, 1986 (1987) 239

military commander (RMC) needs to prioritize and coordinate a consistent and reliable work program that encompasses the entire RDZ. The foundation for this program must be emplaced immediately and followed through into the sustained programs of stabilization and reconstruction covered in Chapter IV. Delays in action and implementation only make it harder as seen in this quote from Afghanistan “the failure to quickly fund and follow through on the priorities outlined at the Tokyo donors’ conference led to a weakening of the central government that will extend the need for international involvement for years and decrease the intervention’s likelihood of success.”—Robert Orr.¹¹⁵ Transition is always a dangerous event, but the stronger the foundation built by rapid decisive stabilization the smoother it will be.

E. CONCLUSION

Rapid decisive stabilization working hand and hand with RDO provides the enabling framework for future success. Effective use of the direct rule concept and martial law to ensure the rule of law will provide the structure to protect transition and maintain momentum. The indirect approach is a necessary outreach program to prevent miss and over use of the military and follow on civilian SSTR forces and to involve the indigenous people in their own recovery. The Military Governor as the commander of the intervention and the first administrator of the occupied territory designs, implements, and executes the operation; ultimately ensuring a successful battle handover. The Military Governor is the linchpin that ensures a consistent and coordinated effort across the target state, keeping interagency issues from stymieing the operation.

This interagency process has caused great difficulties in the past and needs reform. As can be seen in Iraq today the US struggles with bureaucratic red tape to establish PRT’s across the country. Department of State and Defense are seemingly unwilling or unable to work together towards this common goal. In the end the implementation suffers delays that just may not be recoverable.¹¹⁶ The opportunity to regain relative superiority that the insertion of well organized multi-agency PRT’s

¹¹⁵ Robert Orr, *Winning the Peace, An American Strategy for Post-Conflict Reconstruction*, (CSIS, 2000) 298

¹¹⁶ Steven Komarow, “Iraq reconstruction plan draws criticism following delays,” *USA Today* (March 6, 2006)

provided was and is entirely time based and fleeting. The US cannot exert leadership if it has not thought through its own strategy.¹¹⁷ The strategy has changed as the compelling rationale of intervention has shifted from keeping others from fighting to the prevention of the spread of terrorism, terrorist havens and WMD proliferation. The stated US mechanism for change is to foster the growth of democracy.¹¹⁸ Following this democratic mandate the next step has been forcible regime change in failed, failing and rogue states. Progressive Reconstruction in the context of forcible intervention aims to establish democracy through transitional political authority.¹¹⁹ The Military governor and the Civilian Administrator as the direct representative of the President of the United States and or the International Community has the power and the authority to enforce compliance amongst the various agencies and to generate synergistic efforts.

During the transitions from military intervention to direct then indirect and independent rule, governance must continue without pause this includes the provision of basic services. The focus here is on transitioning command from military to civilian and from direct to indirect rule. These transitions affect each level of the intervention. The Military Governor and the Civilian Administrator conduct their battle hand over once security is established and as each RDZ stands up. Unity of command and unity of effort are maintained by transferring all the powers of the Military Governor to the Civilian Administrator. As the security situation improves civilian team members who have been fully integrated with the plan since the outset begin to take over for military PRT members. Indigenous personnel are recruited, vetted and brought into the PRT organization and rule begins to evolve from direct to indirect.¹²⁰ Every effort must be made to ensure momentum is not lost as RDO and its associated stabilization mission transition to sustained operations.

¹¹⁷ Bruce R. Pirnie, *Civilians and Soldiers, Achieving Better Coordination*, National Security Research Division, (RAND, 1998). iii

¹¹⁸ *ibid*, pg xiii

¹¹⁹ Post-Conflict Reconstruction, Essential Tasks, Office of the Coordinator for Reconstruction and Stabilization, United States Department of State, April 2005 II-3

¹²⁰ Robert Orr, *Winning the Peace, An American Strategy for Post-Conflict Reconstruction*, (CSIS, 2000) 301

IV. STABILIZATION AND RECONSTRUCTION OF THE STATE

There is a vast amount of information on conflict resolution in the developing world, mostly focusing on ending civil wars where power sharing arrangements can be brokered.¹²¹ However, these strategies tend to fall short when applied to the ever-increasing problem of failed and rogue states in which no basis for power sharing can be had.¹²² In the case of a rogue state, like Saddam Hussein's Iraq, where the regime is forcibly changed by outside intervention there can be no deal with the former government. In a failed state, a state like Somalia with no legitimate government, great care must be taken not to grant power to sub-national entities.¹²³ When a government fails, criminal gangs, warlords and international terrorists seek to exploit lax policing, public discontent, and black market opportunities. The activities of these groups — narcotic and human trafficking as well as terrorism — are harmful in and out of their borders. Since most of the borders in the third world are poorly policed, it is difficult to isolate these activities in individual countries. Conflicts left unchecked spread rapidly to affect entire regions.¹²⁴ A prime example of this regional affect is the conflict in Liberia which spread to Sierra Leone, via the Liberian President Charles Taylor's sponsorship to of the Revolutionary United Front.¹²⁵

Unfortunately, many programs designed to end civil wars without clear and enforceable mandates tend to prolong the conflicts because they fail to impose peace on the warring factions.¹²⁶ Robert Hope Franklin clearly demonstrates this fact in his outstanding work *Reconstruction after the Civil War* in which he shows how even with military victory the legislated changes—13th, 14th and 15th Amendments to the Constitution—will fail if there is no means or will to enforce the mandates. Here white

¹²¹ Stephen John Stedman, *Ending Civil Wars, the Implementation of Peace Agreements*, (Reinner, Colorado 2002.), xi

¹²² Richard Norton, "Feral Cities," *Naval War College Review*, (Autumn 2003) Vol. LVI, No. 4. 1

¹²³ Abdi Ismail Samatar, "Structural Adjustment as Development Strategy? Bananas, Booms, and Poverty in Somalia." *Economic Geography*, Vol. 69, No. 1, African Development. (Jan 1993). 24-43: 41

¹²⁴ Mohammed Ayoob, "State Making, State Breaking, and State Failure," in Pamela Aall, et al. (eds.) 132

¹²⁵ Stephen John Stedman, *Ending Civil Wars, the Implementation of Peace Agreements*, (Reinner, Colorado 2002.), 37

¹²⁶ Richard K. Betts, "The Delusion of Impartial Intervention" in Pamela Aall, et al. (eds.) 285-294: 289

southerners were able to circumvent the new equal rights legislation through a combination of political and subversive activities. Ultimately the preservation of the Union took precedence over the rights of the black minority. The subnational elite was able to exploit this fact and keep the African American population in the south subordinate until the Civil Rights movement of the 1960's.

This inability to enforce mandates is also true in many of the UN sponsored interventions, as can be witnessed by the current operation in The Democratic Republic of Congo and was also true of the 1960's Congo operation. These programs are generally cobbled together from disparate forces and lack international will to decisively end conflict. As a result of the lack of decisiveness, conflict is often prolonged.¹²⁷ These interventions typically seek to relieve human suffering caused by civil war with the provision of humanitarian aid and placement of neutral peacekeeping forces between warring factions to enforce ceasefires.

These interventions commonly fail to address the underlying problem of war. By allowing belligerents to stay armed and active the ability of the people to form and strengthen political authority with grass roots support from local and regional levels is retarded. Undeclared factions retain too much power and rarely relinquish the monopoly of violence to the fledgling state. Again in the case of Liberia, the intervention of the Economic Community of West African States (ECOWAS) was improvised, involved direct conflict with the warring parties and failed to impose a lasting peace.¹²⁸

In most cases secluded regions, areas not easily accessible are often left ungoverned and or unprotected while cities become collection points for internally displaced people and refugees overwhelming their meager resources. In these cases the potential for a return to or continuation of conflict is very high.¹²⁹ If and when criminal and subversive elements within these regions test peacekeeping forces to determine their resolve, as in the cases of Rwanda in 1994, and Sierra Leone in 1999, a reversion to

¹²⁷ Richard K. Betts, "The Delusion of Impartial Intervention" in Pamela Aall, et al. (eds.) 285-294: 289

¹²⁸ Stephen John Stedman, *Ending Civil Wars, the Implementation of Peace Agreements*, (Reinner, Colorado 2002.), 37

¹²⁹ Edward N. Luttwak, "The Curse of Inconclusive Intervention," in Pamela Aall et al. (eds.) 264-283: 265

violence is nearly assured.¹³⁰ Only in Cambodia where the UN was given control of the nation's ministries of foreign affairs, defense, security and information was a reversion to violence avoided.¹³¹ However, the desired end state of establishing a viable democracy has fallen short jeopardizing the stable peace.

Cessation of conflict is only the first step toward building a lasting peace once conflict ends reconstruction of the state must begin.¹³² This goal should be the unifying objective clearly articulated by both military and civilian planners.¹³³ SSTR operations encompass the military and civilian activities conducted across the spectrum from peace to conflict to establish or maintain order in States and regions.¹³⁴ SSTR represent the US Department of Defense's activities that support US Government plans which lead to sustainable peace while advancing American interests.¹³⁵ According to the Department of Defense Directive 3000.05 of 28 November 2005, military support to SSTR establishing a sustainable peace while advancing US interests is the basis for intervention. Therefore to the United States the objective of intervention is to achieve a sustainable peace; a clearly non-kinetic warfighting activity.

Sustainable peace is the decisive turning point where the target state is capable of providing its own security, maintaining the rule of law, and exercising free and independent democratic governance without extensive external military and civilian support. As described by the United Nations Secretary General, Kofi Annan:

“Domestic peace has typically been most sustainable when it has gone beyond a stable truce or the mere capacity to deter armed rebellion. Successful cases have often included reformed systems of governance that

¹³⁰ Alex Bellamy, Stuart Griffin, Paul Williams, *Understanding Peacekeeping*. Cambridge: Polity; Oxford: Blackwell, 2004 141 & 223

¹³¹ Sorpong Peou, “*Implementing Cambodia’s Peace Agreement*,” in Stephen J. Stedman, (ed). 499-530: 505

¹³² Nicole Ball, “The Challenge of Rebuilding War-Torn Societies,” in Pamela Aall et al, (eds.) 719-736: 722

¹³³ Joel E. Hamby, “Civil-Military Operations, Joint Doctrine and the Malayan Emergency,” *Joint Forces Quarterly* (Autumn 2002). 54-61: 56

¹³⁴ Department of Defense Directive 3000.05 of 28 November 2005

¹³⁵ *ibid*

are responsive to people's basic needs at the local, regional, and national levels. Sustainable development is indispensable to such a peace."¹³⁶

The concept of sustainable peace goes beyond what some conflict resolution theorists believe to be possible as great powers generally lack the will to invest heavily in these operations.¹³⁷ It is not always clear in the first instance when it is in the national interest to conduct SSTR operations. Without defined national objectives and strong domestic support, risking lives and treasure may not be acceptable at the outset and will be difficult to sustain over time.¹³⁸ Intervention without full commitment may lead to a premature withdrawal and return to violence. Leaders contemplating forcible interventions must weigh these long term risks prior to becoming involved in state building.

A. STABILIZATION

Stabilization is the effort to create a secure and stable environment and to provide for the basic rule of law. The measures of effectiveness for a stable security situation are (1) the establishment of the rule of law through a competent police, corrections and judicial system; (2) the emplacement of an efficient civil service and professional bureaucracy; and (3) the establishment of a professional and disciplined security force accountable to a legitimate civilian authority.¹³⁹ The intent is to provide rule of law (ROL) for the affected region allowing the target state and intervention forces to develop and deploy the organizations necessary for long-term security and stability. It is further intended to utilize the security created by rapid decisive operations (RDO) and the transition from direct to indirect rule to allow for the growth of an indigenous government. A key to this operation is maintaining and sustaining a secure environment for growth. Stability operations to this end focus on counter-subversion and insurrection operations.

¹³⁶ United Nations Secretary General, "No Exit without Strategy; Security Council Decision-Making, and the Closure or Transition of United Nations Peacekeeping Operations," (S/2001/394) April 20, 2001, <Available online> at <http://www.un.org/Docs/sc/reports/2001/sgrep01.htm> (Accessed February 27, 2006)

¹³⁷ Stanley Hoffman, "The Debate about Intervention," in Pamela Aall, (eds.) 273-283: 278

¹³⁸ Stanley Hoffman, "The Debate about Intervention," in Pamela Aall, (eds.) 273-283: 278

¹³⁹ Alex Bellamy, Stuart Griffin, Paul Williams, *Understanding Peacekeeping*. Cambridge: Polity; Oxford: Blackwell, 2004 141 & 223; 7

1. Counter-Subversion, Insurgency and Criminal Operations

In Progressive Reconstruction security is established through counterinsurgency operations and the suppression of subversive and criminal elements. The method by which this is accomplished is by placing PRT's in each region throughout the target country as discussed in Chapter III, RDO. This is a variation of the old technique of *tache d'huile*.¹⁴⁰ In this technique, as espoused by the French, control is established gradually by infiltrating columns of troops and special administrative organizations into outlying regions. This is done to eliminate subversive support systems before they take root. The presence of government forces and administrators providing basic services defeats the symbiotic relationship between the people and the insurgent's over time. In Progressive Reconstruction the installation of government control via military forces and specially organized administrative organizations is done at the very outset of the intervention. Initially, the goal is to provide stability through direct rule eventually shifting to indirect with the ultimate goal of an independent, self-determined democracy. The variation here is that the implementation is contiguous with the initial military and police actions.

The military and police actions most prominent in stabilization and reconstruction operations deal with insurgency and subversion. It is important then to this discussion to define both subversion and insurgency. In his classic work on counterinsurgency, titled *Low Intensity Operations*, Frank Kitson defines these two activities as they relate to stability operations:

Subversion is all illegal measures short of the use of armed force taken by one section of the people of a country to overthrow those governing the country at the time, or to force them to do things which they do not want to do. It can involve the use of political and economic pressure, strikes, protests, marches, and propaganda, and can also include the use of small-scale violence for the purpose of coercing recalcitrant members of the population into giving support. Insurgency is held to cover the use of armed force by a section of the people against the government for the

¹⁴⁰ Jean Gottman, "Chapter 10. Bugead, Gallieni, Lyautey: The Development of French Colonial Warfare," in *Makers of Modern Strategy, Military Thought from Machiavelli to Hitler*, ed. Edward M. Earle (Princeton NJ: Princeton University Press, 1948), 248

purposes mentioned above. These activities can occur at the same time in the same country.

In Progressive Reconstruction, the PRT is the focal point for counterinsurgency and police activity. By placing military security forces throughout the target state, including the most remote sections of the country, the government can win the confidence of the people. The people, with reduced fear of retribution, will in turn participate in governance and provide information on potential insurgents. The PRT's close relation with the indigenous population will assist in the gathering of intelligence. The forces within and supporting the PRT can enforce the necessary movement controls and conduct the extensive patrolling needed to stabilize the region through the provision of security and ROL.¹⁴¹

Pre-empting guerilla or insurgent force formation requires targeting what at one time was called the 'foco' or the insurgent leadership. Immediately after the initial deployment the Progressive Reconstruction forces begin attacking the sources of guerrilla power—their influence on the population at large. Counterinsurgency focuses on isolation of subversives and the potential insurgents from the general populace. Stress would be placed on political activities such as: dissemination of information through local level town meetings, passing out pre-written regulations, media broadcasts, while the regional military commander (RMC) coordinates the policy for the region. The PRT begins by recruiting and vetting cadres of indigenous personnel for employment in local and national level judicial and police systems. In cases where there exists a partisan force, such as the Kurdish Pesh Merga or Afghan Northern Alliance, these armed fighters must be honored for their efforts and sacrifices. They must also be subsumed into the national forces and or be demobilized. They cannot remain as an independent force outside of governmental control. These warriors can form the backbone of a national police force or if left without pensions, without honors for dedicated service, they can be the focal point for disorder.¹⁴² The same can be said for former regime soldiers and leaders. These groups must be dealt with. Many will be capable of being integrated into a new force.

¹⁴¹ Army Field Manual, Vol 1, (UK) *Counterinsurgency Operations* (July 2001) B-3-8

¹⁴² Joanna Spear, "Disarmament and Demobilization," in Stephen J. Stedman (ed) *Ending Civil Wars, The Implementation of Peace Agreements*. (Boulder Colorado: Lynne Rienner Publisher, 2002) 141-182

Others will require demobilization and reintegration into society. The intent is to prevent former combatants from subnational groupings to arm or remain armed unless under the supervision of a strong government.¹⁴³ In this case sectarian forces are to be held in check by a strong externally imposed interim government.

There is no need for a national military for external defense at the time of the intervention as the intervening military forces will guarantee the external defense. The focus will be on building police forces for internal self-defense. The US and the UN Charter are in this case the guarantors of state sovereignty. The development of a military force for external self defense is an unnecessary drain of manpower and resources early on. True this goes against Samuel Huntington's prescription that country's with an internal focus are prone to failure and abuse. However, this is the initial intervention period, in which an outside force is being introduced to cause change. This force will remain to protect the reforming state. During this transformative period the fledgling state will be vulnerable to extreme internal pressures that a military force intended for external defense should not be dealing with. It is not the purpose of an externally oriented military to be the police. There is a need to build, rebuild or repair local and national stabilizing forces that are capable of common policing as well as large-scale combat operations. Local civilian police, including traffic control, would be recruited and retained in their hometown, or district. National Para-military policing would be accomplished by a civilian controlled National Constabulary or Gendarme force.

a. Local Policing

In the initial intervention the security and protection of the population, key individuals and infrastructure falls to the RMC's and their military forces. However, as the intervention progresses the indigenous capacity for self-defense must grow. The PRT's Justice Team will focus efforts on local capacity building. They will be staffed to build and deploy local police. The police in the PRT area of operations will be recruited and retained at local levels. The communities should be encouraged to raise their own local police forces from reliable elements. Once they are established and deemed operational they will replace the interim government's military forces in the static

¹⁴³ Stephen Biddle, "Seeing Baghdad, Thinking Saigon," *Foreign Affairs*, Vol. 85, Number 2 (March/April 2006) 2-14: 5

positions. The mutual trust gained by allowing the local community to defend themselves will help diffuse the potential for subversion.¹⁴⁴ Many small civilian police organizations may seem cumbersome however; it is less prone to corruption and infiltration by subversive elements. Local organizations are prone to exploitation by regional powers such as warlords and criminal gangs however, as they are regional they can be isolated and dealt with on a case-by-case basis. The mission of the local police is to provide law enforcement, traffic control, and support to counterinsurgency operations and point defense at the lowest levels.

b. National Level Policing

The responsibility to build and deploy a national paramilitary police, gendarme or constabulary falls to the Interim Military Governor or Civilian Administrator.¹⁴⁵ The recruiting, training, and maintaining of this force is to be coordinated through the Interim Ministry of the Interior. The recruiting and vetting of recruits will be conducted by the PRT via the same mechanism as the local police forces are recruited. In order for this force to be truly representative of the new state there must be national recruitment. This paramilitary police force replaces all pre-existing national military and national police forces. It may recruit, or take whole units in total, from the former military and police organizations so long as the individuals are properly vetted and approved by the interim government. The forces conducting the training of the national police initially should be from the intervention military forces or follow on forces. The integration of civilian police agency training teams is a must for investigative skill development and general criminal policing. There is no need for a competing ministry of defense as external protection falls on the intervention forces. By creating only a national and local police force, government can be streamlined, reducing potential conflict and competing interest. The mission of the national police is to provide law enforcement, counterinsurgency and border control.

¹⁴⁴ Army Field Manual, Vol 1, (UK) *Counterinsurgency Operations* (July 2001) B-3-12

¹⁴⁵ Keith Bickle, *Mars Learning, The Marine Corps' Development of Small Wars Doctrine, 1915-1940*, (Boulder CO: Westview Press, 2001) Chapter 4, "Intervention in the Dominican Republic and Lessons Learned," 82

2. Interim Justice

Interim Justice begins by the establishment of the rule of law and suppression of criminal elements. This is accomplished by the intervention military forces assigned to each RDZ and by the establishment of martial law. Interim justice continues through the conduct of a detailed survey of the judicial infrastructure. This will be followed by the rehabilitation of the judicial infrastructure. The courts will require physical infrastructure in the form of libraries, law schools and courtrooms. They will also require judges, lawyers and clerks. In war torn states these professionals may be part of an expatriate crowd or have been part of the former regime. They will have to be closely scrutinized by the survey team.

In the initial response phase a review of the existing judicial system is critical. This review should identify the “indigenous legal professionals; select individuals for judicial positions; [&] establish a professional code of conduct for the judicial system.”¹⁴⁶ It also includes a review of the systems infrastructure the physical courts, schools and libraries needed to run a judiciary. The next phase would be transformation that includes vetting, hiring and establishing legitimate legal professionals. In an invasion or intervention where the system has collapsed this would take some time.

In the Iraqi case, there were an estimated twenty thousand lawyers and one thousand judges operating under the Saddam Regime.¹⁴⁷ This organization was considered to be fairly impartial and devoid of undue governmental influence. There was a strong reservoir of candidates to re-initiate the legal profession even with Coalition Provisional Authority (CPA) Order Number 1, *De-Ba'athification*. However, the process of getting even a skeleton system in place took ninety days and did not take full effect until six months after the invasion. Not until 13 September 2003, did the CPA re-establish the Iraqi Council of Judges. Until then no true centralized legal system existed in Iraq.¹⁴⁸ As a default, the coalition military had to take over this role—a role for which it was ill prepared.

¹⁴⁶ Robert Orr, *Winning the Peace, An American Strategy for Post-Conflict Reconstruction*, (CSIS, 2000), 325

¹⁴⁷ Dick Gordon, NPR Broadcast, *The Connection: Terrorism on the Internet*. www.theconnection.org, (June 8 2005)

¹⁴⁸ CPA Order #35 Re-establishment of the Council of Judges, 13 Sept 2003.

Because the ROL is vital to security an enabling force should have a capability that can, in the extreme, act as the legitimate legal system or act somewhere in between as a monitoring, vetting and training organization. This system could follow the design of the US Federal Court system and be integrated into the regional PRT. The teams would include police, judges, prosecutors, defense attorneys, corrections, and court administrative personnel. They would carry with them codes and procedures for running a district office.¹⁴⁹ A regional appeals court would be established at the higher more centralized level to oversee a group of RDZ.¹⁵⁰ The judicial representation in the PRT will provide the local area an impartial court of law and the framework for the establishment of democratic legal reforms. The system would be designed around the special military court or military tribunal both have been traditionally utilized during martial law and military interventions. With this structure the interim military governor or RMC would have the proper tools to accomplish his dual mission of security and support for the joint force. This structure would facilitate the mission of enabling a stable security situation for all follow on civilian and military forces.

With a judiciary and police comes the need for corrections facilities and personnel. The rules and regulations for incarceration of common criminals differ widely from those regarding former combatants. Criminal prisons and insurgent detention centers must be separate. The rehabilitation of former belligerents and insurgents must be conducted with the aim of turning these dissidents to associates. This is not just an international law requirement; it is a necessity for stabilization. The rehabilitation of insurgents can be of inestimable value to a counterinsurgency campaign.¹⁵¹ Former combatants brought over to the government side can be extremely useful in identifying other insurgents.¹⁵² Often they have proven capable of bringing them in without fighting. Insurgents unlike criminals fight to gain redress of grievances not necessarily for illicit gain. When the local ills that they fought to correct are addressed, they may be amenable

¹⁴⁹ Robert Orr, *Winning the Peace, An American Strategy for Post-Conflict Reconstruction*, (CSIS, 2000), 323

¹⁵⁰ Federal Judicial Center, *Inside the Federal Courts*. Stable URL: <http://www.fjc.gov/federal/courts.nsf/>

¹⁵¹ Army Field Manual, Vol 1, (UK) *Counterinsurgency Operations*, (July 2001) B-7-A-5

¹⁵² Noel Barber, *The War of the Running Dogs, The Malayan Emergency: 1948-1960*, (New York: Bantam Books, 1971(1987)) Chapter 2 "The Man who Loved Shakespeare, the turning of Osman China." 215-229

to reintegration to society. When this occurs the former combatant will need to be employed and skill training is an important aspect. The reintroduction, returning rehabilitated insurgents to the general populace will be important to the future of a war torn society. In the short-term extensive non-violent interrogations are required to 1) gain information and intelligence, 2) facilitate information operation themes, and 3) to discern the dedication and strength of the insurgency.

3. Preventing Draconian Measures

During stability operations the subversive and insurgent elements may conduct guerilla and terrorist campaigns. These conflicts are particularly draining on security forces. It is common in these operations for government forces to become enraged at the losses taken by an enemy they cannot engage in open battle. The underhanded, decidedly barbaric, and indiscriminant use of improvised explosives and suicide bombers can cause the desire for vengeance. Intervention forces in sustained operations must guard against the desire for retribution for these frustrating terrorist and guerilla attacks. Soldiers should be taught that the use of torture and mass punishment for these acts is contrary to the democratic ideals the intervention is espousing eventually causing more harm than good.¹⁵³ Roger Trinquier's work *French Modern Warfare*, exemplified codified abuse. He states that captured terrorist should not be treated as prisoners of war until after they are subjected to intense interrogation. He says that the interrogation is the price the terrorist must pay for not subscribing to the conventions of war. By falling into this trap short-term gains cost the counter-insurgent much of the international legitimacy necessary to the long-term success of the mission as a whole.

Likewise, indigenous, subnational forces must be prevented from seeking violent retribution for past injustice or ethnic repression. The intervention force, and eventually the indigenous security forces, must protect the various at-risk populations from revenge seekers. Programs of reconciliation and re-integration will be important to this process. The people must be given legitimate non-violent means to seek redress for decades of injustice. At times these programs will run against the culture as in cases of vendetta and blood feuds. It may even be that the intervention force is sympathetic to the idea of

¹⁵³ See the reflections of an American military interrogator on this matter in Lagouranis Anthony, "Tortured Logic," *New York Times* 2006.

vengeance. However, allowing even minor infractions will only encourage greater abuses; there must be no tolerance of these draconian measures.

4. Stabilization Goals

The goals of sustainability according to the Joint Center for Strategic and International Studies/Association of the US Army project *Post-Conflict Reconstruction Task Framework*¹⁵⁴ and the follow on *Post-Conflict Reconstruction Essential Tasks*¹⁵⁵ include the indigenous regulation of borders and boundaries; and the ability of the state to maintain freedom of movement along internal and international air, land and sea lines of communication and trade. It requires the conduct of common criminal policing and the establishment of transparent governance. A modern security infrastructure with national armed forces and security forces that is subordinate to the civilian government is a must. . These civilian controlled national defense and public safety forces once established must operate with minimal international oversight and support. Further regional security arrangements need to be established and monitored through the international community. The country will also need a permanent and independent justice system established with legal support extended to all communities regardless of ethnicity or minority status. This judiciary and legal system must be impartial with oversight provided by an Inspector General or General Accountability Office.

Stabilization can be attained if after the initial deployment, the Progressive Reconstruction forces begin attacking the sources of guerrilla and criminal power immediately. The pre-empting of subversive activities by employing counter-insurgent tactics before insurgent group formation is the intent. Gaining and maintaining momentum by quickly establishing sufficient security presence across the targeted country is the initial method. The building of strong, competent, and corruption free police forces who can take over the security missions of the international forces backed by a legitimate judiciary is the long range goal. These forces would need the capacity to provide security and justice to the people demonstrating support visibly beneficial to the population at large. The forces must be capable of mobilizing the population, actively

¹⁵⁴ Robert Orr (ed), *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, (Washington D.C.: CSIS Press, 2004)

¹⁵⁵ Office of the Coordinator for Reconstruction and Stabilization, United States Department of State, *Post-Conflict Reconstruction Essential Tasks*, April 2005

protecting them and involving as many as possible in the stabilization effort giving them belief in the new cause and of a better independent future.

B. RECONSTRUCTION

Reconstruction encompasses the effort to create a self-governing polity by providing for basic needs, rehabilitation of the government, the economy, and otherwise improving the welfare of the people. Addressing the issues of governance and participation in a failed, failing or formerly rogue state requires the strengthening of local governments in the transition from indirect to independent rule. This is accomplished through the rapid establishment of RDZ and the placement of PRT governance and reconstruction units. This immediate activity in the wake of combat forces will demonstrate a strong commitment to the welfare of the indigenous population. The conservation of natural resources in both manpower and commodities will be a priority. The conduct of the basic services of governance will address the local governance, sanitation, subsistence and medical as well as infrastructure maintenance needs. Further the PRT will be commissioned to conduct training and education of the indigenous personnel to build local capacity for self-governance.

A key piece of this program is the announcement of future plans and following through on these plans in a systematic and organized fashion.¹⁵⁶ A continual progression of complimentary actions vice a tight time schedule is preferred although certain date driven deadlines must occur. An example of a date driven deadline would be the announced date for an election. Elections however, are not enough and must be followed by government action and sustained activity. This activity must encompass: humanitarian assistance, economic stabilization, infrastructure development, and justice and reconciliation.

1. Governance and Participation: Indirect Rule and Institutionalization

a. Indirect Rule

Indirect rule is the involvement of the indigenous population in its own government; integrated, monitored and supported by foreign forces. It is imperative for many reasons to commit to indirect rule at the outset. Half measures that place too much

¹⁵⁶ Army Field Manual, Vol 1, (UK) *Counterinsurgency Operations*, (July 2001) B-3-11

burden on broken or fragile indigenous organizations or that attempt to rule with insufficient and poorly trained international personnel can be disastrous. Indirect rule provides the protective framework for growing institutions. Unfortunately, the concept of indirect rule often has negative connotations.

In the Congo during the eleven months when the legal government was non-existent, the UN had to assume colonial powers. This was accomplished despite the fact that “The UN operation in Congo lacked every element that history says is necessary for a successful peacekeeping mission.”¹⁵⁷ From 1960-1961, with the collapse of the government, the UN took direct control of many of the institutions and missions of government. Supervising in an indirect manner, the UN controlled the airports, communications systems, and negotiations with secessionists, often intervening in local force clashes. They implemented media restrictions, and ordered the demobilization, disarmament and discipline of the legal army.¹⁵⁸ Eventually ONUC was given the authority to use force and all possible means to restore law and order. The operation ended with the defeat of the rebels by ONUC on the government’s behalf. Neutrality was not possible. The violation of strict neutrality and sovereignty became unavoidable as UN forces became more involved in the secession issue.¹⁵⁹ The need to build up a viable administration, restore Congolese army discipline, contain the civil war, and protect at risk populations forced ONUC to forcibly resolve the conflict. ONUC undertook direct military action to restore the parliamentary government and end Katanga’s secession.¹⁶⁰ In effect the UN forces had to conquer Katanga in order to construct a stable peace.¹⁶¹

The first time in UN history that the sovereign state administration agencies bodies and offices, in ministries of foreign affairs, national defense, public security, and information were intentionally placed under UN control was in Cambodia

¹⁵⁷ William J. Durch, “The UN Operation in the Congo: 1960-1964,” in William J. Durch (ed.), *The Evolution of Peacekeeping. Case Studies and Comparative Analysis*, (New York: St. Martin’s Press, 1993), 315-352: 345

¹⁵⁸ Paul F. Diehl, *International Peacekeeping*, (Baltimore: Johns Hopkins, 1994) 101

¹⁵⁹ Even Luard, *A History of the United Nations. Volume 2: The Age of Decolonization, 1955-1965*, (New York: St Martin’s Press, 1989), 198-316: 309

¹⁶⁰ Even Luard, *A History of the United Nations. Volume 2: The Age of Decolonization, 1955-1965*, (New York: St Martin’s Press, 1989), 198-316: 307

¹⁶¹ Alex J Bellamy, Paul Williams, & Stuart Griffin, *Understanding Peacekeeping*, (Oxford UK: Polity Press, 2004) 155-157: 156

under UNTAC. The peacekeeping force was commissioned to monitor the cease fire and withdrawal of foreign forces. They provided civilian police support supervision, control, and training.¹⁶² They ran the elections and attempted to ensure human rights.¹⁶³ Unfortunately UNTAC's civilian administration, police and peacekeeping units deployed slowly and in insufficient force.¹⁶⁴ "Factional defiance towards UNTAC became more obvious when UNTAC's key components proved unable to take effective, timely action due to belated deployment and paucity of personnel.¹⁶⁵ Compounding the troubles the civilian UN administration could not operate effectively outside of Phnom Penh.

In Cambodia UNTAC suffered from staffing problems with serious shortages of qualified personnel in areas ranging from public security to civil administration training.¹⁶⁶ Experience was lacking and important positions went unfilled as they could not be filled adequately by local hires. The UN, with its typical ad hoc organization, recruited anyone willing to work in Cambodia. Standards of discipline, religious sensitivity, and knowledge of local customs were not a priority.¹⁶⁷ This inexperience and lack of manpower, as well as enforcement and coercive capabilities, did little to keep the Khmer Rouge elements in line or in compliance with the disarmament and demobilization programs.¹⁶⁸ The UN in general is not equipped or manned to handle the demands of rapid decisive operations or the post conflict governance that would follow. Yet it is not these poorly executed UN programs that discredited indirect rule.

¹⁶² James A. Shear, "Riding the Tiger: The UN and Cambodia's Struggle for Peace," in William J. Durch (ed.), *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990's*, (New York: St. Martin's Press, 1996), 135-191: 142

¹⁶³ Paul F. Diehl, *International Peacekeeping*, (Baltimore: Johns Hopkins, 1994) 196-197

¹⁶⁴ Sorpong Peou, "Implementing Cambodia's Peace Agreement," in Stephen J. Stedman, (ed). 499-530: 516

¹⁶⁵ *ibid*, pg 517

¹⁶⁶ James A. Shear, "Riding the Tiger: The UN and Cambodia's Struggle for Peace," in William J. Durch (ed.), *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990's*, (New York: St. Martin's Press, 1996), 135-191: 158

¹⁶⁷ Sorpong Peou, "Implementing Cambodia's Peace Agreement," in Stephen J. Stedman, (ed). 499-530: 516

¹⁶⁸ James A. Shear, "Riding the Tiger: The UN and Cambodia's Struggle for Peace," in William J. Durch (ed.), *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990's*, (New York: St. Martin's Press, 1996), 135-191: 159

The negative connotation of indirect rule comes from its historical imperialist uses. Imperial colonialism used indirect rule in many locations, often fostering local rivalries, deliberately creating exploitable fissures to control regions. The French in Morocco deemed that preserving aristocracies was essential for gaining and maintaining control. Local law and custom remained in place bolstered by French Advisors.¹⁶⁹ Colonialist rule was seen as the rule by the invisible hand behind the throne, not imperialist rule by direct administration.¹⁷⁰ Under indirect rule martial law was often used as in the Fez Mutiny. As with martial law, indirect and direct rule can be perceived as tyrannical when applied towards exploitative imperialistic goals. Indirect rule in Morocco was implemented in a negative way fostering class and racial segregation among the Arabs and Berbers classically setting one above the other.¹⁷¹

In Morocco, Lyautey abolished the local government and replaced it with ministries of foreign affairs, finance and war. He then established a parallel administration under the *Secretariat General du Gouvernement*. This nominally supporting government running parallel did not educate the Moroccans to fill the jobs needed for future self-governance.¹⁷² Note that a similar occurrence took place with the Belgians in the Congo later exacerbating the chaos of their withdrawal in the 1960's. This failure to develop indigenous capacity did not match Lyautey's rhetoric in which he proposed that indirect methods of administration should allow the colonial power to prop up the natural social hierarchy for the benefit of all. Unfortunately, it only served to enrich the powerful land owners, both foreign and domestic.¹⁷³ Lyautey made two assumptions: one that native politics and native society was rife with division and was exploitable; this was generally true. Secondly, that native people preferred European prosperity to independence; this was generally a wrong assumption.¹⁷⁴ Despite its checkered past an indirect government can be used to build up a foundation of custom and authority rather than undermine it and avoid transforming local chiefs into

¹⁶⁹ C.R. Pennell, *Morocco Since 1830, A History*, (New York: University Press) 163

¹⁷⁰ Douglas Porch, *The Conquest of Morocco*, (London: Macmillan, 1986 (1987)) 237

¹⁷¹ C.R. Pennell, *Morocco Since 1830, A History*, (New York: University Press) 155

¹⁷² C.R. Pennell, *Morocco Since 1830, A History*, (New York: University Press) 162

¹⁷³ Douglas Porch, *The Conquest of Morocco*, (London: Macmillan, 1986 (1987)), 238

¹⁷⁴ *ibid*, 239

maquissards or underground fighters. Progressive Reconstruction uses direct and indirect rule as bandages, designed to progress the healing of the state towards independence. Unlike imperialist or colonial actions Progressive Reconstruction attempts to use indirect rule as a building block for reconstructing the mechanisms of state.

b. Institutionalization

The writing of a constitution and the holding of elections are not an end, they are only a beginning. The historic mistake with elections is to use them as the signal to withdraw foreign forces. A successful election should be monitored for a considerable time and should continue to be supported by the interventionist forces. SSTR operations should continue at least for the length of the first term of a duly elected government. Two full successful and relatively violence free election cycles should pass before stable peace should be declared. Institutionalization, the building of indigenous mechanisms of governance, is a time consuming process. It is also a dangerous process, particularly democratic institution building. A fledgling democracy is at risk with each new election. Democratic methods have been exploited by violent and criminal organizations and individuals from Hitler to Hamas. Anecdotally, one could say that when you wish to create a democracy you have to be careful what you wish for. Can the interventionist live with all the potentialities? This is one of the reasons why Progressive Reconstruction as heavy as it is in resources and manpower is the right thing to do. A solid and purposeful investment at the outset will garner more respect and influence over the course of events than an ad hoc, half hearted or piecemeal effort.

2. Humanitarian Assistance, Economic Stabilization, and Infrastructure Development in a Counterinsurgency Environment

Humanitarian Assistance is the provision of basic needs for survival in the role of subsistence support and emergency services while economic stabilization and infrastructure development are essential elements of economic well-being. These programs will be facilitated by the integration of imbedded governmental, non-governmental and private volunteer organization liaisons and contracting specialists in the PRT framework within a standing Civil-Military Operations Center (CMOC). The CMOC will prevent duplication of effort and lost time on projects in each RDZ. The humanitarian organization element will greatly assist the rapid flow and distribution of aid to the people most in need. The contracting specialist within the PRT will advance the

visible benefits of economic aid by writing local contracts for facility construction and repair and transportation of aid.

These programs are all security dependent. The protection and operation of public works and the provision of electricity and clean water are important to a post conflict society and are key targets of a counterinsurgency campaign. The development of an economic base and the infrastructure of the state agencies are important in the long run for the success of independence and in the short term to the regime of population and resource control. One of the most effective means of restarting an economy is through wages. The PRT will provide for the reconstruction or rehabilitation of infrastructure as often as possible through contracted indigenous workers. These workers, schoolteachers, policemen, construction etc all need to be paid. Quick and continuous payment of salaries will reinforce the desire of the locals to work with the US forces. To this end the Progressive Reconstruction force needs a focused and reliable means to pay out cash for services thereby stimulating the local economy. The Commander's Emergency Response Program, created by Brig. Gen. David N. Blackledge, Commander, 352nd Civil Affairs Command, in Iraq, has demonstrated flexibility in providing cash quickly and continuously at local levels.¹⁷⁵ National regulation of this program is necessary since too much cash inflow will destabilize the economy and too little will create unnecessary hardship.

By taking note of what insurgents are trying to do politically and militarily—pick a fight, cause havoc, cause the interventionist force to lose credibility and gain for themselves the support of the population—it can be seen that force alone cannot defeat an insurgency. Insurgencies are local. The issues that motivate the average insurgent are local conditions. Transnational terrorists are outside agents, the same as intervention forces, and cannot exist without the support of the local people. Che Guevara's ill-fated attempt at revolution in Bolivia is a good example of the failure to gain and maintain local support by an introduced insurgent 'foco'.¹⁷⁶ Therefore counter-

¹⁷⁵ Coalition Provisional Authority Briefing, Commander's Emergency Response Program 14 January 2004, <http://www.defenselink.mil/transcripts/2004/tr20040114-1144.html>; (3 April 2006)

¹⁷⁶ John Ellis, *From the Barrel of a Gun: A history of Guerilla, Revolutionary and Counterinsurgency Warfare, from the Romans to the Present*. (Pennsylvania: Stackpole Books, 1995) 220.

insurgency must focus on localized solutions; attacking unstable politics and economics locally with indigenous support.

Population and resource controls cross the boundaries of development and counterinsurgency. The employment of indigenous workers, the rationing of supplies, census taking and the establishment of a national identification card program as well as taxation are all essential elements of both a counterinsurgency and a reconstruction campaign. Civic Action to provide basic services and infrastructure repair that fully involves the local population will in effect reduce the provocation towards subversion. Work programs sponsored by the PRT can dry up the well of insurgent recruits. “[Lyautey’s] officers were expected to show initiative: build roads, dig wells, [and] vaccinate the population against disease,...”¹⁷⁷ They were to undertake civic programs to bring the indigenous population into the government camp. Economics and counterinsurgency are fully entwined as the more intrusive control mechanisms such as a national identification card program will be easier to accept if tied to a positive economic outcome.

Population controls become even more difficult in major metropolitan areas. The political and economic magnetism of Mogadishu and other capital cities is a spur to conflict transcending interventions over the course of history.¹⁷⁸ Cities like Mogadishu need to be deflated and devalued. These big cities attract the impoverished from the more rural areas with the promise of work and shelter. Yet the promise is generally a mirage leaving a growing pool of disaffected unemployed. The indigent population needs to be given incentive to leave the city for a better life in outlying less populated easier to manage regions. A process of voluntary relocation can be attempted to facilitate this. PRT and RDZ will play a major role in this endeavor as they will create the economic and social stability that will draw people away from the metropolitan areas.

In the Dominican Republic the Marines, recognizing this issue, pushed out of the cities and established what they called ‘bush garrisons.’ These garrisons put the Marines in direct contact with the poorer rural population, the population most at risk of

¹⁷⁷ Douglas Porch, *The Conquest of Morocco*, (London: Macmillan, 1986 (1987)) 130

¹⁷⁸ I.M. Lewis, *A modern History of Somalia, Nation and State in the Horn of Africa*, 4th Edition, (Athens Ohio: Ohio University Press, 2002) 265

guerilla influence. The Marines built roads and laid telephone lines to connect the villages with the urban centers. This was a tactic that increased security and bolstered the economy at the same time. Lyautey in Morocco tried to establish centers of influence and attraction away from the main cities and bazaars, via the Arab Bureau, to better control the population and win them over economically. It was said that the French army did not occupy points on a map, but rather it occupied military economic zones. Nor was it simply an army. Under Lyautey's program of political and economic as well as military pacification it had transformed into a multifaceted civ-mil organization capable of long term reconstruction activity. This as opposed to UNTAC which according to the UN Mandate, was not invited to develop long term economic reconstruction and was entirely Phnom Pen oriented.¹⁷⁹

C. CONCLUSION

Stabilization and reconstruction are the core of any intervention program. Progressive reconstruction is no exception. While it focuses on a quick start and the enabling actions that set the stage for potential success, it is only through long-term commitment that the goal of a stable peace can be attained. The elements of war and the unpredictable nature of its outcome weigh heavily on the intervention. Subversive elements, both criminal and militant, wait in the wings looking for the fissures and flaws in the program to attack and exploit. Counter-subversion, insurgency, and criminality considerations must be integrated into every activity. Here the unity of a solitary command ensures that no programs act contrary to the national effort. Indigenous cooperation in their own defense is fostered by the development of local and national police forces. These forces subordinate to a transparent and corruption free ministry of justice and recruited by the PRT represent the future. The system of interim justice following the direct to indirect to independent rule model will have the benefit of a progressive evolution to either repair and rebuild or construct anew a permanent justice system.

¹⁷⁹ James A. Shear, "Riding the Tiger: The UN and Cambodia's Struggle for Peace," in William J. Durch (ed.), *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990's*, (New York: St. Martin's Press, 1996), 135-191: 150

As an intervention turns towards transition to indigenous government the battle for legitimacy will be fought. The insurgents will foster their form of state building to counter that of the interim government. In this struggle asymmetric conflicts will arise. Terrorism and guerilla warfare will abound in the struggle to gain control of the population. The line of distinction drawn in conventional wars between combatant and non-combatant will blur and a tendency towards reprisal and vengeance may arise. The police and justice systems are keys to the prevention of potential draconian actions by both the foreign military and local forces angered over terrorist attacks or past injustice. The penetration of the peripheries by PRT and the promotion of economic and social development will help the war torn state to recover and facilitate reconciliation. Reconciliation programs started at the lowest local levels by the PRT will reduce tensions and the tendency to violence.

Governance and participation starts with the transition from direct to indirect rule and progresses to independence. It is through the process of institutionalization that the indigenous government will be built and strengthened. With each new program started and turned over to local control the intervention forces can begin to back out. Humanitarian assistance, economic and infrastructure development in a counterinsurgency environment balanced on population and resource controls are fully integrated programs dependent one upon the other. The effort to create a self-governing polity by providing for basic needs, rehabilitation of the government, the economy, and otherwise improving the welfare of the people is the ultimate goal. Once the government and the security forces are stable, the democratic processes in place, then the intervention forces can begin their withdrawal in an orderly fashion.

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V. CONCLUSION: THE END STATE - STABLE PEACE

Military interventions have been fundamentally changed as a result of the September 11th attacks on the Pentagon and New York. Moreover, the US and NATO intervention in Afghanistan and US and Coalition intervention in Iraq have indelibly colored post-conflict reconstruction and stabilization in ways unimaginable at the turn of the century. The full implication of these tumultuous events has not yet been realized. There is however, an increased recognition that failure to intervene to halt rogue states, to stem the spread of anarchy and chaos caused by failed states negatively affects world peace. Western powers even operating under UN auspices cannot maintain the neutrality and impartiality once considered imperative to these operations, sides will be chosen or as in regime change the sides will be forcibly created. Because of the theory that instability and chaos can and do spread where there is a lack of good governance, there is an increased proclivity towards state building interventions vice more traditional, but still difficult, peacekeeping or enforcement.

Due to the increased likelihood of violence when it is a US lead or supported operation one would think Americans would become risk averse and these operations become less prevalent. That is not the case. With the global war on terrorism and the desire to stem the spread of WMD, the US is more prone to intervene in the affairs of other states and there is some acceptance that this intervention is more likely to be violent. Paradoxically, the US military does not like these small wars. Though it is the only force capable of conducting foreign operations of this magnitude in the face of hostile action it is not organized or temperamentally disposed to do so. Yet, interventions are far more common than conventional wars. And the US military will be involved so long as vital national interests are tied to the actions. This being the case the US military will participate and needs to evolve a methodology and mindset to deal effectively with these activities.

A. THE AMERICAN WAY OF WAR

The American Way of war is unique. Therefore the US cannot enter into a military intervention without falling back to its root culture. The US has the capacity to and should exploit its penchant towards overwhelming organization and overwhelming

force, the Powell-Weinberger doctrine. Failure to utilize the capacity to overwhelm, to play towards the US strength, to plan for all aspects of the inevitable conflict to include stabilization reconstruction and transition leading to withdraw of forces is foolhardy. In the case of Progressive Reconstruction overwhelming force is in regard to empathic force vice more traditional kinetic force.

From the *General Order #20* issued by General Winfield Scott in the Mexican war to the *Lieber Code* of the US Civil War and on to the *USMC Small Wars Manual* and the *Army and Navy Manual for Military Government and Civil Affairs* in WWII the progression of US military stabilization and reconstruction efforts has been guided by certain principles. The primary principle is the belief in liberal democratic government and that war is waged against the government of a state and its military not against the people of the state. There is also inherent in these doctrines the concept of the application of force, the appropriate amount of force necessary to achieve the desired end state, the defeat of that regime and the army that supports it. This has required the destruction of the infrastructure that supports the warfighting capability of the regime and the army. These doctrines were set aside with the advent of the UN Charter and the Geneva Conventions which prevented interstate wars but allowed for internal conflicts. New doctrines arose, doctrines that called on US forces to support regimes or to act in a neutral and impartial manner separating warring factions. With today's pre-emptive strike strategy, with the resurgence of state building as a legitimate use of military forces there is a need to restructure the doctrine.

This thesis begs the question: can Progressive Reconstruction work? Can it be the new method, the new doctrine for state building? It is a program that reflects the US National Security Strategy of pre-emptive intervention to combat the threats caused by the proliferation of WMD, failed and rogue terrorist supporting states. It follows the political military goals set out by the strategy at the operational and tactical levels. It recognizes that small wars are the most common conflicts and develops a plausible solution via both short and long term actions. It recognizes the fragility of states during and after intervention and prescribes a methodological approach through which the democratic institutions can be planted and developed. It focuses on developing indigenous capability and gaining, through close continuous contact, the support of the

people. Most importantly it is a viable and comprehensive plan that can with little adjustment and fine tuning be applied to all US lead interventions.

Two coexisting architectural structures are involved in interventions (1) the destructive and (2) the reconstructive. The two structures need to be fully intertwined and balanced on each other. In the initial implementation process rapid decisive operations (RDO) as the kinetic form of war will tend to the former as the main effort focused on the defeat of conventional belligerent forces. As the intervention progresses the stabilization efforts as the empathic form of war take the role of main effort and combat operations fade to a supporting role. The military role becomes one of implementation or enabling, setting the stage for the next act. The next act is the insertion of purpose built stabilization and reconstruction forces and the inflow of follow on forces. Progressive Reconstruction, through rapid decisive stabilization (RDS), is the link between RDO and the end state, the goal of sustainable peace. It is the bridging mechanism that implements RDS in conjunction with RDO and follows through with more intensive stabilization and reconstruction of the state. Generally there is a lag time between the two types of operations in which the relative superiority of the assault is lost. Progressive Reconstruction operations on the heels of combat operations can capture this normally lost advantage and use it to prepare a stable environment for follow-on forces.

What this thesis has focused on is the development of a methodology for SSTR operations that compliments US military strength in the RDO. It looks at RDS as the necessary corollary to RDO. A system of state building that runs parallel and in tight coordination with combat operations. It is at first a supporting effort that transitions to the supported main effort. It recognizes the preeminence of US forces in their combat roles and assumes the victory over conventional opponents. It further recognizes that insurgency is inevitable. In fact it views insurgency as a competing asymmetric state building program. It is a competition for allegiance of the people who constitute the state. It is a competition for legitimacy. Who is more legitimate, the foreign imposed regime or the locally born resistance movement? Who has the monopoly or preponderance of violence; the side with the tanks and airplanes or the side that can run a car bomb or suicide bomber into the market place the tank just left or the plane over flew? The Progressive Reconstruction efforts focus on enabling SSTR by restoring law and order

and developing the means for governance from the bottom up. The competition, the insurgents and subversives, focus on the destruction of these programs and the development of alternatives that make them into a legitimate resistance, the *maquissards*. The intent is to force the neutral people to choose sides.

The counterinsurgent must develop techniques and tactics that are homegrown that reflect the culture and values of the people of the state. That does not mean however that certain amounts of institutionalization cannot be done from the outside. General Douglas MacArthur's constitution for the Japanese people is the most evident example of a lasting and successful document imposed from the outside. It may not be necessary to impose a whole constitution, but the imbedding of certain international norms for human rights and suffrage can be highly successful long term actions. What Progressive Reconstruction stresses is the end state: self-governance, self-sustaining economics and broad based reconciliation. It is a pre-designed program intent on developing the institutions of the market economy and the liberal democracy. The measure of effectiveness in an intervention is the establishment of a sustainable peace. When preparing for this type of intervention the US must recognize certain facts. The first being that the conflict will be asymmetric: a conflict between insurgents and counter-insurgents (or freedom fighters vs. foreign occupation). Secondly, in this conflict the US is the foreign occupying force and will inevitably play the role of counter-insurgent. Therefore, the US must plan to seek the end state in the role of the government forces — a role that requires a far greater amount of manpower and resources than the insurgent and carries a preconceived image problem.

1. Integration of the Warfighting Phases

By integrating Phase IV preliminary actions into the Phase I-III activities the US forces and their allies can dictate the tempo. RDS operations are the integrated deploying of enabling forces for future stabilization and reconstruction operations. Stabilization and reconstruction forces fully integrated with the RDO forces will prevent a power vacuum and growth of lawlessness. This facilitates the imposition of temporary direct rule, the move to indirect rule, and eventual independence and stable peace.

This integration is not currently US military doctrine. Current doctrine considers rear area operations, those operations in areas behind the military front lines, as

supporting efforts for the further prosecution of combat operations. The idea that combat operations are an enabling force for integrated and follow on stabilization and reconstruction would be a major departure from the practiced norm. Progressive Reconstruction is a natural follow-on to offensive operations which transitions the country back to civilian rule. This is a continuum from unstable peace to conflict to reconstruction to stable peace. Look at the concept of effects based operations: if the desired effect is the collapse of the enemy will and capacity to resist a military force will operate in one way. If the desired effect is the stabilization of the target state with the intent of conducting state building operations a military force will operate considerably different.

In Phase III, decisive operations, now considered RDO, the insertion of military forces into the targeted state must occur before stabilization. It would be pointless to airdrop a PRT onto an enemy armored division or a Somali tribe led by a hostile warlord as the initial combat operation it is far more effective to launch an air-strike with armor destroying cluster munitions. But this is common sense application of conventional combat power. Common sense also dictates that phase IV operations should be parallel and complimentary with the decisive operations. Or more clearly phase I-II should happen in tandem. Phase III should be utilized as an enabling operation for Phase IV. If this is accomplished then the initial ground work for certain Phase IV activities will be laid in Phase III; for instance, establishing the rule of law. Basically if the common end state is a stable peace then both RDO and RDS should work together to achieve that goal.

For example, looting as we discussed in Chapter IV ‘happens’ it is a natural byproduct of the loss of governmental controls in the form of the ROL.¹⁸⁰ It is a reaction by people who are scared, who see no future options, and do not want to go without food, water and shelter. It is also exploited by criminal elements in society. It however can be halted or stymied through a combination of strict law enforcement and efficient provision

¹⁸⁰ Sean Loughlin, “Rumsfeld on looting in Iraq: ‘Stuff happens’ Administration asking countries for help with security,” CNN Washington Bureau, Saturday, April 12, 2003 Posted: 12:24 AM EDT (0424 GMT), <http://www.cnn.com/2003/US/04/11/sprj.irq.pentagon/>

of aid. The prevention of looting is a requirement of the Geneva Conventions,¹⁸¹ it is also a stated goal of US military forces so long as its prevention does not halt or hinder active combat operations. In Iraq the prevention of looting was not a priority of the RDO forces, they were not equipped to deal with the situation and still conduct combat operations. Anti-looting operations traditionally fall to rear area operations. Unfortunately during OIF-1 the rear areas were not organized to accomplish this task and it was not accomplished. The rear area commanders did not exercise the rule of law as they were not manned to do so. Their focus was entirely the supplying of the frontline troops — a monumental task in and of itself. Complimentary Phase I-II actions could have identified and averted the breakdown of the rule of law during Phase III by incorporating certain aspects of Phase IV operations into the overall concept of the operation from planning to execution.

Integration of the phases for decisive action and stabilization is imperative. If the end state of both is the establishment of a stable peace, as stated in DoD Directive 3000.05, then the actions taken should be complimentary. As discussed in Chapter III, the best known historically successful, twentieth century, counterinsurgency campaigns are the British in Malaya, the US in Greece and in the Philippines. In all three cases the counterinsurgency forces were eventually integrated and subordinated to the political or civilian goals and infrastructure. In other words stabilization took precedence to combat. The roles followed the supported and supporting concept. In Iraq specifically this was not the case and seems to still be a struggle.

2. Failure of US Warfighting Doctrine, regarding SSTR

Many US commanders and senior officials failed to understand the concept that in a state building activity combat operations are second to political operations. Common refrains of the warfighters echoed this concept: “we only destroy things”, or “we fight, not rebuild, that is for the DoS not DoD”. A further gap develops when DoD and DoS are

¹⁸¹ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Geneva IV), signed August 12, 1949, 6 U.S.T. 3516, T.S. No. 3365, 75 U.N.T.S. 287 (effective Feb. 2, 1956). The 1949 Convention does little to strengthen the protective regime. But a 1977 amendment to it (Protocol I to the Geneva Convention), prohibits acts of hostility against historic monuments, works of art, or places of worship that constitute the cultural or spiritual heritage of people and the use of such property for military efforts and prohibits direct reprisals against such property. Further, Geneva Convention IV and its Protocol I make it a "grave breach" to destroy clearly recognized and specially protected historic monuments, works of art, or places of worship. As a "grave breach" the offense constitutes a war crime, and thus an international crime subject to universal jurisdiction. <http://www.ifar.org/heritage.htm>

not integrated in their effort, or when one agency relies on the other to perform activities it is unprepared for. Unfortunately, the DoS has far too few personnel and resources to conduct these operations and the DoD would prefer to remain in the strictly combat or warfighting business. This attitude was and possibly is still a prevailing thought in military circles. Like Clausewitz, the US military does not like insurgency or guerilla warfare. Even our specialists in this field, the Special Forces, prefer direct action combat operations to less dramatic unconventional warfare-stabilization and reconstruction operations. Often these Special Forces officers recognize the need for civil affairs but do not consider the current civil affairs personnel to be as professional or competent as warfighters. Phase IV operations are relegated to the same position. Instead of being integrated as equal and perhaps more important activities they are viewed as separate and unequal.

Once again the question is what takes priority the military or the political. Following strictly with US Clausewitzian doctrine it would be said that war is but another form of politics. In fact diplomatic politics assumes a supporting role to the pursuit of the wars goal, the military defeat of the enemy. In an insurgency there is a different separation; politics is the superior form of war. Political action outweighs military action. Look at Reconstruction after the US civil war. The activities of the Klu Klux Klan were nasty and tended to organize a visible form of resistance however the true 'victory' of the former Confederates was won with legal actions, the creation of separate but equal legislation to deflate the affect of the 13-15th Amendments.¹⁸² In this way the Confederates won major concessions from the militarily victorious North that lasted another hundred plus years.

So by saying stabilization and decisive combat operations are intended to achieve the same common goal of a stable peace we are arguing against US military doctrine. The US military views itself as a Clausewitzian combat organization, built and bred to fight wars. Wars being the theoretical total war in which combat becomes politics and all activities of political nature become subordinated to military exigency. In an insurgency, an

¹⁸² John Hope Franklin, *Reconstruction after the Civil War*. The 13th, 14th and 15th Amendments to the Constitution of the United States.

operation intent on creating a stable peace, or developing a sustainable free democracy that type of warfare does not exist.

B. THE SUSTAINABLE PEACE

A sustainable peace requires a strong and liberal law code implemented through legislation, reflecting basic human rights. Human rights monitoring, training and capacity building agencies sponsored by the government and indigenous non-governmental agencies. Corrections and detention facilities and staffs funded, trained and monitored in compliance with national and international laws. Reconciliation projects including courts and tribunals, reparations commissions, investigative and apprehension apparatus, and outreach programs fully supported and operational. Community rebuilding, confidence building, religious tolerance, and women's rights are also important elements of the reconstruction. Refugees and internally displaced persons must be protected and reintroduced to the community. In other words it is a huge project, and potentially extremely costly in time, dollars and personnel.

Because of its great attendant cost, nation-state building has been avoided. However, with the global threat of terrorism, avoidance is no longer possible. Therefore, the need for a comprehensive methodology to guide international actors, to assist with the formulation of plans and actions is absolutely necessary. Progressive Reconstruction is a method by which the United States and or the international community can successfully reestablish stability in war shattered, failed or rogue states. This type of intervention is a last resort intended to forcibly bring the target state back into the international community as a productive not destructive member. It is not neo-colonialism although it is involvement in another nation's internal affairs.¹⁸³ If the target state has been determined to be a failed or rogue state by the international community and the mandate for the intervention is clear then the intervention is legitimate.¹⁸⁴ With the proper planning and allocation of manpower and material resources it will work.

¹⁸³ James Fearon,, and David Laitin. "Neotrusteeship and the Problem of Weak States." *International Security* 28, no. 4 (2004): 5-43.

¹⁸⁴ Robert Jackson, "International Engagement in War-Torn Countries." *Global Governance* 10 (2004): 21-36.

It is important because it will reduce the threat of terrorist supporting rogue states. It will bring another nation into the productive world body. It will assist the noncombatant majorities within these states to achieve self-determination and democracy. It works best when instituted from the beginning. It can be used after but it will be harder.¹⁸⁵ The methodology of Progressive Reconstruction will assist forward deployed elements with the seizure and maintenance of the initiative. Recognizing and capitalizing on the fact that influence is strongest immediately after the first decisive action. An immediate influx of stabilization forces will further destabilize the enemy, disrupt any remain behind force operations and prevent the establishment of guerilla vanguard units. It will also provide some tangible evidence to the population that the US is there to liberate and rebuild the country, not destroy and exploit. The overall goal of the intervention is to change the political situation through military means, but once combat is over there needs to be a visible change in newly pacified or liberated areas. The overt demonstration of the benefits of the intervention and of the future benefits of democracy must become the focus of operations.

C. EXPLOITING WINDOWS OF OPPORTUNITY

The end of the war brings about radical changes to the social condition. Time works against the reconstruction effort. Failure to provide basic services, guarantee rights, provide prosperity and education in a timely fashion undermines the effort. Loser's remorse may create hostility. Political inexperience of oppressed or newly liberated peoples, particularly those arising from autocratic and socialist states can be destabilizing. The windows of opportunity to affect lasting legal reform are fleeting. The insertion of PRT and the structure of the RDZ and interim government discussed in this thesis will facilitate the exploitation of these fleeting moments.

The "window of opportunity" in stabilization and reconstruction operations generally appears at the very beginning of an operation before opposition has time to organize. Defined a window of opportunity (hereafter window) is a brief, fleeting, moment in time during which critical decisions made or not made have immense long

¹⁸⁵ Robert Orr (ed), *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, (Washington D.C.: CSIS Press, 2004) 298

and short term impact. Windows can be lengthened; shortened or entirely missed. Often they are only recognized too late, after the fact. In the course of this thesis many different post-conflict operations, have been discussed. However, in every case studied there was a window in some cases multiple windows. There are also a host of reasons why for the most part the windows were missed.

After the US Civil War during Reconstruction windows were most apparent in the ability to pass legislation in particular the 13th (1865), 14th ('68) and 15th ('70) Amendments and the Civil Rights Act of 1875. These pieces of legislation would have been impossible to pass prior to the war. Once enacted, they had the protection of the Constitution. The unfortunate side, that demonstrates the fleeting nature of windows, is that as time wore on these pieces of legislation lost power. They were circumvented by a resurgent *ancient regime*. The failings were recognized and efforts were made by the Federal Government to try to give the legislation back its teeth, notably the Enforcement Acts ('70-71) but they could not be policed. The last effort, the Civil Rights Act, was found unconstitutional in 1883. The window closed when Federal Troops withdrew in '77. Reconstruction demonstrated the pliability of a state in the initial moments and years following an internal civil war. It also demonstrated the vulnerability of a state struggling to reconcile the effects of civil war. Windows it seems need viable and visible strength to keep them open.

Again windows are most apparent at the outset of an operation. In places like Morocco the best opportunity for enacting change was after foreign troops won a conventional conflict. The colonialist gained the advantage when they would break a regional military force in a conventional battle. The influx of troops and the expenditure of capital demonstrating strength, commitment, and force of will, caused the indigenous forces to comply with foreign rule. This momentum was lost and the window closed as the imperialist cut cost, reduced troop strength while increasing the exploitation of the local economy and manpower. Time and again the colony would slip into long term desultory guerilla war. ¹⁸⁶

¹⁸⁶ Jean Gottman, "Chapter 10. Bugead, Gallieni, Lyautey: The Development of French Colonial Warfare," in *Makers of Modern Strategy, Military Thought from Machiavelli to Hitler*, ed. Edward M. Earle (Princeton NJ: Princeton University Press, 1948), 248

WWII offers a unique insight into the window theory as in its course three different post-conflict states can be reviewed. It seems as if the learning curve started in Italy and progressively improved from Germany to Japan. Italy was the test bed for new civil affairs and American Military Government (AMG) techniques. Rebuilding civil society after the functioning government collapsed. Here the window that appeared was not taken advantage of as the practitioners, the AMG, were not prepared, they did not anticipate the fragility of the Italian government. According to Benson and Neufeld the AMG failed to seize upon the momentum created by the unforeseen collapse of the Fascist government. The AMG did not know enough about Italy to predict the fragility of Mussolini's regime.¹⁸⁷

When discussing windows the conversation drifts towards the concept of momentum. In warfare gaining and maintaining the momentum is considered extremely important. It fits into the Principles of War regarding speed and surprise and the ability to mass. Without solid knowledge (intent, capability, strengths and weaknesses) of the enemy a military force cannot fully exercise its power. The same concepts are applicable in post-conflict operations. Prior planning, preset goals, and clear intent and objectives are all military necessities; and are just as necessary in stabilization and reconstruction operations. Ask the question: what would have happened if the Marshal Plan had been organized and preplanned in 1944 to be set in place immediately after Allied troops entered Germany in 1945? What could have happened if this template was then given to the Japanese Occupation planners to use as a baseline?

Instead of a haphazard and piecemeal deployment and institution of activities, a more organized but still flexible program is needed. The highlights from past occupations are the institution of legislation, the Japanese Constitution for example or the mandatory inclusion of women in both Afghanistan and Iraq's parliaments. It is noted however, that as in Reconstruction legislation can be circumvented. The inclusion of women in government runs against fundamentalist Islamic ideology setting the stage for future conflict but, not including these provisions will only prolong the suppression of basic

¹⁸⁷ George C.S. Benson and Maurice Neufeld, "The American Military Government in Italy," in Carl J. Friedrich (ed), *American Experiences in Military Government in World War II*, (New York: Reinhart & Company, 1948) 111-147

human and civil rights. An intervention that seeks to create lasting change must take full advantage of the windows offered, the ability to dictate long lasting legislated change is one method. In the UN actions in Cambodia and Somalia the window was missed primarily because the forces deployed were unable to enforce the ceasefires, disarm the warlords, and influence the micro-governance of the state outside the major urban areas.¹⁸⁸

However this is not the only use of windows. In Iraq the author witnessed the loss of a window first hand. Just three weeks after the initial invasion the US military had utterly destroyed the Iraqi military and ruled the land. What we said the Iraqis followed, they were willing to work with us to make their lives better. The opportunity was fleeting, lasting only a few months. Although expectations were very high, the window was lost because we could not deliver.

It is apparent that this is not an isolated phenomenon. In Somalia the intervention of US forces was initially greeted with open arms, and restraint on the part of warlords (most likely out of fear and respect for power). Even after the events of 3 October 1993, which were captured in *Blackhawk Down*, a second window was created. As the Marines landed to conduct the withdraw, the Somali warlords backed down and the common people looked to the US in hope again.¹⁸⁹ This hope was crushed as the US and UN forces were ordered to abandon the cause.

The question is how can the window be capitalized? A military operation based on pre-emption or reaction to a failing state is initiated by the intervener. The initiating action in accordance with relative superiority theory will create a window. The initial military invasion itself is the catalyst. Post conflict in the initial phases must be viewed as an integral component of the combat operation. It requires the same detailed planning and execution that the DoD puts into the initial deployment. The enabling actions create a predictable window for exploitation and implementation of SSTR operations. The window will not last long and once lost is difficult to recover. However, noting Somalia and Congo, the insertion of new troops or personal prestige—Secretary General Dag

¹⁸⁸ Paul F. Diehl, *International Peacekeeping*, (Baltimore: Johns Hopkins, 1994) 196-197

¹⁸⁹ Willaim J. Durch, *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990's*, (New York: St Martins Press, 1996) 311-365: 348

Hammar skjöld's personal intervention in Congo over the Katanga secession question—can open windows that had previously been shut.

I noted earlier in Chapter II that the theory of Special Operations as written by Admiral William McRaven in which he developed the concept of relative superiority. He states relative superiority is “a condition that exists when an attacking force, generally smaller, gains a decisive advantage over a larger or well-defended enemy...Relative Superiority is achieved at the pivotal moment in an engagement when decisive advantage is achieved, usually within five minutes of the initial engagement...Once Relative Superiority is achieved, it must be sustained in order to guarantee victory...If Relative Superiority is lost, it is difficult to regain.” And “The longer an engagement continues, the more likely the outcome will be affected by the will of the enemy.”¹⁹⁰

Relative Superiority can be applied to post conflict reconstruction and stabilization and in particular how to capture a “window of opportunity.” It requires these principles: simplicity, security, repetition (rehearsals and integrated planning), surprise (timing), speed (tempo of the operations), and purpose (clear, defined, achievable and understood by all). The optimum course of action would have the indigenous people going to bed on Monday night with the status quo in place, but in jeopardy, and awakening the next morning to the overwhelming presence of the intervention forces who guarantee security, humanitarian relief and have a clear, flexible and achievable plan for the future.

D. CONCLUSION

There are more issues involved in the complex activities of military intervention, stabilization and state building than can be covered in any single document. Every intervention is unique and fraught with dangers. Techniques vary from hard to soft; it is the recommendation of this concept of operation that a heavy, overwhelming force and organization be used to enable success. Indirect rule, colonial ghosts, the fear caused by the transferring of western values to non western societies all will be causes for resistance. Legitimacy for the intervention force will be hard to come by. As stated

¹⁹⁰ William McRaven, *Spec Ops, Case Studies in Special Operations Warfare: Theory and Practice*, Random House Publishing: Presidio Press, 1996.

earlier, altruism is not going to be accepted as a reason for intervention. Strength, will and commitment are where legitimacy will be found. War alters the social order, there are winners and losers and there are unintended consequences. War tends toward absolutes as Clausewitz would say; a state emerging from conflict will absolutely be fragile. Immediate fostering of economic and humanitarian reconstruction bent on the eventual reintegration of the state into the world market is a means of demonstrating tangible improvement and reducing this fragility. Security, the rule of law and Governance are the principle driving forces.

Interventionist rule and can implement security, the rule of law and governance through undemocratic fiat yet democracy is part of the end state. This dichotomy will not be easily accepted, but it is a reality, it is one of the many hard choices involved in military intervention. In the immediacy of post conflict the vast majority of the population tends towards passivity, wanting to be shown what to do to survive and prosper. Martial law and imposed order is a method the intervener can use because someone has to be in charge. Without someone posted in charge, natural leaders—warlords, insurgents, criminals and strongmen of the ancient regime—take charge. The intervention planners must have a plan to create a legitimate government. There is a need to avoid quick fixes. Interveners tend to drift towards the most available stabilizing force often organized crime, warlords and other armed subnational entities. A conscious effort must be made not to revert to the *ancien regime* or these criminal elements for stability if no other strong force steps in. Further, if the warlords as in Afghanistan assist with the downfall of the former regime then these leaders and their troops have to be treated differently. They must be treated like partisan heroes and they must be pensioned off as you disarm and demobilize. Disarmament, demobilization and reintegration programs are tools in the kit to foster the growth of stability.

The current iterations of the provincial reconstruction teams in Afghanistan and Iraq are the right concept. They should be expanded in scope and implementation. Clear, hold, rebuild—rehabilitation while fighting, or rolling stabilization is the method espoused to capture windows of opportunity in SSTR and to focus both RDO and RDS operations towards long term success—the stable peace. Insurgency is a state building theory that attacks the legitimacy, governmental policy and the recreated economy of the

intervention and must be countered in the same vein. Counterinsurgency mechanisms must be designed to answer the insurgent theory. The interim government exercising direct and indirect rule along with the follow-on independent indigenous governments must acknowledge the globalized values of human rights to defeat the archaic and anarchistic activity of insurgents. The use of an interim government and the methodology of Progressive Reconstruction as described in this thesis will facilitate the rapid defeat of the insurgent and subversive forces that will arise in the wake of a military intervention.

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