

Civil Power in Irregular Conflict

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Irregular conflict has emerged in the period since the end of the Cold War as an enduring feature of an increasingly globalized world. The need to respond effectively to irregular conflicts that threaten core U.S. national security interests has, in turn, driven a rapidly growing U.S. interest in stability operations as a vehicle for addressing irregular conflict, and for promoting the stabilization and reconstruction of post-conflict states.

The following article explores the civil components of four key activities in managing irregular conflict: support to governance, security sector reform (SSR), promoting economic development, and reconciliation. It articulates the outcomes of a series of events beginning in 2008 with workshops on Governance, SSR and Economic Development co-sponsored by the U.S. Army Peacekeeping and Stability Operations Institute (PKSOI) and CNA. The events culminated in a broader conference in Washington, D.C., on Building Capacity in Stability Operations in April of 2009, sponsored by PKSOI, CNA, and the Association of the United States Army (AUSA).

This article argues that without effectively pursuing the civil component of stabilization and reconstruction, in measured and achievable ways, military efforts to control irregular conflict are unlikely to be successful. An integrated strategy is critical to success in irregular conflict, with realistic goals and a dynamic planning process that can adapt over time. Realistic assessments are essential in the initial phases of interventions. Strategies must focus on developing the host nation as the end goal, and be supported with adequate resources. Successful efforts to manage irregular conflict must combine, synergistically, military operations with the civil elements of governance, non-military security, economics and reconciliation.

Irregular conflicts span a spectrum of hostilities. All include violence or its incipient threat—that is what makes them conflicts—but their further contours vary from peacekeeping to stability operations to counterterrorism to counterinsurgency to hybrid war. Their critical common characteristic is not, however, with respect to violence, but rather with respect to the requirement to persuade a significant population that it is in their interest to generate an environment in which ultimately violence no longer is a key factor.

Practical experience demonstrates that this is a highly complex task. It requires not only the skilled use of violence by the military, but also skill in governance, security, economics, and reconciliation. A critical element is the role of the host nation. The existence of an irregular conflict generally implies a failure of host nation capabilities, yet success requires that very host nation to become reasonably effective, and to achieve that effectiveness requires an evolving partnership with outside interveners. This combination of complexity, dynamism, and an often ineffective partner makes succeeding in irregular conflict a significant challenge.

The focus of this analysis is on the non-military side of the conflict: what steps need to be taken for governance, non-military security, economics, and reconciliation—how should they be combined and integrated, and how is the host nation to become sufficiently capable? The military side is also crucial, but has been extensively dealt with in other writings—and is considered here mainly in the requirement for an integrated strategy.

This chapter sets forth a four-part analysis of effective civil operations in irregular conflict: first, setting forth the key elements underlying strategic planning; second, discussing appropriate time-phased and functional goals; third, analyzing critical civil operational requirements; and, fourth, describing the requirements for synergistic planning and implementation.

I. Strategic Planning

A. Context and Complexity

Context and complexity have four distinct elements in irregular conflict.

The first element to recognize is that each irregular conflict has *sui generis* characteristics. Culture, history, socio-economic conditions, political dynamics and demographic and ethnic groups in each country all coalesce to shape unique specific challenges. Whether irregular conflict takes the form of an active insurgency, terrorism, or criminal violence, planners must develop an understanding of why the conflict emerged in the first place, what factors sustain it, and who profits from its continuation.

Understanding host nation context and culture is key. A successful outcome must include all elements of society, including civil society and the private sector, within the historical framework of their relationships. Irregular conflict touches not only the state, but also the citizen, culture, historical legacy, ethnicities, and peoples which are essential for a national identity and to support an effective and legitimate government.

As part of understanding the host nation, it is also critical to understand the formal and informal power relationships of society. National and local power relationships and the dynamics among ethnic, religious and tribal groups will be crucial to fostering legitimacy not only at the national level, but the provincial and municipal levels as well. Among the central components of the existing power structures are government leaders, politicians, police, militias, non-state actors and spoilers, and family centers of power, and the many networks which may be found in political, religious, military and other arenas. Economic and business relationships can be important factors including also the networks within which they exist, as can relationships with persons and entities outside the host nation. International support often has been a key factor in irregular conflict.

In addition to the players themselves, the rules of law that the society has utilized are important as is knowing that broader context which might be described as the “rules of the game.” “Rules of the game” include those informal and formal legal and power arrangements that assist in brokering power-sharing, mediating disputes and allocating resources. These “rules” are

embedded in the cultural and social norms of a society as well as in legal codes or laws. The scale and role of illicit activities, scope and level of corruption and the relationship of government to these activities are also critical.

It is absolutely critical as part of this undertaking to focus deeply on the irregular opposition. That includes the culture, groupings, power relationships, and rules of the game that drive the opposition. Factors that drive motivation should be analyzed including the causes and rationale of the conflict from the opposition's point of view, as should causes of extreme personal motivation such as those leading to suicide bombings. Understanding the enemy has always been a key tenet in warfare, and, if anything, is even more critical in irregular conflict.

The second requirement of context and complexity is the recognition that a key differentiation must be made between permissive and non-permissive environments. The strategic and functional choices made in non-permissive and permissive environments may significantly differ because of the nature of the security environment. Actions are difficult enough in a permissive environment where violence is limited or its threat only incipient. In a non-permissive environment where violence is extensive or in a semi-permissive environment where it is frequent and destabilizing, priorities may be far more security inclined than in a more stable environment. The basics of governance, security, economics, and reconciliation will remain the same but skilled implementation likely will cause different choices.

The third element of context and complexity is to recognize that the cessation of hostilities and the beginning of recovery are not clearly demarcated points in a linear, logically progressive sequence. Moreover, the fact that there is a cessation of hostilities does not translate holistically or immediately into the mitigation of the original grievances or causes that fostered the conflict. Unresolved problems can cause the return of conflict, and both economic and political recovery should take into consideration the dynamics and causes of conflict. The challenges of state-building and economic growth in the context of irregular conflict often involve transformation, not merely rebuilding existing systems. There are frequently multiple layers to political, security and economic activities that have been damaged by instability: a dying old system, which may nonetheless have adherents, and an emerging system that may not yet have gained full traction.

Finally, it is important as part of getting context and complexity correct to differentiate both the means and goals of responding to an irregular conflict—for example, in a counterinsurgency or a stability operation—from those that characterize a humanitarian operation. That latter often involves large and rapid inflows of resources to meet basic human needs as a result of a complex contingency, civil conflict, or natural disaster. Humanitarian operations are generally conducted by external donors in response to host country resource and capacity shortages. The transition of responsibilities to the host country in a counterinsurgency or a stability operation is fundamentally different. Humanitarian operations are driven by outsiders whereas counterinsurgency or stability operations involve 1) longer-term phasing; 2) institution building, and 3) most importantly, local ownership.

B. Resource Limitations

In the context of irregular conflict, resource limits will be important constraining factors. Most importantly, the host nation will generally have limited resources, and the outside provisions of resources will have limits both in terms of amount and in terms of time of delivery. Very important also will be the capacity of the host nation to absorb resources effectively.

Understanding in the specific context of a particular irregular conflict these constraints generated by the limitations on resources and the capacity to absorb resources is critical to creating an effective approach. The World Bank, in its study, “The State in a Changing World,” found that trying to do too much with few resources and little capability often does more harm than good. Rather, it strongly suggested that the state needed to focus its efforts in order to create actual achievements.¹ Indeed to overreach is likely to make failure more probable since there will not be available unlimited resources to achieve goals, and the capacities of the host nation will be degraded as it tries to do too many things ineffectively. As a second World Bank study entitled the “Breaking the Conflict Trap” has shown,² countries that have broken down into conflict often break down again within a relatively short time after an outside intervention. A “stability” structure has not been created in such situations.

While resources will be limited in a response to irregular conflict, the positive aspect of the resource question is that for some important elements of governance, non-military security and economic programs the costs are not overly substantial. By way of example, the Local Governance Project in Iraq has been in effect since 2003 and has had three resource tranches of \$242 million, \$370 million, and \$145 million, obviously far less than the multiple billions spent on military activities. Those lower costs are consistent with efforts elsewhere. Programs for governance in Bulgaria cost some \$52 million over an 11-year period; in Georgia approximately \$37 million over a five-year period, and in Romania approximately \$18 million over a six-year period.³ Technical assistance to help governments establish sound fiscal policy and taxing structures is also not particularly costly since it involves relatively few experts providing assistance. On the other hand, some aspects of the civil side of responding to irregular conflict can be quite costly. Establishment of effective police, while not as expensive as creating a military, does require significant expense—involving as it does not only training but also materiel and logistic support as well as institution building.⁴ Substantial resources can easily be expended on large capital intensive infrastructure projects. Taking account of resource constraints and seeking the best the “bang for the buck” is necessary to provide positive results in an irregular conflict.

It is important to recognize that the application of limited resources may well differ in an irregular conflict situation from that of a classic development scenario. There are fundamental differences of timing, scope, and nature of interventions in those complex political economies of societies undergoing or emerging from conflict and those of a traditional development program. Countries dealing with irregular conflict require targeted interventions and there may be imbalances between geographic areas and functional sectors as part of an effort to generate stability (even while avoiding gross imbalances).

For example, in a nonpermissive environment, those institutions that affect security arguably will need priority attention. The process of reconstituting governmental structures and institutions almost always will be a far more immediate task than in a traditional development scenario with a stable government. Ultimately, the strength of the governmental institutions, processes and rule of law will be the bulwark against further violence. In the private sector, economic activity may be directed as much to generating security or effective governance as to long-term growth.

A final resource deficit also needs to be considered and this focuses on the outside interveners and not the host nation. This is the “expertise deficit” – or the failure to provide persons with the needed capabilities and experience to deal with the very difficult problems generated by an irregular conflict. This deficit is regularly exacerbated by the failure to understand that, in addition to substantive expertise, cross-cultural understanding is often critically important (relating to the need for assessments, discussed below).

It is crucially important to generate the needed expertise before an irregular conflict—and that requires, at a minimum, creating a series of positions that provide for career development of the capacities that will be needed in such circumstances. The United States Government has taken a useful step through the creation of a reserve corps of experts, but the reserve corps is still too small and not easily deployable in actual circumstances. Moreover, those persons tend to lack experience in cross-cultural interaction—and cross-cultural interaction often is critical. Beyond position creation, research as to effective methodologies and education in civilian expertise required for irregular conflict are critical requirements. While much academic and practical expertise has been developed in certain area over the last two decades, this is not true across the board in all areas where expertise is crucial. For example, while we know much about the kind of structural assistance that countries emerging from conflict need at the macro-economic level, we know much less about when and how best to provide assistance that will help develop sustainable markets or ensure effective distribution of essential services, whether through the public or the private sector.

II. Goals and Priorities

A fundamental question for irregular conflict is defining what is the goal—how should success be measured--and how might it change over time.

Historically, it is well-established that most irregular conflicts continue for extensive periods, even when they are successfully resolved. Various studies list the average duration as nine, ten or eleven years—and many are longer. In situations where the prospect of quick success is not likely, prioritization will valuably assist the application of strategies and resources, and it should be expected that goals will change over time. It will be enormously valuable to the interveners to be clear as to what their goals are in the short, medium, and long-term.

The setting of goals is not, of course, limited to irregular conflicts. As Clausewitz states in *On War*, “no one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war and how he intends to conduct it.”⁵ A brief review of irregular challenges faced by the United States in recent years demonstrates that these often encompass multiple differentiated goals that change over time.

In the past decade and a half, the United States (generally with allies) has undertaken irregular conflicts as a result of humanitarian crisis (Somalia), civil war and ethnic cleansing (Bosnia, Kosovo), breakdown in governance (Haiti), as a second phase of an initial retaliatory response (Afghanistan), and as a consequence of an intervention initially focused on the threat of weapons of mass destruction (Iraq). In each of those circumstances, the intervention by military force relatively promptly achieved the initial objective that had generated the intervention (e.g., end of ethnic cleansing in Kosovo, retaliation against and degradation of Al Qaeda in Afghanistan). But when the United States' medium and longer term objectives were considered, it became clear that the generation of a reasonably stable situation in each of those countries was important—in general to ensure that the factors that had generated the intervention did not again occur.

It is important to recognize that the goals of the outside interveners and the goals of the host nation while likely overlapping will not always be in full consonance. The host nation may wish to control outside resources in a fashion that causes concern by outside interveners. There may be pressure for outside military forces to leave sooner than intervener calculations might deem advisable. The host nation may also desire to have long-term international assistance for reconstruction and commitment for an extended development agenda beyond what outside interveners may be willing to supply. Outside interveners, by contrast, may often be satisfied with far less in an irregular conflict than would perhaps be appropriate long-term goals for a developmental effort. Foreign policy objectives will dominate including the degree of willingness to engage in combat and suffer casualties. Donor fatigue due to the extraordinary cost of troops and reconstruction has often led to a withdrawal of effort long before the nation-state building task is completed—though that may be sufficient from an outside perspective to have generated the necessary stability.

A. The importance of time-phasing

As noted above, the differentiating factor of irregular conflict is the requirement to persuade a population to create an environment in which violence is not a key factor. But there are critical differences in achieving that objective once time is taken into account.

Based on the realities on the ground, it almost always will be the case that a multiple time-frame approach is required. The very ambitious end state of legitimate, effective, and accountable host nation government is certainly an end goal. To realize that end state, however, intermediate goals are required that articulate a transitional process of moving forward over time. These intermediate goals should define what is “good enough” and “fair enough” at various stages in an ongoing process. The intermediate goals must clearly address the appropriate sequencing and prioritization of activities, and must nest within what is sustainable in terms of resourcing over the extended periods required for genuine reform and transformation.

The skilled planner and practitioner must understand both the longer-term and shorter-term goals, the relationship between the two, and the actions necessary to achieve each over time. It is easy enough to say that, when governments are capable and efficient at meeting citizens' needs and expectations, this is the core of legitimate governance. But when violent actions are taking place, there are often three simultaneous critical deficits: 1) a security deficit—where the state

failed to protect people and property; 2) an effectiveness deficit—the failure to provide basic services and economic opportunity to all citizens; and 3) a legitimacy deficit—the failure to provide responsive and accountable government, protection of basic rights, and representation and inclusiveness for all citizens.⁶ Addressing those deficits is the core of succeeding in an irregular conflict because they form the basis of citizen expectation for their government. But those deficits normally will not be promptly remedied—and therefore a short-term strategy is one of the crucial skills of the successful irregular operation. Equally importantly, it may be critical to put one or another of the objectives as the most crucial for some period of time or for some particular place. Irregular conflicts are complex and dynamic, and they require a skilled and adaptive implementation to respond to that complexity.

Throughout the term of the irregular conflict, interveners should ask what are appropriate milestones and end points. Another way to ask this question is “what is good enough” realistically in the context and time frame. As noted above, the ultimate end point for a counterinsurgency or a stability operation may well be less than the ultimate goal for the nation-state. In such operations, a reasonable end goal may be a combination of a significant limitation of violence and that the host government should be making significant progress towards “good governance”, i.e. establishing the processes and institutions that enable a secure, legitimate, and adequately effective governance structure. That there is a trend line toward increasingly improved governance is very important for effective irregular conflict response. Precisely how far down that line is “good enough” depends on the context but key factors include that, for the most part, conflict groups within the country have chosen to utilize governmental structures to resolve political disputes, the basic structures of government are agreed upon, government can provide reasonable services, and the economy is stabilized and investment is beginning to occur. Despite those general conclusions, it should not be forgotten that the notion of “good enough” will be different each time for every host country situation and related outside intervention. Accordingly, it is important to specifically identify those goals in each particular context so activity by outside interveners and the host nation is directed toward achievable outcomes.

B. Prioritization of Substantive Effort

In irregular conflicts, governmental institutions and processes, the ability of security forces to maintain order and the social contract between government and citizens are broken, yet the available resources to respond are limited. Failed and failing states are characterized by fragile public sector institutions, weak or non-existent governing capacity and fractured ability to deliver services and goods to the host country populations. Rapid infusions of large amounts of assistance and projects compounded by multiple lines of effort often overwhelm nascent political structures with limited and weak security institutions. Massive capital inflows and multiple lines of effort are often not able to be absorbed by the legitimate government and can serve to fuel both inflation and corruption. This broad analysis leads to two important conclusions.

First, it is important to avoid over-ambition in defining a nation-state building agenda. Too broad and ambitious an agenda gives no guidance as to how actually to reconstruct a state which, given that there is an irregular conflict, has failed in its operational purposes. As noted below, any agenda should be based on a comprehensive political, military, economic, cultural and social assessment of the state. States do have multiple requirements so simultaneous lines of operation

will be necessary. But, within that context, doing some things well is important, and the need for prioritization is necessary to avoid simply doing many things but poorly. Capacity-building and institution-building are critical, but sequencing with time phased objectives is essential to ensure absorptive capacity for the host government and to avoid overwhelming fragile and weak nation-states. In short, phasing and sequencing are critical--moving forward selectively on multiple lines of operation.

Second, in the shorter-term, an effective approach would be to prioritize the governance, security, and economic actions that have significant, immediate beneficial effects on the population. Such an approach will have an important legitimizing effect and will enhance stability. While no “one size fits all” approach will be available for every irregular conflict, there is some reasonable likelihood that the types of activities discussed below will recur in multiple circumstances.

III. Implementing the Strategic Plan

How does one address the deficits of governance, security, economy, and reconciliation in an irregular conflict? One of the key conclusions of this book is the need for a thorough situational assessment involving all dimensions of the state’s political, military, economic, cultural and social characteristics to inform both strategic and operational planning. A comprehensive assessment process is essential to the design of effective irregular conflict strategies. The second key conclusion is the necessity of creating adequately effective host nation leadership over time.

A. Assessment

The assessment process must be developed as a cross-functional activity. It must integrate and understand the impact of the different elements of the plan on one another. Governance affects security which affects economics which affects reconciliation, and not only vice versa but on multiple vectors. Moreover, as complicated as this may be, effective assessment needs, at a minimum, the active input and, ultimately, the full participation of the host nation. It will require the establishment of an assessment framework applied by multidisciplinary teams with the necessary skill sets to both observe and evaluate host nation institutions and activities. In most situations, various elements of the international community will be engaged in the host nation, and the assessment process should appropriately engage internationally.

Assessment requires both the acquisition of information and the making of judgments. Over time, the “facts on the ground” almost certainly will change, and that implies the need for periodic updated assessments. A dynamic assessment process will allow for a differentiated but nonetheless focused implementation approach.

Based on appropriate assessment, outside interveners should plan a phased and appropriate sequencing of tasks, understanding that the ultimate task is for the host nation to function reasonably so as to meet citizen expectations—the crucial function is transition to host nation governance. In developing the implementation plan, it is imperative to avoid an overambitious, agenda which seeks to address all deficiencies simultaneously and equally. Prioritization and sequencing of interventions is required, because limitations on resources are always a significant

real world constraint and because there will be few host countries with an unlimited capacity to absorb.

It is critical to recognize the importance of having a dynamic approach to planning. Efforts on the ground should have consequences that change the situation, and, in response, the plan likely will need to be updated and revised. Throughout such revisions, the focus should be the paramount importance of the transition to the host nation leadership if the intervention is not to be endless.

B. Host Nation Leadership

Commitment and ownership by the host country are crucial to re-establishing a permanent legitimate, effective, and stable governance structure after a period of conflict. Initially institutions often are broken or fragmented, political processes are dismantled or ineffective, and the governments at all levels (central, regional, provincial, municipal) are either fragile or non-existent. Nonetheless, host countries must eventually take the lead in re-creating the political processes and institutions as external interveners are limited in their ability to reconstitute the state. Ultimately, it is “their war.”

There is often, however, what might be termed a “partnership deficit” in an irregular conflict – which combines 1) the inability effectively to create capacity in the host nation with 2) a lack of knowledge and understanding as to when and how to transfer leadership in an area from the interveners to the host nation. There are several reasons for those difficulties.

One of the fundamental problems in dealing with an irregular conflict, whether counterinsurgency or stability operation, are the limitations on human capital in the host nation. Those limits create a tendency for the outside interveners to take on numerous tasks. Such outside actions may be necessary at the outset of an operation, but it should not be forgotten that the goal of the operation is to create a sovereign and independent host nation. Establishing a pattern of dependence on outside interveners is not a long-term solution. Development of human capital at all levels is therefore critical. Building human capital is difficult and often time-consuming. Training usually is not enough--institutions must be created which require more than a training/educational approach. Coaching and mentoring by the outside interveners is also key and should be undertaken as much as possible, rather than the easier short-term solution of control by the outside interveners. Coaching involves both advising and action--the transfer of knowledge first, but ultimately the transfer of responsibility for action. Implementing projects as the responsibility of the host-country nationals is the goal of the operation.

To be sure, there are areas on the non-military side of responding to irregular conflict where reasonable results generally are able to be achieved. For the most part, these involve more technical areas where analysis has proceeded and where resource requirements are not substantial. Examples include the creation of a currency or the running of an election or even the establishment of regulatory requirements for an industry like telecommunications. Those are not trivial achievements but the effort generally falls down where expertise has to be devolved on an ongoing basis to numerous persons in the host nation.

The partnership deficit obtains, in part, because of a lack of human capital, but it also arises because of an insufficient provision of resources in helping establish host nation capacity. The value of sufficient resources can be illustrated by a comparison of the historical effectiveness of training host nation militaries as compared to training host nation police. In significant part, the former's greater effectiveness is because the United States has had long experience in training militaries, and has both a doctrine that demonstrates how to do this as well as an understanding that substantial resources will be required to be successful. By contrast, police training is often done without consideration of the full-fledged approach needed—not just individual training but also the institutional requirements noted in the section on police (below). What is true for police training is similarly true for the judiciary—the effort is under-resourced and generally not done in a comprehensive fashion—and the issue of inadequate resources on the civil side can be made more generally beyond these examples.

The third difficulty relating to the transfer of authority and the establishment of host nation leadership is the issue of corruption. The problem of establishing an adequately honest government—i.e., dealing with corruption—needs far greater analysis inasmuch as corruption can cause a government to be illegitimate from the population's point of view and thereby undercut the thrust of the response to irregular conflict.

It is improbable, to say the least, that all issues of corruption will be eliminated in the context of an irregular conflict—and there are cultural differences where what would be considered corruption in the United States might be more acceptable elsewhere. But it is not the case that the problem of corruption is of no consequence. Deep corruption can seriously affect the population's perspective on the government—and, as noted, a negative perception essentially can cause the attempted response to irregular conflict to fail.

There will not be any simple answers—and each situation may be different, but it is certainly the case that the matter can be thought through and guidance provided. As an example, consider the issues of corruption in a recovering economy. Countries in or emerging from irregular conflict are beset by challenges emanating from the illegal and illicit sectors of the economy. It may be that a highly differentiated response would be appropriate. For example, there may be entrepreneurs in the gray economy⁷ whose activities can be transformed and channeled into the formal sector. It may be that the financing, production, and distribution of illegal products are key elements of livelihood for important elements of the population and cannot be ended without some substitution. Focus might then be on substitution and also on higher level persons who really run the illegal trade. But the main point is that thought needs to be given to the need for accountability, transparency, and rule of law—and how, and to what extent, this can really be accomplished in the context of a particular conflict.

Obstacles to building a partnership with the host nation may go well beyond inadequate capacity, lack of capability, or high levels of corruption. Political differences between external actors and host nation authorities are inevitable. Some of those differences will reflect fundamental discontinuities between the interests of host nation political elites and those of their bilateral and international partners. The key points are that, on the one hand, the host nation will not necessarily do what outside interveners would like, and that, on the other, in some cases host nation guidance may not control the agenda, regardless of the need for host nation ownership. A

further complicating factor is that outcomes from outside intervener actions and those from host nation partners often are not linear. Unanticipated second- and third-order consequences of actions to address an insurgency may not be what interveners—or host nation partners—want. All these complexities mean that while limited objectives, like reducing violence, may be achievable in the short term, broader and more comprehensive objectives, like achieving good governance or restoring rule of law, may be less achievable and require much higher commitments of resources over much longer periods.

In sum, we need to develop as part of an integrated strategy a thoughtful approach to developing host nation capacity and transferring authority. Just as we expect to put a very strong effort into the creation of an effective host nation military, we should equally expect to put a similar effort into the establishment of effective host nation civil capacities. We also need to take account of the potential limits of host nation capacity and of the potential differentiation in goals between the host nation and outside interveners. Those factors should be an integral part of any overall strategy.

C. Governance

While the conventional wisdom states with some accuracy that security is a *sine qua non* of any effective state-building, a legitimate political framework accepted by the population is equally crucial. In some cases, a political consensus may even be a precursor to establishment of security, and the political framework and agreement between the power brokers of society often are necessary to establish security. Both the political agreement and the establishment of security almost always are interactive—and should be reinforcing. Accordingly, the process of re-establishing legitimate governments, which occurs at each of the local, regional, and national level during and after the conflict, is a critical and priority task.

External interveners, in helping establish interim governments or supporting existing ones, in dealing with local and national power brokers, and, as necessary, in helping establish a constitution and laws are involved in state- building. Re-establishing constitutional and judicial processes, curtailing the excesses of power and spoilers, brokering ethnic, religious or political power-sharing and defining executive, legislative and judicial systems are ongoing throughout an irregular conflict and constitute the basic building blocks which sustain any peaceful resolution of conflict. It is not only the monopolization of power that is sufficient to ensure that a nation-state is on the trajectory for a viable and resilient state; legitimacy and effectiveness are the necessary elements in a stable society. A permissive environment is not the *sine qua non* of state-building, as the process of institutional development and capacity building is not generally a linear progression, and can—and should—be established in a nonpermissive or semi-permissive environment. While these processes should proceed somewhat more easily in stable permissive environments, shifting power elites, spoilers, and both interim and extant government leaders will influence and affect the governance building in both non-permissive and permissive environments. Ultimately, there needs to be a governance plan, properly resourced, that allows what will necessarily be a distributed central, regional, and local effort to go forward in a reasonable fashion.

In order to be effective in the establishment of governance, the outside interveners should be aware of the “rules of the game” as to how governance has actually been undertaken in the host nation. As noted above, “rules of the game” refer to the existing informal and formal legal and power arrangements that assist in brokering power sharing, mediating disputes, and allocating resources. These rules are imbedded in the culture and social norms of a society. Any new legal code or laws will necessarily be established against the background of these rules. It is important to understand them in order to determine whether they can be built upon and where they need to be changed. This would include the determination of whether they meet international codes of conduct or standard human rights conventions that the outside interveners should insist upon. It is difficult to believe that an intervening force can impose a specific body of law without consideration of the existing legal structures, informal rules and practices, and cultural norms and patterns of behavior—but it is not the case that all practices of a society that has needed a stability operation have to be accepted. Depending on the context, it often will be the case that a full-blown governance structure will take time to be established and to become effective. In those circumstances, it is useful to think in terms of developing a rules-based structure which supports the progress towards stability.

One of the fundamental issues that outside interveners will face in an irregular conflict is “which leaders” and “which elements” of the population will receive their greatest support. In his classic analysis “Counterinsurgency Warfare,” David Galula states:

“The strategic problem of the counterinsurgent may be defined now as follows: ‘To find the favorable minority, to organize it in order to mobilize the population against the insurgent minority.’ Every operation, whether in the military field or in the political, social, economic, and psychological fields, must be geared to that end.”⁸

It is worth underscoring that Galula’s approach does not say “support the government.” The key in his analysis is finding the active and favorable minority in the population—and while presumably that would include the government that is being supported, there is a broader approach being proposed and one that encompasses not only government officials but more importantly an entire critical citizenry. One might expand Galula’s analysis to refer to favorable groups—not just one minority—and even to a majority—but the key point he makes is that one must know with whom one can work, initially and then later as events progress.

Galula’s analysis logically leads to the conclusion of engaging both civil society and private sector institutions. Depending on the particular circumstances, this may prove a complicated task. As Richard McCall notes in Chapter 2 (*infra*, p. 32):

While most nation-states have gone through creation of institution and processes at all levels, the citizens of many of these countries may not have. They have not had the opportunity to participate in processes where common values are identified and agreed upon, and institutions created where this fundamental societal consensus is reflected.⁹

In virtually every failing or failed state, there tends to be strong identity at the ethnic, religious or community level. If skillfully implemented, the processes of institution building at all levels of

society can transcend the sometimes divisive nature of localism, communalism, ethnic or religious divisions and assist in building national identity. Interveners need to give thought to these approaches and recognize that such institutions may include activities as diverse as military and police, on the one hand, and education and health committees, agricultural cooperatives, parent-teacher associations, or water boards, on the other.¹⁰

Ultimately, the need for the support of the “favorable minority” underscores, however, the importance of legitimacy of governance. As discussed above, to the extent the government is seen as corrupt or otherwise nonresponsive, the greater the difficulty of generating support. Government corruption and ineffectiveness are often both causes and consequences of irregular conflict. Corruption is usually an omnipresent threat to the legitimacy and success of state-building efforts. It can siphon off vast amounts of public resources needed to restore services, encourages the perception of kleptocratic government as inevitable, demoralizes a society and enhances the perception of the illegitimacy of a regime. Rampant corruption also has an impact on the donor community--both international financial institutions and bilateral donors are either hesitant or prohibited from providing financing for “rent-seeking” regimes. Especially when the central government is tarnished with these concerns, the outside interveners may have to focus very heavily on local governance if they hope at all to be successful.

Based on this analysis, several conclusions can be reached to help organize the approach to governance in an irregular conflict.

First, the issue of configuration of a nation-state in terms of centralization and decentralization generally will be a false dichotomy. Essential central features of a state – constitution, the ability to hold relatively free and fair elections to ensure a peaceful transfer of power, and establishment of certain key security institutions (e.g., military, border control) to provide stability--are necessary. However, important building blocks of a state also include the subnational (regional and local) units. These local units most obviously include traditional municipal services. Other functions, such as taxing, control over resources, and police and security can function at the national and/or regional/local level, and political decisions have to be made as where to vest such powers, which may be overlapping.

Second, often the central versus local dispute is a surrogate for issues of power sharing and/or distribution of assets and resources among diverse—and frequently opposed—groups within the host nation. Resolving such questions, which are ultimately political, requires understanding the underlying political and economic structures of the host nation, which are much more important than abstract discussions as to the relationship between central and/or regional and local governments.

Third, given that there are relatively scarce resources to establish or alter governmental structures, the overriding principle for sequencing the development of government should be to address the part of the government that has the greatest impact on the overall effectiveness of government and/or the condition of the populace, economically or otherwise.

D. Integrating Security and Governance: Policing, Non-State Actors, and Justice

The importance of a political framework is not to deny the importance of security. Irregular conflict is defined by violence or its threat, and that needs to be confronted, limited, and reduced. Depending on the precise circumstances, rebuilding security therefore generally requires effective implementation of military tasks but, equally and sometimes more importantly, the implementation of non-military tasks which are essential to restoring legitimacy and functionality in the security sector. Most critical among these tasks are restoring police services, dealing with non-state security actors, and restoring functionality to the justice system. Each of these elements involves both security and governance, and each presents difficulties, but the requirement for their effective integration has not yet been sufficiently developed.

As noted above, military activities, which are important elements in dealing with an irregular conflict, have been analyzed substantively elsewhere. While much can be said about them, three points that seem critical to underscore are that 1) the military aspect of responding to irregular conflict is manpower intensive—enough forces are necessary, 2) creating an effective host nation military is crucial but time-consuming and resource intensive, and 3) the military effort needs at all times to be integrated with the civil effort. In the analysis that follows, we assume that each of these points is understood and followed.

1. Restoring Police Services.

The police function can be extremely complicated. One of the critical questions for rebuilding the law enforcement sector is what type of police is appropriate for that particular host nation. The question encompasses both institutional structures and functional capabilities. Institutionally, police forces can be organized centrally in a national police force, or may be decentralized in regional and local bodies, or may involve a combination of the two. It is important to determine what model will be followed, and how it will be established, in the early stages of planning. Key questions to be answered in the assessment process should include who hires the police; who directs police operations; and what is the relationship of the police to the national, provincial and local power structures (accountability). If a national (centralized) model is being utilized, activities should include capacity building at the ministerial and national police headquarters level, and should support the development of relationships between the appropriate host nation ministries and local policing activities.

Police capacity building requires an integrated effort to be effective: that effort must encompass individual and collective training of police forces; establishment of effective support (including pay, materiel, and logistics) for those forces; and the development of host nation senior leaders in the law enforcement sector. The difficulty of building an effective police establishment is well-known.¹¹ The full institutional support that is needed for individual policemen (pay, materiel, logistics, judicial framework) is very difficult to create quickly, but there are some useful approaches that can be undertaken.

First, as has been regularly done, outside interveners can support, train, and/or direct police activities in a host nation. Determining the appropriate role(s) for external actors in host nation policing is critical and should be thoroughly addressed in assessment models. Moreover,

whatever the initial role(s), external involvement in policing will almost certainly change over time: planning should shape that change to support progressively greater host nation autonomy. Where external actors and the host nation exercise “shared sovereignty” in directing or controlling police operations, processes for the direction/control of police, including “right-hand seat” guidance, must be jointly developed and implemented, with due recognition of the legitimacy issues raised by outside control of or participation in host nation policing activities.

Second, police training itself is best done by specialized, knowledgeable trainers. In a permissive environment, police capacity building should be conducted by personnel with training and experience as civil law enforcement officers. It is certainly possible for the military to provide police training if the trainers are knowledgeable in police techniques. If the military is used in such a role—generally because of the lack of other available resources and/or the problems of scale—there may be value in complementing the military trainers with trainers drawn from traditional police backgrounds.

Third, police training is not enough. If host nation police are to be effective, they need to be provided appropriate support when inserted into the local environment. At a minimum, this support must include adequate enabling materiel, logistics and a robust police advisor effort. In non-permissive environments, direct military support and operational collaboration between police and military units will be required to enable host nation police operations; military and law enforcement planners should incorporate that requirement into stabilization planning models.

Fourth, programs focused on building police capacity must be adequately resourced and sustained over time. Police training is manpower intensive—and this is true even when the effort is to “train the trainer”—and programs must provide sufficient technical trainers and police advisors to raise host nation policing capacity to levels required for transition within the projected transition time frame. Funding for police capacity building should be adequately planned, and adequate funding levels must be established and maintained until requisite host nation capacity is achieved.

Fifth, beyond training, operational effectiveness demands sufficient police resources. Mobilizing these resources, and sustaining necessary levels of funding over time, demands a very significant amount of international support. Failure to provide—and sustain—such assistance will lead to the absence of a functioning host nation police element, significantly undercutting the prospects for success in all of the stability operations functional areas.

Sixth, building police capacity needs to be started promptly, much more promptly than generally has been the case historically. Unfortunately, while the use of outside police to train, and sometimes provide, police capacities has become relatively common, those efforts have frequently been quite slow, limited in scope and not very effective. While there is a broad understanding of the importance of incorporating external police forces in the planning for irregular conflict operations,¹² in reality it often takes a significant period of time—a year or more—to create such a deployment.¹³ Such a gap can create the opportunity for significant disruption by insurgents and other spoilers and seriously undercut the legitimacy of governance.

Seventh, policing activities likely will differ in important ways, depending on whether the host nation (in whole or in part) presents a permissive or non-permissive environment. In a permissive environment, policing should focus on traditional law enforcement techniques, such as investigation and community policing. In a non-permissive environment, determining whether the police are being targeted is critical in the assessment phase, and assessment models should incorporate that as a fundamental task. Where police are deliberately targeted by combatant groups, planning must include an appropriate concept of operations for police force protection that does not, itself, undermine the legitimacy and functionality of host nation police forces. In such cases, policing may be extended to include a paramilitary element, focused on responding to insurgent, terrorist, or other major violent activity. Alternatively, military forces may partner closely with police in non-permissive or semi-permissive environments to meet police needs for force protection against threats that exceed the capabilities of the civil law enforcement sector.

One approach that can bring together both the police element and the military element would be to field a stability policing capability, either by deploying external stability police units, or by building a host nation stability policing capability. This capability would consist of formed stability police units that would be integrated with local police forces. Italian Carabinieri—one of the primary examples of stability police forces—have police capabilities as well as sufficient firepower and training to respond effectively to military threats. Local police are still fully necessary, and so must be established as a priority step, since they will provide the actual policing services upon which community-based security is founded. But carabinieri (supported by military forces, if necessary) have a far greater capacity to deal with heavily armed insurgents—carving out a secure space for local police forces to police their communities. If the host nation requires a paramilitary stability police force, then military training will be required for those forces—and the U.S. should seek assistance from bilateral partners who have paramilitary police forces (Italian Carabinieri, French Gendarmerie) in structuring, equipping and training that capability.

Finally, given the crucial nature of police to both security and governance, police effectiveness should be assessed on a regular basis as the response to irregular conflict proceeds. The most critical measure of effectiveness should be the degree to which host nation communities rely on their own police as the first responder of choice, rather than militias, military forces (external or host nation), or private security companies.

2. Dealing with Non-State Security Actors

Host nation police and militaries often will not be the only—or even the most important—security actors in an irregular conflict. Non-state security actors may be critical groups in affecting the security environment, including providing security at the community level. How to take account of the presence of such groups in an irregular conflict has only been systematically addressed in quite limited fashion—even though their critical nature is well-known in key conflicts. From a theoretical perspective, interveners would generally wish to limit as much as possible the existence and power of non-state security actors. Non-state security actors are distinguished by their capacity for utilizing violence, and so undercut the process of re-establishing the state monopoly on violence, a key objective in an irregular conflict. But

irregular conflicts do not happen in theory, and the reality of the circumstances may require working with non-state actors to create security.

In the effort to establish security, militias or other non-state actors can sometimes have a positive impact, becoming collaborative partners with intervening forces and extending the reach and effectiveness of those forces. Because of their intimate involvement with local communities, militias and other non-state actors can limit violence in the communities in which they operate. Indeed, such non-state actor security forces often may be more trusted by some elements of the populace than the host nation government and/or host nation security forces. Furthermore, beyond pure security, militias and other non-state actors can be “youth hiring” programs for potential negative actors—although an important question is whether such actors might better be transitioned to a less potentially violent civilian corps focused on the non-security aspects of reconstruction.

While non-state security actors may be necessary (or inevitable), there are definite downsides that need to be taken into consideration. Militias and other non-state actors generally lack any accountability mechanisms and often themselves become perpetrators of violence and human rights abuses against civilians. Such actions can create or reinforce a culture of impunity and undercut the authority of the host nation government, undermining efforts to restore legitimate and effective governance.

When militia and/or other non-state actors are used to generate security, the theoretically desirable outcome is a transition to a situation where the state will incorporate or otherwise control the militias or non-state actors, restoring the state monopoly on the use of coercive force. Such a transition may be quite difficult since the non-state actors often can be the very forces opposing the state—for example, in a civil war. Outside interveners may play an ameliorating and bridging role between the non-state actors and the state. That hardly is an ideal situation, but it may be an important way to create interim stability. In such circumstances, interveners need to consider how long such an intermediary role will need to exist—and what would be a path to a more stable longer-term situation. Ideally, eventually the non-state actor and the state will be brought together, but in some situations—particularly where there is a highly federated governance circumstance, the non-state actor may not soon come under central government control. In that situation, it is still important—to the extent practicable—to bring the non-state security actor under local government control in order to effectuate a more stable security situation and a more legitimate government in the region.

Where militias or other non-state actors play a role in generating a secure environment, several key issues must be addressed, all of which go ultimately to the issues of control and the longer-term existence of these types of forces. At the broadest level, it will be important to establish the relationship between non-state security actors, external forces, and the host nation government, including host nation security forces. That set of relationships likely will be created in significant part by several prior considerations. First, what benefits do the forces potentially bring, and, can they actually be demobilized without significant downsides? Second, if they are to continue in existence, how will their roles interface with actors in the formal host nation security sector or external security forces? Who will advise the non-state security actors, what mandates and authorities will those advisors exercise, and who will direct the advisor effort?

Third, who will pay the non-state security actors, and what levels of compensation will be provided?

Ultimately, the non-state security actor may be a key participant in creating an adequate security situation in an irregular conflict. But utilizing such actors may demand a very adaptive strategy that allows for flexibility in the concept of government monopoly over the use of violence. This may only be a least worst solution, but its viability as an interim matter needs seriously to be considered in many irregular conflict situations.

3. Rule of Law and the Justice System

A critical factor in integrating security and governance is the requirement to establish a working judicial system with an appropriate legal framework and a competent functioning judiciary. Rule of law provides the foundation upon which this process goes forward. In order for rule of law to be effective, however, it must be accorded operational reality through a functioning and legitimate system of justice, including the judiciary.

A fundamental set of questions revolves around the issue of what rules of law apply during an irregular conflict. Intervening forces must determine the relevance of law other than host nation (law of armed conflict, human rights law, national laws of intervening state or states, occupation law, martial law, UN resolutions, or some other alternative) to their operations. From a host nation legitimacy point of view, it will be most valuable to have the host nation apply its own laws (at least if these are not entirely discredited), but outside interveners may not agree, especially when considerable violence is ongoing. In an irregular conflict, the militaries engaged normally apply the law of armed conflict (with not all involved militaries necessarily in agreement), although the host nation (and, occasionally, external military forces as well) may regard insurgents as criminals subject to host nation criminal law rather than lawful combatants.

There also are relatively new issues, such as how host nation law will apply to outside programs and program implementers and, especially, regarding the role of private security contractors. The main point is that, in any irregular conflict, there needs to be substantial, advertent focus on what constitutes the “law” and how it is to be applied. Interveners and the host nation government must determine to what extent the concept of shared sovereignty between interveners and host nation will apply, and must establish mechanisms and processes to implement shared sovereignty where required.

While intervention for stability operations purposes often means that the rule of law is not operating in the host nation, there almost always will be a host nation rule of law framework or frameworks. Identifying host nation rule of law frameworks is an essential task for the assessment process. The assessment process must recognize and identify competing frameworks where they exist, and determine the level of legitimacy that each enjoys among local communities. Once the assessment process has identified existing rule of law frameworks, planning must determine which frameworks will be adopted and how they will be applied. This is not a static process. Rule of law frameworks can be expected to change as transition goes forward and host nation sovereignty is re-established; planning must both reflect and shape that change.

Input from the host nation will be critical in both the rule of law assessment and in determining what rule of law frameworks to employ. The nature of that input will be affected by the status of the host nation and its government, but even where the host nation government is not currently functional, ways and means must be found to support host nation participation in this process. Moreover, programs should recognize that changes will be necessary over time in all of these areas, and planning must be undertaken to support such changes.

Finally, it should be recognized that decisions regarding the host nation rule of law framework will generate critical issues in related areas of governance. The rule of law framework adopted may require restoration of or changes to host nation governance structures and processes, or rule of law may itself be affected by those governance structures and processes. In this event, determining the appropriate rule of law to apply will be tied closely to the implementation of required changes in the political processes of governance. The rule of law model adopted may also influence the relationship between central government authority and local governance structures (including customary and traditional structures); planners must recognize and understand that influence and determine how it will affect the effort.

Rule of law will have limited impact if justice system mechanisms and processes lack functionality or legitimacy. Courts are obviously critical to the irregular conflict effort, and courts have the added virtue of being a very visible step in establishing legitimacy for governance. It has, however, been very difficult to establish courts in the circumstances of irregular conflicts, especially beyond central cities.¹⁴ Planning must determine how the judicial process will be staffed and otherwise supported. The necessity of the intervention implies that it may take time to create a fully functional rule of law process: interim processes need to be “fair enough” in the eyes of the host nation and related to international norms to support transition to a fully functional and legitimate host nation rule of law framework; what is “fair enough” will probably change as transition proceeds over time.

It will be critical for interveners, in collaboration with the host nation government, and possibly with local communities as well, to have calculated what type of judicial capacity needs to be created, and how much to rely on existing arrangements. For example, many developing societies rely heavily on various types of local justice and customary practice.¹⁵ A local approach may be invaluable—justices of the peace or local magistrates, for example—but there may be limits on the types of cases that should be dealt with by such an approach. Again, by way of example, programs must determine the role that the formal judicial process will play in the host nation criminal justice system, and what other, informal processes will be used, if any. It is also possible that different systems will be used in different parts of the country, differentiated either geographically or on urban/rural grounds. In some cases greater usage may be made of at least some aspects of traditional rule of law processes even though those may not conform to formal systems of codified law or to the standards the interveners themselves hold.

In at least some circumstances, one approach that should be considered to remedy some judicial deficiencies is to supplement on a temporary basis the judges of the host country with judges from the outside—somewhat along the lines of international police. If the use of outside judges is undertaken, significant consideration needs to be given to where the outside judges would

come from—perhaps sanctioned in some fashion by the United Nations or another recognized international authority—and who would appoint them—perhaps a type of host country consent could be generated.¹⁶ There can be little doubt that this is not a perfect solution—it may undermine the legitimacy of the host nation, at a minimum.¹⁷ But the question is whether the loss of legitimacy generated by the use of outside judges will be more harmful to the establishment of governance than the absence of justice produced by dysfunctional host nation judicial bodies. To meet the legitimacy considerations, any outside judicial involvement should be done as much as practicable within the host nation’s structure of governance¹⁸ and should be planned to be transitional in nature, with the host nation assuming full responsibility for the judicial system by the end of a designated period. “Shared sovereignty” of this type may be a “least-worst” solution.

Finally, planners must determine what sequence should be utilized in restoring a functional justice system and establishing judicial processes more broadly. Whether the greatest effort should be on criminal processes or extended to include commercial law, for example, is a question that should be addressed in the assessment process. Corrections must be included in this assessment as well, to ensure that judicial outcomes are adequately supported by the appropriate penal institutions. Where the role of former fighters is significant, reconciliation may offer an alternative to criminal prosecutions as part of a broader disarmament, demobilization and reintegration program, as noted in the subsequent section on reconciliation.

E. Economics

Economics in the context of irregular conflict provides both a key line of operation and also a supporting effort particularly for governance and legitimacy. Broadly speaking, there are four economic approaches that are regularly utilized, generally in overlapping fashion. The first is to pursue macro-economic policies that organize and transform the structure of the economy. The value of the macro-economic approach in irregular conflict is reflected in the notion that a rising tide lifts all boats. Presumably, a better off population will be less receptive to insurgency and instability. The second approach is a focus on micro-economic measures that create wealth. The effort here is at the individual and enterprise level and seeks to restore basic livelihoods and resuscitate local and regional markets. Job creation is often at the center of this approach, the idea being that new government-sanctioned jobs limit the attractiveness of insurgency-related employment as a source of income. Demobilization programs often reflect this consideration. This micro-economic approach reflects the notion that it is better to teach a man to fish than to give him one—and that a satisfied fisherman is less likely to be a dissatisfied insurgent. The third way to re-energize the economy focuses on building the capacity of government to deliver essential services to the populace. The better the government does this, the greater is its legitimacy in the eyes of the population. This focus reflects an institutional approach, one that is often oriented toward short-term results that demonstrate that the government supports the populace. If the government goes beyond services and also focuses on itself providing employment, there is an overlap between the second and third approaches. The fourth economic effort is intervener-oriented and focuses on the provision of humanitarian assistance. This humanitarian approach reflects the fact that quickly meeting the basic human needs of the populace is critical during a period of sustained intense violence and its immediate aftermath.

Broadly speaking, then, the economic path to success in an irregular conflict involves restoration of pre-conflict livelihoods, re-opening of markets, and re-establishment of a governance framework that can sustain economic growth. None of the above is easy to do. Foreign interveners have not had much success in rebuilding the economies of states affected by irregular conflict. Many economic initiatives have been of some benefit to countries that followed the path to success in irregular conflicts, but the results of donor-initiated development programs have been disappointing historically. National development being such a complex process and so conditioned by unique circumstances, the claims that are made about the extent of the support that economics provides toward the restoration of legitimate governance and security and stability—and *vice versa*—can often be as much a matter of common sense assertion than of data-derived fact. Focused research in this arena would be highly worthwhile.

Common sense nonetheless strongly suggests that economic means should be used to support government legitimacy and security. But what is the right priority of approach for a country engaged in irregular conflict to be on the path to success? Since meeting critical human needs is imperative in war-torn societies, the activities that should be pursued first are those that address the immediate basic needs of the populace. Because such humanitarian aid generally does little to develop a country's economic structure, the key issue is not whether to give such aid in the wake of long-sustained violent conflict, but when and how to effect the transition from humanitarian to development aid.

Generally, the best approach, following the provision of humanitarian aid, will be a combined macro, micro, and governmental service efforts—though the exact combination will depend on the context of the particular country at issue.

At the macro level, the priority should be the establishment of the economic superstructure of the country afflicted by conflict. This macro-structure encompasses the basic fiscal and monetary institutions and policies, and the government's economic governance capacities that must be restored or strengthened. Failure to regenerate basic economic structures will make it very difficult to accomplish micro and government service activities—for example, implementation of improper monetary and fiscal policies generally will lead to results such as hyper inflation or government bankruptcy, undercutting the legitimacy and making far more difficult success in the irregular conflict.

Several steps must be taken on the macroeconomic front to transform the structure of an ailing economy. First, it is critical to initiate economic policy programming without waiting for complete stabilization. Capacity development and governance programs need to be started early, and many policy interventions designed to facilitate economic growth can and should be implemented at the beginning of the rebuilding process. The early attention to the fundamentals of economic growth increases the likelihood of preventing a return to conflict and of moving forward with renewed growth.

Second, a key element is to devise and implement a strategy that creates or restores indigenous-led growth. The goal should be opening up or re-opening the market environment in a complex political economy. The strategy should focus on indigenously sustained growth through productive employment. More broadly, there needs to be made plans to intervene in multiple key

sectors of the economy, including: 1) fiscal and monetary policy; 2) employment generation; 3) infrastructure; 4) private sector development; 5) agriculture; 6) banking and finance; and 7) international trade and border management.

Third, it is important to consider all layers of an economy, not just the formal sector. Much of the economic activity in conflict-affected countries takes place in the informal sector or the gray economy. In some countries, much activity occurs in the black or criminal economy. Conflict-sensitive growth includes transformation of these parts of an economy in order to facilitate economic governance and sustain economic growth.

Fourth, there is no doubt that hard choices, which will disappoint some, will have to be made. The complex political economies of societies undergoing or emerging from conflict require targeted interventions. This means that there will need to be some acceptance of imbalances between geographic areas and economic sectors during stability operations, while avoiding extreme imbalances that overly favor one over another.

As critical as the macro elements of economic efforts are, the populace will not feel the positive effective of economic transformation until the economy starts to create wealth on the micro-economic front. This can be done by implementing labor-intensive public works programs, enrolling young people in training courses and apprenticeship programs, and extending microcredit to small entrepreneurs and larger loans to commercially viable firms. Concentrating on short-term simple recovery programs that quickly create jobs and improve livelihoods is important. Infrastructure projects such as roads that can be part of a labor-intensive public works program can be valuable. Similarly, consideration needs to be given to reactivating state-owned enterprises that can supply goods and services at competitive prices.

Finally, as Rachel Blum and Jerome LeBleu point out, “channel[ing program funds] through existing service providers—commercial banks, microfinance institutions, local consulting firms, and non-governmental organizations—rather than through new service delivery entities will build up functioning markets.”¹⁹ Making the markets work with and through local suppliers will minimize the local populace’s dependency on foreign aid.²⁰ Likewise, contracting out much of the infrastructure work to indigenous firms that were engaged in such activities before conflict erupted will enhance local economies. In short, ensuring that the local populace is the main supply source of labor and goods and services is key to the recovery effort.

As these activities go forward, there are three important considerations that need to be taken into account.

First, it is important to recognize the costs in establishing a short-term jobs creation program. It takes substantial funding to create and sustain a large number of short-term jobs during and immediately following substantial conflict. But, despite the costs, creating such jobs at a point when a disaffected populace may just as easily be tempted to support insurgents as the government may be critical to the success in irregular conflict.

Second, local institutions and host government often cannot absorb the substantial financial assets that the donors can provide, especially at the beginning of an intervention. The large,

rapid infusion of capital in weak financial systems frequently exacerbates rent-seeking; *i.e.*, the attempt to obtain income, licit or illicit, in excess of that which would result if the financial systems could easily and productively utilize the capital inflows. A transparent public finance system needs to be established, individuals trained, and a project management program developed to properly administer and utilize large capital flows.

Third, it is important to take account of perceptions. Aid is not neutral. The effect of its provision is a function of to whom it is given, when, and how it is channeled.

F. The Role of Reconciliation

Success in irregular conflict normally will require persuading not only the population at large to seek to create a stable environment, but also persuading at least a reasonable portion of the opposition—however that opposition may be structured—that it is in their interest to participate in such an environment. That is the task of reconciliation, which focuses on the opposition, though it will utilize the techniques of governance, security and economics—as well as negotiation—to achieve its ends.²¹

Historically, reconciliation has been important in ending conflicts as divergent as Malaya, El Salvador, Angola, and Bosnia, but the means have often been very different. There are some considerations, however, that deserve consideration generally.

First, the relative strength of the parties is quite important. In general, the side with the military upper hand will find it easier to motivate at least some of the opposition to end resistance if for no other reason than to be on the winning side. In some conflicts, military exhaustion may also engender a willingness to reconcile.²²

Second, there often will be different views among an opposition as to the willingness to consider reconciliation. Seeking to understand those differences, and establishing a strategy that takes advantage of them is important.²³

Third, depending on the circumstances, reconciliation efforts may be focused on top-level leaders, mid-level persons, or at the grass-roots, or some combination—and the effort may be group-focused or individual.²⁴ In any situation, it should be recognized that being a part of the opposition may have provided a structure for an individual in terms of a place in society, a job, and a type of security—and that an effective reconciliation strategy must take that into account.²⁵

Fourth, it is important to evaluate which portions of the opposition, if any, will not be subject to generally proffered reconciliation. Exclusions often have very valid grounds, but their existence usually will mean that some portion of the opposition will have to be defeated militarily or through some other security measures.²⁶

Fifth, a reconciliation strategy generally will need host nation government ownership because ultimately it is with the host nation that the opposition must be reconciled. However, it is sometimes the case that outside interveners may be in a better position to begin some aspects of

the reconciliation—in part because they may be more trusted by the opposition than the host nation. (The Sunni Awakening in Iraq is an example.)²⁷

Sixth, if there is widespread opposition, there may be numerous entities involved or in place to be involved in reconciliation. However, a central focus point in the host nation and by the interveners will be important to maintain a common strategic approach. Implementation can profitably be done in many instances on a wide-spread basis if there is adequate central strategic guidance.²⁸

Successful reconciliation will require governance, security, and economic efforts. In the governance arena, the very design of government may be critical. Ensuring executive and/or legislative representation for divergent groups can be a fundamental factor.²⁹ Efficiency may sometimes be sacrificed in order to obtain buy-in and stability. There may be a price to be paid later if complexity undercuts governance and growth, but that price often will be worthwhile if necessary to end a violent unstable situation—and, over time, as trust builds, a more efficient governance structure may be able to be built.

In the security arena, dealing with non-state security actors, as discussed above, can be an important element of reconciliation. Ultimately including such actors in the military, police and other state security institutions can be important to reconciliation.³⁰ A serious pledge to support the government is critical, and the ability to create integrated security forces is highly valuable. In some instances, there may be a need—at least for a period—to establish arrangements that give some elements of an integrated security force greater autonomy than would be implied by full central government control. As noted above, that is not desirable and there should at least be local governmental control over such forces even if the relationship to the central government may be more uncertain.

A particular aspect of reconciliation consists of disarmament, demobilization and reintegration (DDR) programs, frequently run under United Nations auspices. Usually, these formal programs are part of a negotiated peace agreement. DDR programs have been a component of United Nations missions established in Sierra Leone (UNAMSIL, 1999), the Democratic Republic of Congo (MONUC, 1999), the United Nations Mission in Liberia (UNMIL, 2003), the United Nations Mission in Côte d'Ivoire (UNOCI, 2004), the United Nations Stabilization Mission in Haiti (MINUSTAH, 2004), the United Nations Operation in Burundi (UNOB, 2004), and the United Nations Mission in the Sudan (UNMIS, 2005). The United Nations also supports DDR efforts even where there no formal missions have been established. Particularly, where there are significant numbers of opposition persons who are captured or arrested, an effective DDR-type program can be important for integrating them into the environment in a way that supports stability.

In the economic area, it is important to provide a means of livelihood to opposition individuals and groups if reconciliation is to be effective. It often is the case that higher level opponents will regularly hire elements of the population to undertake military and other actions. Providing adequately paying jobs so that opposition economic incentives are not particularly desirable is an important element of reconciliation.

IV. Conclusion: The Need for Synergy

While the foregoing analysis is separated into four broadly focused areas, this is not an additive process—success will not automatically accrue simply by accomplishing the narrow objectives laid out in each of the four areas. Governance, security, economics, and reconciliation are intertwined in ways that cause outcomes to flow across all four areas simultaneously. Unless we fully understand the ways in which activities and decisions in one area influence, and are influenced by, those in the others, we run the risk of building programs that are internally inconsistent and fundamentally flawed. Alternatively, if we can develop an adequate understanding of the relationships between and among the areas, we can sequence and prioritize activities to optimize outcomes in a holistic and synergistic way. We offer the following as a first step in this process.

Governance emerges as affecting both security and economics. This is largely a consequence of the pivotal role played by the host nation political leadership in confronting irregular conflict. Resolving issues of who will wield political power within the host nation, and how, will impact directly on the security and economic components of any irregular conflict strategy. Activities and programs in the security and economic sectors must be more than cognizant of the governance component in this context: they must be clearly integrated with it, so as not to undermine the process of building a functional and legitimate host nation political partner.

As noted above, integrating military activities is also key. Establishing areas secure from organized violence on a military scale becomes the critical enabling step for subsequent strategies to control and resolve irregular conflict. Non-permissive environments impede and may physically prevent the implementation of stability operations in both governance and economics, and may impede or prevent progress in key areas of security sector reform as well. The very existence of non-permissive areas within the host nation will undermine the legitimacy and functionality of host nation partners at every level. Dealing with large scale perpetrators of organized violence, an inherently military task, must therefore be an early and continuing priority for stability operations.

At the same time, military stakeholders must be cognizant of the impact that military operations may have on governance, economics, and the non-military aspects of security. Of particular note, operations that suppress organized violence, but which delegitimize host nation political partners in the process, may actually exacerbate the irregular conflict that they are intended to counter. There is a difficult balance to be achieved where external military forces are primary players in the suppression of violence during early stages of an intervention. Violence does need to be suppressed but the host nation governance structures also need to be legitimized. If outside forces do not have good partners in the host nation security forces (as likely will be the case especially in the early days of an irregular conflict), it will be important to partner closely with some other elements of host nation governance if at all possible.

Local perceptions of the host nation police who deliver law enforcement services at the local level, and of the justice system that supports them, will have a dramatic impact on both the success of governance capacity building and on the efficacy of economic growth and recovery measures. Provision of host nation policing and justice services to local communities provides

immediate and compelling evidence of government functionality, and directly enhances the legitimacy of host nation government authorities. Provision of these services also plays a key role in enabling economic activities, facilitating the functioning of markets, securing private property, and protecting and regulating, as appropriate, exchanges of goods and services. For these reasons, capacity building and reform in the police and justice sector must be a part of the empowering of host nation political partners and underscores the value of creating secure (permissive) enclaves by intervening military forces.

In the economic sector, measures to generate employment and restore economic activity over the short-term will be essential to success in both the political and security arenas. While these economic measures may lack the immediacy of the political and security elements, failure to address them in the early stages of intervention can undermine stability and contribute to a resumption of irregular conflict. Lack of immediate employment opportunities for former combatants may seriously undermine disarmament, demobilization and reintegration (DDR) programs. High levels of unemployment may also negatively influence public perception of host nation government legitimacy and functionality.

Action to restore economic activity more broadly over the short-term is also essential to governance and security. Effectively jump-starting the economy in the wake of irregular conflict provides immediate evidence that transitional and host nation administrations are addressing critical public needs. The resumption of economic activity on a large scale can also provide host nation tax revenues that are essential to the restoration of government services.

Truly integrated strategies to address irregular conflict will require the development of integrated funding processes, authorities, and planning venues. These new mechanisms should facilitate sequencing and prioritizing of stability operations elements across different functional sectors and different agencies. Civilian stakeholders are especially in need of the new mechanisms, to support a civilian planning and implementation effort that is comparable to that currently in place for military counterparts. Absent a robust civilian planning and implementation capability, strategies for dealing with irregular conflict will continue to be dominated by military partners.

The importance of a synergistic approach to irregular conflict cannot be overstated. In reality, however, such an approach is difficult to achieve and is often thwarted by highly stovepiped organizational structures. The Special Inspector General for Iraq Reconstruction has set forth in detail the problems created by deficient organizational structure in his recent analysis.³¹ He has called for an “integrated management structure” and others have made similar points.³² That conclusion seems exactly correct. The United States has recognized in the context of September 11 that organizational integration was necessary to be more effective in dealing with terrorism. In the context of irregular conflict, the general mantra is the importance of utilizing “all elements of national power”—but there is no organization that effectively brings those elements together. A good start would be to establish a joint task force approach both in Washington and mirrored by a comparable organization in the field. That organization would include military, non-military security, governance and economics. It could have a leadership structure that would report to the secretary of state and the secretary of defense on a dual track—or if the President preferred to the National Security Adviser. The critical element would be the need to establish synergistic unity of effort.

An integrated strategy is critical to success in irregular conflict. It needs to develop realistic time-phased goals and a dynamic planning process that can adapt over time. It needs to build on a realistic assessment process and be supported with adequate resources. It needs to focus on developing the host nation as the end goal, and it needs synergistically to combine the military element with the civil elements of governance, non-military security, economics and reconciliation.

¹ The World Bank, *World Development Report 1997: The State in a Changing World* (New York: Oxford University Press, 1997), p. 3.

² Paul Collier, V. L. Elliot, Havard Hegre, Anke Hoeffler, Marta Reynal-Querol, and Nicholas Sambanis, *Breaking the Conflict Trap* (New York: Oxford University Press, 2003).

³ Author's estimates based on USA and state data.

⁴ See, for example, Robert M. Perito, "Afghanistan's Police: The Weak Link in Security Sector Reform," *U.S. Institute for Peace Special Report 228*, July 2009.

⁵ Carl von Clausewitz, *On War*, Beatrice Heuser and Peter Paret (eds.) (New York: Oxford University Press, 2007 edition), p. 77.

⁶ See Brinkerhoff, Chapter 2, *Civil Power in Irregular Conflict* (Alexandria: CNA, 2009 [forthcoming]), p. 32.

⁷ The gray or shadow economy "consists of business activities that are not accounted for by official statistics. It includes (the...black market) and activities that are in themselves legal, but go unreported or under-reported for purposes of tax evasion." Source: *Beyond Economic Growth: An Introduction to Sustainable Development* (2nd Edition) (Washington, D.C.: The World Bank 2004).

⁸ David Galula, *Counterinsurgency Warfare Theory and Practice* (Westport: Praeger Security International, 2006), p. 77.

⁹ Richard McCall, Chapter 6, *Civil Power in Irregular Conflict* (Alexandria: CNA, 2009 [forthcoming]), p. 62.

¹⁰ Richard McCall makes these points in greater detail in Chapter 6, *Ibid*.

¹¹ See, for example, sections on police training in *Rule of Law Strategic Action Plan and Assessment*, Embassy of the United States of America, Baghdad: U.S. Department of State, February, 2009, pp. 56-58.

¹² The G-8 has created a center for such police under Italian auspices. See Center for Excellence for Stability Police Units (<http://coespu.carabinieri.it>).

¹³ James Dobbins, John G. McGinn, Keith Crane, Seth G. Jones, Rollie Lal, Andrew Rathmell, Rachel M. Swamger, and Anga M. Timilsina, *America's Role in Nation Building From Germany to Iraq* (Santa Monica: RAND, 2003), p.151.

¹⁴ Here is an excerpt from the International Crisis Group's review of Bosnian courts in March 2002, some six years after international intervention: "The law does not yet rule in Bosnia & Herzegovina. What prevails instead are nationally defined politics, inconsistency in the application of law, corrupt and incompetent courts, a fragmented judicial space, half-baked or half-implemented reforms, and sheer negligence. Bosnia is, in short, a land where the respect for and confidence in the law and its defenders is weak." International Crisis Group, "Courting disaster: The Misrule of Law in Bosnia & Herzegovina," *ICG European Report* No. 127, 25 March 2002, p. i.

¹⁵ See Thomas Barfield, Neamat Nojumi, and J. Alexander Their, *The Clash of Two Goods: State and Non-state Dispute Resolution in Afghanistan*, United States Institute of Peace, November 2006, available at <http://www.usip.org/programs/projects/relations-between-state-and-non-state-justice-systems-afghanistan> (accessed 25 August 2009)

¹⁶ In Bosnia, of the nine judges of the Constitutional Court, three were appointed by the European Court of Justice.

¹⁷ Precisely that objection was raised in Bosnia. See Hon. Bernard E. Boland, "The State Court of Bosnia & Herzegovina: Justice and Prosperity in Conflict," *Paper presented at the annual meeting of the International Studies Association, Town & Country Resort and Convention Center, San Diego, California, USA*, Mar 22, 2006 ("Bosnian judges and lawyers weren't universally pleased to accept either international judges or international legal principles. Essentially, 'legal colonialism' wouldn't be too strong a term to describe the way they characterized legal reforms suggested by international advisors.").

¹⁸ However established, it would be quite valuable for such judges to be fluent in the language of the host country—the inability to understand nuance would reduce the fairness of the process, and the inability to communicate would

reduce the court's legitimacy. It may not be possible always to meet the language requirement and still get high quality judges, but it is desirable even if not absolute.

¹⁹ Rachel Blum and Jerome LeBleu, Chapter 16, *Civil Power in Irregular Conflict* (Alexandria: CNA, 2009 [forthcoming]), p. 159.

²⁰ Ibid.

²¹ For two very thoughtful analyses of reconciliation in the context of Afghanistan, with recommendations for pursuing reconciliation goals, see Fotini Christia and Michael Semple, "Flipping the Taliban: How to Win in Afghanistan," *Foreign Affairs* (July/August 2009), and Mohammad Masoom Stanekzai, "Thwarting Afghanistan's Insurgency: A Pragmatic Approach toward Peace and Reconciliation," *U.S. Institute for Peace Special Report 212*, September 2008. While their approaches are not completely consistent, in combination they provide an excellent guide to the approaches, issues and constraints involved in reconciliation.

²² "In order for reconciliation to work... the Taliban must be reminded that they have no prospect of winning their current military campaign," Christia and Semple, *op. cit.*, p. 39; "...significant progress must be made on the security front," Stanekzai, *op. cit.*, p. 15.

²³ "Another important element of a reconciliation strategy will be to recognize the specific needs of each group," Christia and Semple, *op. cit.*, p. 41

²⁴ See Stanekzai, *op. cit.*, pp. 12-13, which discuss approaches at national, community and individual levels; the concept of multiple approaches runs throughout the analysis by Christia and Semple, *op. cit.*

²⁵ "A well-organized reconciliation program would thus have to offer substitutes for all these benefits: comradeship, security, a livelihood, and respectability," Christia and Semple, *op. cit.*, p. 41.

²⁶ See Christia and Semple, *op. cit.*, p. 39, noting the necessity even in the context of reconciliation for military action to kill or capture those insurgents who are unwilling to reconcile; see also Michael O'Hanlon, "Toward Reconciliation in Afghanistan," *The Washington Quarterly* (April 2009), pp. 144-145.

²⁷ It is useful to compare Stanekzai, who states that "All reconciliation initiatives must be led by Afghan government mechanisms and institutions" (*op. cit.*, p. 14) and Christia and Semple, who describe a larger role for the United States as well as outside parties; the experience of the United States with the Sons of Iraq suggests that the host nation may not always be in the best position to lead.

²⁸ See Stanekzai, *op. cit.*, p. 14, discussing a "senior focal point" to coordinate reconciliation efforts.

²⁹ Ibid., pp. 14-16.

³⁰ Ibid., p. 13 on renunciation of violence.

³¹ *Hard Lessons: The Iraq Reconstruction Experience*, Office of the Special Inspector General for Iraq Reconstruction, Washington, D.C.: U.S. Government Printing Office, 2009.

³² Ibid. p. 334.