Soldiers and civil power: supporting or substituting civil authorities in peace operation during the 1990s
Brocades Zaalberg, T.

Citation for published version (APA):
Brocades Zaalberg, T. (2005). Soldiers and civil power: supporting or substituting civil authorities in peace operation during the 1990s Amsterdam: in eigen beheer
CONCLUSION

Outside intervention in civil wars in Cambodia, Somalia, Bosnia and Kosovo triggered reactions within each of these societies that made the assumptions underlying the military plans invalid at an early stage. In John Hersey’s novel *A Bell for Adano*, American Civil Affairs Major Victor Joppolo disregarded the plans he had received for administering the Sicilian town Adano in 1943. His detailed instructions disappeared into the wastebasket after he had taken up his office in the town hall. The orders seemed of little value during the first days of his military reign. Instead, he followed his inclinations and went to the people of Adano and asked what they needed most. Although the town suffered from severe shortages, it was not food or water the people wanted most. The Sicilian villagers decided that what they needed most of all was a new bell for the church tower. The old bell, with its warm and comforting sound, had embodied the spirit of the town, but had been stolen by the retreating German troops to be melted for the production of ammunition. Joppolo set out to find a new bell for Adano and, having won the trust of the population, established Allied control in the wake of the military advance. “When plans fall down, improvise”, had been the most important lesson he had distilled from his training in Civil Affairs.

Operational Shift

After military plans failed in Cambodia, the force’s main goal shifted from demilitarization of the local warring factions to supporting and eventually running much of the elections. In Somalia, the tasks of the soldiers on the ground rapidly shifted after successfully protecting the delivery of humanitarian aid to improvised internal security operations, although protection of the people was not the official goal. The mission in Bosnia slowly changed from separating the warring parties to supporting the international civilian effort to reintegrate the divided state. In Kosovo, the primary goal altered from protecting the Kosovar Albanian population by deploying a large military force, to the protection of the Serb minority and establishment of international governmental control. The process of adapting to these altered requirements on military forces has been a mixed success during the last decades of the twentieth century—primarily because it required adaptation to challenges in the civilian rather than the military sphere.

When reviewing these four missions at the strategic and operational levels, a paradox emerges in the relationship between the accomplishment of the primary military mission and the overall political outcome. Whereas the “purely” military mission as planned in Cambodia was a complete failure, the political outcome of the UN intervention was a relative success. In the other three missions analysed in the preceding chapters, the primary military missions were an overwhelming success. The strategic outcome, however, varied from dubious to failure. Although democracy in Cambodia barely took hold after the quick abandonment of the country by the UN, it did have a democratically elected constitutional government after eight-
een months of UNTAC’s presence. Sanderson took on an ever more dominant role within the combined civil and military mission. Although wary at times of overstretching the military component, he drove the relatively few and lightly equipped forces at his disposal to assume ever more tasks that were in essence civilian responsibilities in the months prior to the elections. It is somewhat surprising therefore that a panel of American specialist at the U.S. Army Peacekeeping Institute called him in December 1993, “the right man at the right time” for not allowing “mission creep” to occur.1 While the civil-military mission as a whole stayed within the original parameters set by the United Nations, Sanderson allowed the military tasks and objectives to steadily expand beyond the original terms of reference. For this he received little strategic guidance, but the UN Secretariat allowed him much latitude to search the edges of his mandate by employing his military means creatively.

The mischaracterization of Sanderson’s qualities can be explained by this verdict being passed shortly after American forces found themselves in their disastrous battle in the streets of Mogadishu. The death of eighteen U.S. military personnel reinforced all existing fears of shifting missions and its effects resonated throughout the decade and beyond. UNITAF, the muscular force that had operated before this fateful event, had entered with the narrowest of mandates. On the basis of this mandate some units, particularly the Australian battalion, ended up performing the widest variety of tasks related to public security and low level institution building. To varying degrees, American forces participated in this improvised process, but their overall ability to adapt to their environment was severely hampered by the strategic parameters set on their mission, the force protection requirement that put a distance between them and the population, and their behavioural reflexes that originated in the American military’s singular focus on high-intensity combat operations. The suggestions in American policymaking and military circles since 1993 that the UN mission that followed in Somalia failed because it allowed the mission to expand, while the American-led Task Force succeeded because it stuck to its original mission, was incorrect and had the damaging effect of drawing away attention from those initiatives that might have held some promise for success in Somalia. Claiming UNITAF was a success because it rigidly stuck to the original plan to safeguard the delivery of food evokes memories of the famous story of the North Vietnamese colonel who acknowledged to an American colonel that the United States had never been defeated on the battlefield. “That may be true”, the Vietnamese colonel said. “It is also irrelevant.”2 Obviously, saving lives in Somalia was not irrelevant. However, the long term effects of the impetuous intervention in Somalia had a stifling effect on the willingness of the Western powers to intervene in serious humanitarian crises. The people of Rwanda were to suffer most dearly of all.

NATO’s primary mission in Bosnia was a complete success. However, after establishing the military conditions for peace relatively quickly, IFOR had rested on its military laurels in Bosnia. This inaction was a consequence of earlier failures in Somalia and Bosnia. As a result of the weakness of the civilian component and the lack of effective civil-military cooperation, the peace process as a whole stagnated. The reintegration of Bosnia required the reversal
of the ethnic cleansing campaign of the previous years by returning hundreds of thousands of refugees to their former homes. It also necessitated limiting the power of the police forces that were hampering this process, and—it was often argued—required the arrest of war crimes suspects. All these measures demanded a serious military contribution in order to succeed, but this sort of military support was not forthcoming. On the whole, IFOR’s reluctance to move beyond the original mission was strategically driven, primarily from Washington. However, since strategic guidelines, or the lack thereof, blended perfectly with the inclinations of the IFOR commander and the timidity of the U.S. and European militaries after their earlier failures in Somalia and Bosnia, initiative by forces on the ground was seriously impeded. Applied to peace operations, the straightjacket of the Weinberger-Powell Doctrine—with its emphasis on overwhelming force and narrow missions—may have prevented military failure. Nevertheless, it hampered long-term success since the new challenges were considered outside the military scope. While IFOR’s successor SFOR redressed some of the previous mistakes and gradually shifted its efforts from controlling the formerly warring armies to support to implementation of the civilian aspects of the peace agreement, the propitious immediate post-war moment that might have occasioned the reforms was lost. As a result, the political outcome of the intervention remained uncertain despite the many billions of dollars spent on reconstruction and the tens of thousand of troops that rotated through Bosnia annually in the years that followed.

In Kosovo, almost within a week, KFOR’s main challenge had shifted from enforcing and monitoring the withdrawal of Serb forces in order to protect the Kosovar Albanian population, to the provision of overall public security and most important, the protection of Serb and other minorities. At the end of his tour in November 1999, KFOR Force Commander Lieutenant General Mike Jackson regarded public security as the only problem he had not come to grips with. KFOR’s primary military mission was indeed an overwhelming success. After the Serbs security forces withdrew, KFOR faced the more daunting task of disarming and demilitarizing the UÇK. The accomplishment of this task can be partially ascribed to Jackson, who combined a forceful stance with much emphasis on the requirement not to offend the Kosovar Albanian insurgents who, it was feared would “take to the mountains” if confronted too harshly. Despite these successes, with half the Serb population fleeing on NATO’s watch, the political objective to create a multiethnic Kosovo was in serious peril as Jackson handed over command. Meanwhile, the Serbs were running Albanians out of northern Mitrovica and KFOR and the UN established little control over this newly created Serb- enclave.

The main threat to NATO’s publicly stated goals came from vengeful Albanians, both former insurgents and civilians, and the UÇK’s grab for governmental and policing powers in the absence of an effective international administration and police force. The British commander’s reluctance to prepare a CIMIC Task Force arguably contributed to KFOR’s inability to fill the administrative vacuum. Such a Task Force was nevertheless unlikely to have sufficed to stem the tide during the UÇK’s early grab for power. CIMIC’s lack of deployable ca-
pacity was a significant factor. In addition, its conceptual underpinnings, with its emphasis on cooperation and support, rather than the substitution of civil authorities, would not have created the essential tools to fill the administrative and law and order vacuum. The Force Commander’s decision was driven by NATO members’ political concern they not become involved in anything resembling temporary military governance over Kosovo. Although Jackson, like any other soldier, was never an enthusiast about having his troops involved in policing, he did motivate them to engage in public security duties to the best of his abilities. He and his successor General Klaus Reinhardt placed much emphasis on the need to cooperate closely with UNMIK. A reasonable degree of international governmental control over Kosovo was in the end established as a result of a relatively smooth civil-military cooperative effort. Nevertheless, there was still no clarity on the province’s future status and the surge in ethnic violence in 2004 reminded the world that Kosovo remained a divided province.

**Tactical Flexibility**

On the tactical level, a tremendous responsibility devolved on the battalion commanders and their junior officers in each of these operations as a result of the gap between the assigned mission and the requirement to establish order on the ground. They had to tailor much of their operations to the unexpected challenges they faced, rather than execute the sort of mission they were tasked, organised, and trained to perform. Each of the battalion commanders whose operation has been analysed in the preceding chapters interpreted his mission broadly and searched for the boundaries of the mandate.

In Cambodia, both Lieutenant Colonel Herman Dukers and Lieutenant Colonel Patrick Cammaert drove their troops to operate in highly dispersed small units, patrolling vigorously, operating and often even living close to the people—almost “hugging the population”—for mutual protection. For the people, the Marines’ presence often meant protection from bandits and factional violence, while the intelligence provided by the people on the factions and bandits was the prime source of protection for the Marines. Platoon commanders were encouraged to adopt small scale projects to further enhance their relations with the Cambodians. Monitoring the actions of the four different armed factions, and particularly the task of containing the Khmer Rouge in their jungle areas, officially remained their primary duty, but the mission steadily expanded beyond the military scope. “Mission command”, the command system based on delegating high degrees of responsibility for the methods used to company and platoon commanders on the basis of the commander’s overall intent, seems to have worked particularly well for the second battalion that faced the daunting task of supporting the elections that were held in May 1993.

Most of the methods and measures applied by the Marines in Cambodia were made up as the commander and his subordinates went along. Direct protection of the population was not the military component’s official mission, and disarmament of soldiers and civilians by the UN “on sight” was not allowed for UNTAC until just before the elections. Confronted with a set of circumstances that made the Dutch-controlled sector in north-western Cambodia
rife with violent crime, the Marines were nevertheless drawn in to performing these public security related tasks. The surge in crime was related to two of UNTAC’s successes—the relatively large number of demobilized soldiers in the Dutch sector and the influx of vast numbers or returning refugees from Thailand. The presence in their sector of the trade route that linked Cambodia to Thailand was a third contributing factor. In order to reduce the level of crime, the Marines developed their own disarmament policy early in the mission, which was condoned by the Force Commander and triggered no questions from the Dutch Ministry of Defence. More important in the fight against crime was their cooperation with local civilian and military authorities, even though some of these were at times part of the problem. For the Marines, the rationale behind engaging in this ambiguous and sometimes troubled relationship was that local authorities had the policing powers to search and arrest—powers which neither the Marines nor the UN civilian police possessed. For the local Cambodian governor in charge of police and the provincial troops, cooperation with the Marines was essential because his public security forces needed their protection in order to operate effectively. The upcoming elections stimulated the local authorities to cooperate, since fighting crime locally became an important issue in the elections. The system of “four-faction units” which the Marines developed in order to expand some degree of UN control in the areas where the factions’ authority was fragmented and often disputed, was a particularly ingenious measure. It relied heavily on the diplomatic skills of the Marines, who found themselves driving along the jungle roads in a Land Rover and patrolling with four men from four different armed factions wearing blue arm-bands. Within UNTAC, civil-military cooperation reached its height during the elections. The civil-military relationship had been forged when the election process appeared to go awry as a result of the surge in violence all over Cambodia. Cooperation with the electoral staff in charge of organising the ballot locally—a process that was increasingly driven by the military headquarters in Phnom Penh—became the essence of UNTAC’s overall success.

In order to address the herculean challenges in Somalia, Lieutenant Colonel David Hurley’s Australian Army battalion showed a creativeness and flexibility that appears to have been unrivalled in peace operations during the 1990s. Like the Dutch Marines in Cambodia, this was made possible to a certain extent by the leeway given to military commanders in the early 1990s, before the tragedies in Somalia and Bosnia. These experiences tended to make national policymakers and national military leaders more wary of possible mistakes committed by the troops than a lack of overall success of the mission—a fear that often drove them towards micro-management. The Australians also operated in small units and patrolled their vast sector vigorously. Their tactical flexibility can be traced to a military tradition founded in counterinsurgency operations rather than large scale conventional battle.

Some of the Australians’ endeavours in premeditated “institution-building” have probably been exaggerated. Claims that they arrived in Somalia with a Civil Affairs strategy, built on an application of the international laws of military occupation, were incorrect. Such arguments were grounded in the urge to explain the Australians’ accomplishments as opposed to the lack of progress elsewhere in Somalia. The improvised program nevertheless led to the
reconstruction of a rudimentary police force and judiciary. Even though there was a desire to have a more lasting impact and prepare the way for the UN force that would follow, these institution building activities were driven by Hurley’s effort to create order on his watch rather than an attempt at “nation building.” The marginalisation of local warlords in Baidoa and the eventual arrest of two leaders, one of whom was prosecuted for war crimes after sufficient evidence had been gathered, was a culmination of the Australian efforts. While some of the accomplishments of the Australians were facilitated by somewhat more favourable circumstances in the Bay region than in the more violently contested urban centres such as Mogadishu and Kismayu, on the whole, their ability to stabilize the Bay region was a result of their acceptance of the belief that protecting the Somalis from the warlords as well as common bandits—and not just the distribution of humanitarian aid—was their primary goal. In Somalia, the Australian troops under Hurley showed what could be done in less than five months to re-establish rudimentary order with few means at their disposal.

The Dutch artillery battalion in Kosovo operated under very different circumstances from the battalions in Cambodia and Somalia. Like the Australians in Somalia, they found themselves performing de facto military governance in the absence of local authorities. Compared to the other two battalion-sized operations, Lieutenant Colonel Anton van Loon had a vast number of troops and heavy equipment at his disposal in relation to the relatively small sector that was his responsibility. In military terms, this enabled him to control the UÇK with relative ease as long as the former guerrillas were not driven underground by an overly confrontational demilitarization policy. However, unlike Cambodia and Somalia, where public security was not an officially assigned duty, KFOR had been tasked to perform this role pending the arrival of UN police. Due to the wave of ethnic violence that followed the return of Kosovar Albanian refugees and the UÇK’s attempt to seize policing powers, this placed incredible demands on the Dutch gunners and their German colleagues. With many of the planning assumptions based on the Bosnia scenario, neither NATO nor the Dutch national governmental and military authorities had adequately anticipated what this would entail for soldiers on the ground. Regular soldiers would in any case have performed the bulk of the community policing tasks as elsewhere during those first months in Kosovo, but the lack of sufficient Dutch Military Police in Orahovac and the restraints placed by the national chain of command on the use of their powers of arrest were unhelpful. The situation was salvaged by creatively employing regular military staff and the few available Dutch MP's. Eventually the German MPs made available by German Brigade were important in filling the public security gap. Once the UN civilian police arrived after more than four months, cooperation with these international police officers was quite smooth, with a free exchange of information and combined patrols.

Compared to the days when the Marines patrolled the jungles of Cambodia, the grip of the Dutch Ministry of Defence over the troops on the ground had tightened. This became apparent when the Dutch battalion commander, backed by his German Brigade commander, saw the requirement to actively arrest suspected war criminals in Orahovac on the basis of criminal
investigations that had been conducted primarily by Dutch Military Police personnel. Van Loon’s prime concern was that UÇK or Albanian civilians would take the law into their own hands in the absence of a sufficiently capable police and judiciary in 1999. The Dutch Minister of Defence is likely to have envisaged an arrest policy in cooperation with the International Criminal Tribunal for the Former Yugoslavia—a policy similar the one he wholeheartedly and actively supported in Bosnia. This would fully involve both the NATO and national chains of command. However, the ICTY had officially delegated the responsibility for the pursuit of suspected war criminals to UNMIK. The UNMIK justice system and police obviously did not have the proper capabilities to stop war crimes suspects from fleeing Orahovac for Serbia on UNHCR convoys. This prospect infuriated and radicalized the Albanian population and the UÇK. The battalion commander therefore saw the requirement for Task Force Orahovac to act swiftly on opportunities for arrest as they presented themselves.

The improvised effort made by the Dutch battalion to fill the administrative vacuum in Orahovac until the eventual arrival of UNMIK civil administration officials, prevented the former insurgents from gaining the upper hand in the civilian sphere. Even though the UÇK mayor in Orahovac was able to pose as the leading representative of the Albanian majority, his influence would remain limited. When asked in retrospect who was running Orahovac in the second half of 1999, the Albanian population pointed at KFOR. Having become the de facto military governor of Orahovac, Van Loon concluded in retrospect that CIMIC was “too important to be left exclusively to specialists.” He and his men had become involved in so many aspects of civil governance that he could not conceive of how these tasks could be delegated to a designated CIMIC unit if it were available. For the Dutch in Orahovac the primary motive behind the assumption of civil responsibilities and support to international civilian organisations was to prevent the UÇK from becoming the new rulers of Kosovo. These civil tasks thus pervaded every aspect of the primary mission to provide security to all Kosovars, including the minorities. Similar to the Australians in Somalia, and to a somewhat lesser extent for the Marines in Cambodia—where local civilian authorities were to a certain extent present—the execution or support to civil functions had moved centre-stage and had become an integral part of the military operation. Cooperation or substitution became a purpose of its own and could no longer be segregated from the “purely” military mission. As in other “post-conflict peace building” missions such as those in Haiti, Eastern-Slavonia and East-Timor, after military forces became involved in internal security operations—instead of merely separating the warring factions—this central role appeared to have become the pattern rather than an aberration in peace operations.

The Marginalisation of CIMIC and Civil Affairs

Throughout the 1990s, however, policymakers and military leaders in the Western world continued to expect, or hope to deploy their forces in peace operations that took place in a primarily military domain. When military forces performed a mission other than conventional combat—a development that already encountered serious resistance in the U.S. military and to a
lesser extent amongst the European military establishments—the proper role of soldiers in peace operations was generally considered separating and controlling warring parties after a peace agreement had put an end to war. Such military activity would allow soldiers to interact primarily with other soldiers or irregular fighters, as had been the case in traditional “thin-blue line” peacekeeping operations. However, operations with a straight military focus became the exception rather than the rule. Even though military entanglement in the civilian sphere was not always shunned and support to humanitarian relief and reconstruction became increasingly accepted, such military activity was expected to be taken on by soldiers either in support of the military mission, or in support of the civil environment. Military involvement in civilian tasks—either in support of civil authorities or by substituting them—was hardly perceived as an integral part of security operations.

The tendency to downgrade the military role in civil tasks to the margins of military operations clearly manifested itself in the development of policy, doctrine and planning for a CIMIC capacity within NATO. While recognising the need to smooth the cooperative effort between soldiers and civilians in complex peace operations, NATO leaders continued to perceive and define CIMIC more narrowly than the situation most often faced by troops on the ground. Particularly in the initial phase of interventions on which most of this study has focused, there was a large discrepancy between the official scope of CIMIC and the actual challenges emerging in the murky area where military and civilian tasks overlapped. This tendency manifested itself in four forms. First, NATO’s principle CIMIC policy document described the purpose of CIMIC as establishing and maintaining the full cooperation of the military commander and the civilian authorities, organisations, agencies and population “in order to allow him to fulfil his mission.” Additionally, the NATO Military Committee added that “[t]his may include direct support to the implementation of a civil plan.” Still, such activity was not perceived as part of his principle mission.

Second, the urge to assign the task of managing the civil-military interface to designated CIMIC personnel and units—in support of the commander and in order to allow him to focus on his military mission—was encompassed in the 1997 version of NATO’s CIMIC definition. Civil-military cooperation was defined as “the resources and arrangements” which support the relationship between NATO commanders and the civilian authorities and agencies in his area of operations. CIMIC, like its American counterpart Civil Affairs, was thus predominantly treated as a role and function for specialised personnel and units executed at a designated CIMIC centre or Civil-Military Operation Centre, rather than a technique or skill applied by soldiers throughout the ranks as part of their ongoing mission. The peripheral approach to soldiers interacting with their civil environment as laid down in doctrine bore little resemblance to the realities faced by the battalions in Cambodia, Somalia and Kosovo, where commanders and their subordinates proved that successful civil-military cooperation was the result of a certain mind-set and flexible adaptation to the challenges as they emerged in the field—rather than related to formal arrangements or the deployment specialised personnel in a separate organisation.
Only in 2001 CIMIC was officially redefined as “[t]he coordination and cooperation, in support of the mission, between the NATO commander and civil populations and local authorities, as well as international, national and non-governmental organisations and agencies.” While this definition placed more emphasis on CIMIC as the military commander’s direct responsibility, it still failed to expand the overall notion of the military entanglement in civilian tasks beyond coordination and cooperation. Despite the Kosovo experience, substitution or takeover by the military exercising certain civil responsibilities belonging to a civil authority in the public security and administrative sphere were still officially not part of the equation. The official Dutch KFOR Evaluation of the Ministry of Defence, while acknowledging that “[i]n practise KFOR performed for a certain period the duties of a military government”, failed to assess in any depth what this entailed for the Dutch battalion on the ground. The Evaluation drew no relevant conclusions. Close scrutiny of the Dutch CIMIC Handbook published in 2002 shows that it once briefly mentions that in “exceptional circumstances” soldiers can assume tasks that belong to civil authorities, but this appears to be the only official tangible result of the Kosovo experience in the conceptual development of CIMIC.

The third manifestation of NATO’s narrowly focussed CIMIC concept was that during the 1990s and thereafter, CIMIC was perceived first and foremost as an issue related to the reconstruction of nations affected by war. In most of the publications, conferences and policy statements on the subject the sole emphasis was on the envisaged military role in supporting humanitarian work and reconstruction of infrastructure, housing and basic services such as schools and hospitals, the support to or direct provision of humanitarian relief efforts and—last but not least—the execution of small scale humanitarian projects. This emphasis on reconstruction and projects, although important in and of itself and for the facilitation of military operations by “winning the hearts and minds” of the local population, and thus for force protection, tended to divert attention from what military peace operations were most often about—protecting the local population from violence. The reason was that whereas soldiers building schools and playgrounds was a tangible manifestation of CIMIC, soldiers and relief agencies, civil police and administrators working towards a common purpose through information sharing and a proper distribution of labour was not as visible for the public. The increased direct engagement of soldiers in the humanitarian sphere and the blurring of the dividing lines between military activity and development aid was watched with suspicion by the relief agencies. This was not only the result of their fear of competition from the military for development funds. During the 1990s a much heard critique within the humanitarian community—the envisaged civilian partners for civil-military cooperation—was that aid workers, rather than seeing the military expand its role into the field of humanitarian aid and infrastructural projects, preferred to see peacekeepers expand their notion of the military’s primary mission to provide a secure environment for civilians in which to live and work.

The fixation on reconstruction and aid projects and the lack of recognition of the often inescapable role of military forces in public security related tasks resulted in a rather inconsistent approach to military ventures into the civilian sphere. Whereas NATO troops in Bosnia
initially gave lacklustre support to the international civil police mission and initially refrained from arresting suspected war criminals, often arguing that this was a civilian responsibility, SFOR proudly participated in the reconstruction of Sarajevo’s public library as part of its CIMIC activities. Whereas uniformed Dutch CIMIC specialist officers in the Dutch area of operations Bosnia helped to set up small businesses and gave professional advice to a commercial bank after 2000—when the country was completely safe for others to perform this work—the Dutch Ministry of Defence had not allowed its Military Police officers to exercise their power of arrest in Orahovac in 1999 even though there was no other professional policing authority.

This brings us to the fourth symptom of the marginalisation of the civil-military interface: the continued attempts to avoid military entanglement in public security either in a supportive or executive policing role. Whereas little emphasis was placed on public security in CIMIC policy and doctrine, the most crucial civil-military relationship in most peace operations proved to be that between soldiers and policemen, either from the local police forces or from an international civilian police force. It was in this area that the dividing lines between the military and the civil spheres most frequently became blurred. The problems emerging in this grey area, which from 1997 onwards became known as the public security gap, permeated every element of peace operations in the 1990s. More than often, if the military barriers were raised sufficiently high by a military intervention force, as in the first months Somalia and during NATO operations in Bosnia and Kosovo, the obstructionist efforts by those amongst the former belligerent parties opposing the peace process or foreign presence would divert their efforts into the fields of public security and civil administration. However, this thorny but pivotal issue was mostly considered outside the scope of CIMIC.

The problems emerging in the wake of the intervention in Kosovo turned out to be serious eye opener in this respect. In East-Timor as well, the Australian led force became involved in emergency law enforcement, running an ad hoc judiciary system and managing detention facilities. While the signs had already been there in Somalia, Cambodia, Haiti, and Bosnia, these two operations taking place in 1999 in a complete power vacuum focussed attention on the need to temporarily substitute the justice triangle and restore the local law and order system through “security sector reform.” Many joined Bernard Kouchner in his call for the creation of UN “justice packages” to fulfil this task. Some U.S. military legal officers pointed at the American experience in Somalia, Haiti and Kosovo to emphasize the inescapable role of the U.S. military in filling the law and order vacuum. However, while the public security gap was increasingly recognised by those involved as one of the most important dilemma’s in peace operations after 1999, the political will to deal with the consequences—either by substantially expanding UN civil policing and other public security capacities or by preparing the military to temporarily fill the vacuum—was mostly lacking. In 2002, Danish political scientist Peter Viggo Jacobsen wrote:
"The ambivalent position of the United States is telling in this respect. In the latest draft of its forthcoming doctrine for peace operations, the U.S. Army acknowledges that it may have to restore law and order, establish and run temporary confinement facilities and assist in the establishment of a workable judicial system in a failed state situation—the Kosovo experience had in other words found its way into doctrine. This stands in direct contrast to the public position that President Bush and the Pentagon have taken on this issue. This position was succinctly summed up in a comment by Army General Henry H. Shelton, then chairman of the Joint Chiefs of Staff, in November 2000: ‘We can provide a safe and secure environment, but we don’t do the law enforcement, we don’t do the court systems.’"

It is important to place Shelton’s remark in the context of the debate that was still raging in the United States. The Chairman of the Joint Chiefs of Staff was quoted in a New York Times article entitled “Shelton: Peacekeeping Missions Unavoidable.” The state of the public and political debate in the United States at the time of the 2000 Presidential elections was still concerned with the overall reluctance of the U.S. military and many Republican politicians to engage in peace operations. The supposedly degrading effect of such experience on a soldier’s capability to aggressively fight wars was still one of the leading arguments of those opposing tasks that were considered unbecoming a soldier. It was not until after the turn of the twenty-first century that this argument came under attack by both soldiers and civilians in the United States who dared to make the opposite case—contending that field experience enhanced unit cohesion and prepared junior officers well for command responsibilities in unpredictable and potentially violent environments.

The lingering aversion in the United States to engage in military operations other than conventional combat is captured in Condoleezza Rice’s remark in 2000 that “[c]arrying out civil administration and police functions is simply going to degrade the American capability to do the things America had to do.” The future National Security Advisor and Secretary of State added: “We don’t need to have the 82nd Airborne escorting kids to kindergarten.” Although a substantial number of senior American military leaders, amongst them Anthony Zinni and Wesley Clarke—officers who rose to top ranks during the Clinton era but where now retired—had come to accept the unavoidable, the Republican message went down well with the mainstream American military establishment. Most military leaders preferred to concentrate on the next generation of technological advances that, it was hoped, would prepare them for the twenty-first century battlefield. George W. Bush Jr. won over undecided voters in the military by promising them “no more nation building.” As a result many of the hard-learned lessons of the 1990s within the armed forces seem to have gone overboard in years preceding the invasion of Iraq.

The overall marginalisation of CIMIC and Civil Affairs and the reluctance to have soldiers in peace operations wield civil authority can primarily be explained by the fundamental discomfort among troop contributing nations regarding military forces exercising any degree of civil power. Western powers themselves had grown accustomed to a strict segregation between the civil and military spheres and the principle of military subservience to civilian rule
at the political level. They also considered peacekeepers wielding martial law-like powers undesirable in regions where intervening forces often formed part of an effort to teach democratic values to countries accustomed to authoritarian rule. Such regimes tended to be less particular about this distinction between the civil and the military.

The second explanation for the peripheral conceptual development of CIMIC within NATO was that this process was predominantly driven by the Bosnian experience. Not surprisingly, since it was NATO’s first and only operational deployment on the ground, its military operations in Bosnia after December 1995 were the primary yardstick against which peace operations in general and CIMIC in particular were measured until 1999. It was in this period that the foundation was laid for NATO CIMIC. The expectation that the next major peace operation would be very much like the last—a characteristic not uncommon for armies preparing for the next war—stimulated the tendency to relegate the civil aspects to the sidelines of the military operation.

A third explanation for the peripheral approach to CIMIC was that the American military took the lead in transforming the old Cold War CIMIC concept and the formation of dedicated units. The strong preference of the U.S. armed forces to focus on straightforward matters and segregate—or at least attempt to separate—the civil and military spheres and leave the civil-military interface to large numbers of Civil Affairs personnel found its way into perceptions, doctrine, the CIMIC organisation and teaching on CIMIC. European as well as Canadian and Australian militaries tended to be far less suspicious of peace operations and consequently they were often more flexible in handling the grey area between military and civil responsibilities and cooperation with civilians during operations. It is therefore somewhat ironic that European NATO partners had sought advice for the civil-military aspects of peace operations with the Americans. The mainstream of the U.S. armed forces was averse to this type of military operation and the U.S. Army was uncertain about the purpose and role of Civil Affairs. This uncertainty had become manifest during the Vietnam War, when Civil Affairs was almost completely ignored, and persisted in the post-Cold War world when Civil Affairs was employed irregularly in military operations.

It is perhaps not surprising that the British, with their long legacy of military assistance to the civil power and emphasis on civil-military cooperation as part of their ongoing mission, were the first who diverged from the path taken by NATO. The emphasis on reserve units destined to serve in large separate CIMIC Task Force centrally driven from a force headquarters—as had happened in Bosnia—was not in line with their preferences. General Jackson was often quoted by CIMIC-enthusiasts as having said in 1997 that he heartily endorsed the NATO CIMIC proposal, but eventually he and the British Army, of which he was to become the commander, took the narrowest approach in term of a specialized organisation and dedicated personnel. Whereas the British did not see the need for a large Civil Affairs or CIMIC capacity, as a rule they were lauded for their overall cooperation with civilian agencies and approach to the public security gap. Some of the success of the Dutch Marines in Cambodia as well as during later deployments, and the accomplishments of the Australian Army in Somalia
and later in East-Timor, can be explained by their traditional orientation to the British style of operations. However, factors derived from generalisations on the basis of military culture within a national military, or specific branch, are rivalled in importance by the effect of having the right man at the right position at the right time under the right circumstances. The approaches and reflexes of battalion commanders mentioned in the case studies may be explained by their personal characteristics and beliefs. Both the influence on the conduct of operations of military culture and the personal factors—of which especially the latter has hardly been touched upon in this analysis that focussed primarily on operations—necessitate further research. However, the rapid rise through the military ranks of each of the battalion commanders is perhaps proof of their ability to adapt to the changing nature of soldiering after the end of the Cold War.

**Operational Primacy**

The experiences in military governance over conquered territory during and after the Second World War and development of counterinsurgency operations in the twentieth century have been presented in the first two chapters primarily to serve as a frame of reference for military involvement in the civilian sphere as it occurred during the 1990s. However, apart from demonstrating a certain continuity and development in the challenges faced by soldiers outside conventional combat in the twentieth century, both topics provide us with the ability to draw some comparisons between operational primacy of Civil Affairs and civil-military cooperation.

The comparison with Civil Affairs and Military Government during and after the Second World War brings us back to the motive behind the use of the historic citation of General Dwight D. Eisenhower by CIMIC-enthusiasts to underline the need for the development of a CIMIC capacity within NATO. Following the example of American Civil Affairs officers, they underlined the importance and purpose of CIMIC by pointing at the Supreme Allied Commander’s desire, while conducting offensive operations in North Africa, to rid himself of all matters outside the purely military scope by delegating them to a dedicated military organisation on which he could place full responsibility for these civil tasks. While using military history to serve their purpose, these officers paid little attention to the immediate post-war situation in Germany, when Civil Affairs’ facilitating role for conventional combat operations came to an end. Once the enemy was defeated, the combat commanders in Europe and Asia became military governors and the stabilization of occupied territory became a purpose unto its own. Such historical comparisons are always problematic due to the different context, but if history is to be used in order to prepare military forces for the civil-military interface in post-conflict situations, the comparison with Civil Affairs in its central post-war role would be more appropriate. In both situations, stabilization, public order, and eventually reform instead of the defeat of the enemy was the primary purpose. In short, the operational primacy of Civil Affairs remained both during and after the war, only the overall operational goal changed from defeating the enemy to one of internal security.
The comparison of civil-military operations in the 1990s with Civil Affairs during the Second World War in Europe can also provide some explanation for differing American and British approaches. Although the differences were not strictly determined along national lines during the war, the British came to prefer the integrated model of Civil Affairs, whereas the Americans leaned towards the creation of a separate organisation for the administration of conquered territory. The former model, which integrated the Civil Affairs organisation into the tactical chain of command, came to prevail due to pragmatic considerations, just as three other choices related to Civil Affairs and Military Government were the product of pragmatism rather than principle. Apart from embedding Civil Affairs in combat units during the war, the Allies opted for military rather than civilian rule over conquered territory, chose for indirect rather than direct rule over the local population, and left most of the local administration intact after the war even in Germany and Japan. The inevitability of some of these four pragmatic choices made became apparent when a counterfactual approach to history is unleashed on post-war Germany. A civilian Allied interim administration segregated from the tactical chain of command that would have engaged in direct governmental control and purged the vast majority of Nazi party members from positions of influence would have been largely unfeasible and possibly would have left occupied territory in chaos. Part of the early failure to stabilize Iraq in 2003 may be ascribed to a policy that was in many ways similar to this counterfactual model.

When explaining the British approach in peace operations in general, and civil-military cooperation in particular, the British experience in counterinsurgency operations is more important than the legacy of the Second World War. While fighting insurgencies during the wars of decolonisation, the methods used to reach lasting success proved to be the employment of military forces, police and administration towards a common strategic goal. Apart from employing the minimum necessary force and the maximum degree of tactical flexibility, cooperation within a civil-military committee system with a strong emphasis on gathering and sharing intelligence proved the key to successfully fighting insurgents. Military support to the civil power was undertaken not by specialists but as part of a combat commander’s daily operations. When General Sir Gerald Templer took charge of the counterinsurgency campaign in Malaya he had insisted that district police commissioners, administrators and local military commanders meet every day if possible, “if only for a whiskey and soda in the evening.” The importance of co-locating military headquarters with the district police, a lesson Templer had learned when he saw military service during the insurgency in Palestine and applied in Malaya, would only slowly be relearned in places such as Kosovo. Quite a few of the hard-learned lessons of successful counterinsurgency campaigns apply to peace operations, even though the civil-military playing field became infinitely more complex during the 1990s.

The comparison between counterinsurgency and complex peace operations has been embraced and denounced by analysts, depending on the point of departure of the researcher. The problem is that both categories are broad and vague. Quite understandably, those who emphasised the comparison between insurgencies and the nature of the political problems un-
derlying a contemporary internal wars, and the purposes of and methods of insurgents as opposed to those of the warlords of the 1990s drew the conclusion that the comparison is invalid. Those emphasising the most successful principles and methods used to fight an insurgency and those needed to stabilize a region as part of a peace operation, quite correctly reached the opposite conclusion. The principle reason why the comparison is apt in the context of this study, is that in the peace operations analysed in detail in this dissertation as well as during successful counterinsurgency operations, civil-military cooperation moved centre stage, becoming the primary means to reach a combined civil-military goal and establish peace.

By the year 2000 the clarity of what peace operations were supposed to be no longer existed, and probably had never been. In the years that followed, the Netherlands participated in two new international stabilization operations, one in Afghanistan and one in Iraq. By this time the notion of peace operations had come so far adrift that the Ministry of Defence was able to present these military operations as peace operations without any serious questions being raised in the press or in parliament over the validity of the categorisation of this type of military activity. In both cases the primary purpose was to support a new civil government trying to establish itself and exert its authority after the United States had toppled the previous regime by the use of force. In Afghanistan the Dutch Army helped secure the Kabul area in order to allow interim President Hamid Karzai to exert his government’s authority in the capital after the fall of the Taliban regime. In Iraq Dutch Marines and later the Dutch Army helped to stabilize the southern region or Iraq in order to allow the Anglo-American Coalition Provisional Authority, and from June 2004 the Iraqi interim government, to establish administrative control over Iraq. Bolstering the civil power with military forces became the primary aim of the military presence in both countries, albeit under very different circumstances. In the course of the 1990s support and substitution of civil authorities under the guise of peacekeeping had gradually become so common that this development went largely unnoticed.
5 In NATO AJP 09 CIMIC was defined as “[t]he resources and arrangements which support the relationship between NATO commanders and the national authorities, civil and military, and civil populations in an area where NATO military forces are or plan to be employed.” The emphasis on “resources and arrangements” in the early indication of they way CIMIC was treated as a unit or “arrangement”, rather than a technique applied by soldiers on every level.
6 NATO AJP 09 (2001)
9 Gwaltney and Weston, “Soldiers as Cops, Judges and Jailers: Law Enforcement by the US Military in Peace Operations”, U.S. Army Center for Law and Military Operations (Website); CLAMO, *Law and Military Operations in Kosovo, 1999-2000*: “Line units must be prepared to discharge the policing function in the event that a law and order vacuum exists.”
12 For the European militaries Karin von Hippel explains this by pointing at their historic experience in “grey” military operations during the colonial period and the continued experience by the British in Northern Ireland. While the general notion of a more flexible approach of European militaries to military operations appears to be valid, she does not provide a further explanation for this suggestion, which is difficult to validate for those nations without a colonial legacy and those former colonial powers with a poor record in counterinsurgency operations. Karin von Hippel, *Democracy By Force: U.S. Military Interventions in the Post-Cold War World* (Cambridge 2000) 177.