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Soldiers and Civil Power: Supporting and Substituting Civil Authorities in Modern Peace Operations

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SOLDIERS AND CIVIL POWER

SOLDIERS AND CIVIL POWER:

Supporting or Substituting Civil Authorities in Modern Peace Operations

Thijs W. Brocades Zaalberg

Amsterdam University Press

When a country looks at its fighting forces, it is looking in a mirror:
if the mirror is a true one, the face that it sees there will be its own.

– General Sir John W. Hackett, *The Profession of Arms* (1962)

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who has lived with the project daily ever since. I am indebted for her moral encouragement, but most of all for brightening up my life and helping me to focus on what truly matters.

Introduction

The adage that any military plan is only as good as the assumptions that underlie it is a central theme in this book. During international interventions in civil wars in the 1990s in Cambodia, Somalia, Bosnia and Kosovo, the reaction of warring parties and the local population to initial military success – or failure – often proved unpredictable. Intervening forces tended to fall victim to the law of unintended consequences which, during times of chaos, operates at exponential levels. This study examines how the unintended consequences of the presence of a new source of power in a war-torn society placed high demands on the flexibility of military commanders on the ground. In each of these peace operations, the mission they had set out to perform steadily shifted beyond its original parameters.

In conventional war, waged by military adversaries with similar weapons and methods, the destruction of the main forces of the enemy has always been the ultimate and seemingly straightforward military goal. In this type of military operation, for which soldiers spend most of their time preparing, adaptability to unexpected tactical moves by opposing forces on the battlefield has always been one of a field commander's most valued skills. In the sort of military operations most Western soldiers found themselves in during the 1990s, the 'next move' of what could be considered the 'enemies of the peace' (or anyone opposing the goals of the foreign presence) was most often made in the civilian sphere. Moving into this murky arena has often been discarded as 'mission creep': the real or perceived progression of the military role beyond its original military parameters. However, in all its different manifestations throughout the 1990s, 'mission creep' came to be a requirement to reach any level of success rather than the doomsday scenario it was often made out to be by those favoring a strict separation of the military and the civilian spheres.

On 30 November 1942, while leading the Allied military forces in battle against the Axis in North Africa, General Dwight D. Eisenhower lamented in a letter to General George C. Marshall: 'The sooner I can get rid of all these questions that are outside the military scope, the happier I will be! Sometimes think I live ten years each week, of which at least nine are absorbed in political and economic matters.'[1] The responsibility for administrating conquered territory in North Africa had been delegated to a variety of American civilian governmental institutions that, troubled by bureaucratic infighting and unable to oversee and control the recalcitrant Vichy French colonial administration, had frustrated Eisenhower's war effort. Consequently he was

consumed by civilian matters that he sought to avoid. The Supreme Allied Commander's complaints about the civilian responsibilities he wanted to discard, but which he nonetheless had to manage, were instrumental in convincing Franklin D. Roosevelt to invest in the military commander full governmental responsibility over liberated and occupied territory for the remainder of the war.

The US President had until then been hesitant to allow soldiers to assume these civil powers, something he considered as conflicting with America's democratic standards, which prescribed keeping the military subservient to civilian rule. For the remainder of the war Eisenhower was enabled to delegate all civil authority to a specialized 'civil affairs' organization. The establishment of this separate military organization of many thousands of mainly American, British, and other Allied civil affairs personnel under Eisenhower's full command allowed him to control conquered territory. Officers and men with specific civil affairs training helped establish public order, managed the flow of refugees, prevented disease and exploited the host nation's logistical and infrastructural resources in support of the war effort. This enabled the commander and his combat units in Italy and northwestern Europe to focus exclusively on the tasks that lay ahead of them and that were considered inside the military scope – fighting and defeating the enemy.

More than fifty years later, Eisenhower's complaints to Marshall resurfaced within NATO's military community. At the time, the military alliance was participating in a peace operation for the first time since the Cold War's end. In Bosnia, an impressive peacekeeping force of close to 60,000 heavily armed troops helped put an end to the war that had been raging in previous years in Bosnia by interposing themselves between the warring parties. Confronted with this new operational environment, the Atlantic Alliance started to seriously consider creating an operational capacity for civil affairs, or civil-military cooperation (CIMIC), as the related concept was known during the years when NATO planned and trained exclusively for its own territorial defense against a possible Soviet invasion. While the American military had retained a civil affairs organization of approximately 5,000 personnel since the Second World War, consisting mainly of Army reserves, European armies had no designated military capacity for CIMIC or civil affairs while they were preparing for conventional battle on the West German plains. The potential civil problems likely to arise from maneuvering with large armed formations were arranged through a series of formal agreements with the sovereign states of northwestern Europe and with local governments, particularly in Germany. No military occupation by NATO forces was anticipated. CIMIC was expected to present a primarily logistical challenge and its practical handling was delegated to military personnel that temporarily filled these posts and did not specialize for this, as their American colleagues did.

Traditional NATO CIMIC was thus geared strictly towards facilitating conventional military operations by clearing civilian 'obstacles' such as refugees and by exploiting civilian resources for military purposes. The effort was supported by a number of dedicated logistical capabilities such as the European Central Pipeline System that provided for the modern armies' insatiable need for fuel. All this was possible because Europe's armies were not preparing to conquer and occupy foreign territory. The

American civil affairs branch was also largely occupied by preparations for these CIMIC-type tasks in support of conventional warfare in the defense of Europe and, while keeping its civil affairs organizational structure in place, disregarded much of its ability to perform military governance in occupied or liberated territory.

Interaction between soldiers and civilians was of course not limited to military operations as planned on the Cold War battlefield in Europe. In the course of the twentieth century, however, most Western democracies and their military forces came to regard military support to, or substitution of, civilian authorities as not just an abnormality, but also highly undesirable. While military forces were never enthusiastic about their involvement in public security and mostly tried to stay away from duties supporting or substituting for the police and civil administrations in establishing internal order, modern armies became almost completely dissociated from what can generically be called 'internal security operations.' This process took place at a far quicker pace in most armies' home countries, where police rapidly professionalized, than during military operations in colonies and other overseas interventions. Here, the European colonial powers and their military forces had all suffered the frustrating experience of wars of decolonization in a highly unpredictable environment, often with no clear dividing line between soldiering and policing or civilians and combatants. The only European power that reached a certain level of long-term success in fighting insurgencies in their former colonies was the United Kingdom. The British, with a long history in these 'counterinsurgency' operations, had grown well aware that any level of success in these operations depended on close civil-military cooperation, since military goals could not be isolated from those of the colonial administration and police. The US military had had its own traumatizing experience in Vietnam that would continue to structurally influence its conduct of operations in the decades that followed.

The operational environment was well known to soldiers when they prepared for defending their own or allied land in a NATO role. Armies such as that of the Netherlands had trained to operate on a particular patch of German soil for decades, and the professional officers knew every road and tree they would encounter. Most of their professional careers were spent in barracks and on military practice grounds where no civilians would interfere. A soldier's life within most Western military establishments in the 1970s and 1980s was relatively predictable, and most of the armed forces were very comfortable with this situation.

All this changed drastically at the Cold War's end. The armed forces within NATO were suddenly confronted with rapidly rising demands to engage in expeditionary operations, now in a new role as peacekeepers. While the end to superpower rivalry facilitated solutions to some long-lasting civil wars, or 'intra-state wars,' in countries such as Namibia, Mozambique, El Salvador and Cambodia, it had also unleashed other powers, mainly ethnic nationalism, that would create new internal wars in the Balkans and elsewhere. In this new role, which was often accepted grudgingly, soldiers once again found themselves in unpredictable territory. All of the countries in which they operated suffered from the devastating effects of war and were often devoid of properly functioning civil institutions and civil infrastructure. The civilian

population of the areas involved also proved unpredictable in their attitudes towards the foreign soldiers, in spite of the foreigners' predominantly helpful intentions.

When the call was made to revive CIMIC from its dormant state in the Cold War years and create a specialized operational capability, those proposing the need for a dedicated capability selected Eisenhower's words with a clear purpose in mind. When proposing to have the civil-military interface managed by military professionals, 'getting rid of questions outside the military scope' was presented to underline CIMIC's direct support of military operations, both in combat operations and now in peace operations.[2] The quote started to have a life of its own in military circles, because it suited the purposes of those enthusiastic about the creation of a CIMIC capacity. In the previous decades, Eisenhower's emphasis on the operational value of civil affairs had often been repeated by civil affairs officers in the United States for exactly this same reason. The Americans now transferred to their European partners their knowledge of how to make a case within a combat-oriented organization that tended to look at this hybrid civil-military organization with a certain degree of suspicion.

In the Balkans, only the US Army was capable of deploying the hundreds of civil affairs personnel believed to be required for smoothing out relations between the local population and local and international civilian institutions in order to permit the military force to focus on separating the warring parties. As this proved a serious drain on their Army reserves, the Americans were the primary driving force behind the creation of a European CIMIC capacity within NATO. By and large, NATO member states went along with the view that there was a need for a specialized CIMIC capacity.[3] The question was: What form would it take?

After peace agreements had been signed by the various warring factions in countries such as Cambodia and Bosnia, the responsibilities for overseeing governing structures, economic reconstruction, monitoring or reforming the local police and holding elections was delegated to international civilian agencies, often within the framework of the United Nations. Meanwhile, a share of the humanitarian aid and reconstruction would be taken by non-governmental organizations, although their contribution to the grand total of aid provided has often been overestimated.[4] The military mission in these 'complex peace operations' was commonly planned to be limited to keeping the warring parties in check by separating and possibly disarming and demobilizing them, thereby creating a safe environment in which the civilian organizations could perform their work.

In peace operations aimed at ending internal wars, the overall intent was to keep the mission 'purely military,' just as they had been in more traditional peacekeeping operations. Traditional UN peacekeeping during the Cold War years had mostly been limited to solving conventional 'inter-state wars,' by separating the armies of two sovereign nations along a status quo line. However, the agencies designated to assume the civilian part of the mission in the new 'second-generation peacekeeping' operations were often unable to deploy rapidly and in sufficient numbers.[5] Whereas the military had rapidly deployable units, international civilian organizations had to draw personnel from all corners of the world and build up on the spot. In countries affected by grueling civil wars, local government agencies responsible for admin-

istration and public services were in ruins, had fled or were simply dysfunctional, repressive and corrupt. The absence or malfunctioning of the public security triad of police, judicial and penal organization was often a problem that particularly affected the work of the international soldiers on the ground. The absence, slow deployment, or insufficient capabilities of an international police force caused a 'public security gap' to emerge, and frequently resulted in calls made on the military presence to support them, or even to step into the void by conducting law-and-order operations. Eight months after NATO's military force had arrived in December 1995 in Bosnia, the unarmed UN civil police monitoring force was finally fully deployed. It faced a highly politicized police force that had swelled to three times its pre-war size by the war-hardened former combatants, clad in fatigues and armed with Kalashnikovs. Four years earlier in Cambodia many thousands of former combatants, often in possession of their weapons, simply blended in with the local population and were even harder to control while they resorted to thievery and extortion to provide for their needs. In Somalia and Kosovo there was almost total anarchy with no police and no government institutions at all when the international military forces arrived.

As the division between civil and military responsibilities rapidly blurred in peace operations, a debate erupted within military circles and among policymakers about what was, and what was not, outside the scope of the military. Were soldiers, who had focused on defending the Alliance's territory and had – like their governments – perceived their job as proceeding in a purely military domain, to become involved in what was often called 'nation building'? Would this entail the provision of the means of civil reconstruction and development, regardless of the needs of the military commander while performing his military mission? Should the envisaged segregation between the 'military sphere' and the 'civilian sphere' be lifted, and would soldiers be allowed to venture into the murky domain of public security? In the case of the American-led intervention in Bosnia, the answer to these questions was clearly negative.

After earlier debacles in Somalia, Rwanda and Bosnia, the early successes of NATO's Implementation Force (IFOR) in Bosnia had a profound influence on the perception throughout the military ranks and in policymaking circles about the future of peace operations. By taking the political and military lead in the Balkans, and by deploying with overwhelming force to successfully separate the warring parties, the Americans helped restore the thoroughly battered confidence of the Europeans in peacekeeping. Within the US military, the operation played an important role in overcoming the trauma it suffered as a result of their own intervention in Somalia. It was no coincidence that the protagonists of a CIMIC capacity referred to the words of the American IFOR Force Commander, Admiral Leighton Smith, to underline that, like Eisenhower, contemporary force commanders saw the need for this organization. Smith admitted when addressing personnel of the specialized CIMIC Task Force in Bosnia in April 1996 that, in the previous November, 'we had never heard of CIMIC, we had no idea what you did.' He proceeded by emphasizing that 'now we can't live without you.'[6]

Despite the Force Commander's enthusiasm for civil-military cooperation as a specialized function, cooperation between the military and the main international civilian branches in Bosnia has nonetheless been considered the weakest link in the combined effort to bring a lasting peace in the ethnically divided Balkan state. The problematic civil-military relationship contributed substantially to the early stagnation of the peace process. Three years later in Kosovo, the Atlantic Alliance found itself yet again deploying an impressive military force with the intent of solving another ethnic conflict. This time, British Lieutenant General Sir Mike Jackson was at the helm of the military component of a combined civil-military effort to control and stabilize this province where the challenges looming in the civilian power vacuum far exceeded those in Bosnia. Yet, whereas NATO had started to develop new CIMIC doctrine and a capacity in the preceding years, the British commander did not opt for the establishment of a designated CIMIC Task Force to manage the problems that were likely to arise in the civilian sphere. Civil-military cooperation has nevertheless been regarded as far more successful in Kosovo than in Bosnia. During the United Nations mission in Cambodia earlier in the decade, there had been no 'CIMIC,' but gradually soldiers and civilians reached levels of cooperation that exceeded that of most other operations during the 1990s. Without a special civil affairs capability, some military contingents came close to governing part of Somalia in 1993. Different attitudes towards civil-military interaction in military operations far exceeded the influence of formal arrangements on the approaches taken by soldiers.

This historical study, although initiated as research into civil-military cooperation, is therefore not primarily concerned with the concepts of CIMIC and civil affairs.[7] Instead, this book is about missions and the changing roles of military forces in the early phase of operations. Particularly in this phase, the methods and objectives of an intervention tend to be ill-defined as a result of political and military leaders' inclination in the 1990s to treat the military and civilian spheres in peace operations as distinct and separate, while in reality, they overlapped and merged. The desire to segregate 'military security,' the separation of warring parties, from 'public security,' the protection of the population from aggression other than direct military violence, often resulted in a large gap between the originally assigned mission and the actual challenges faced by tactical units on the ground. This gap, and the predominantly improvised process of bridging it, is analyzed in detail in three case studies into the endeavors of individual battalions on the ground in Cambodia, Somalia and Kosovo. The book explores the choices and responses of battalion commanders and the seven to nine hundred soldiers under their command.[8] It also looks at the interaction between the tactical commander and the force commander at the operational levels of command. Larger questions of strategy and policy are discussed when they affect operations in the field.

From these three cases at the tactical level, a series of questions arise: What drove local commanders to assume ever more responsibilities on the borders, or maybe even beyond the parameters of the original mission? What caused this expansion of the mission to be feared by political and military leaders, and often discarded as 'mission creep,' while the tactical commanders who flexibly interpreted their mis-

sion were often very successful? Why did different commanders interpret the same mission differently? In each of the operations, military tasks moved beyond cooperation and even past support to civilian actors, often to a point where soldiers were substituting for civilian authorities or organizations. Did soldiers assume the role of policemen? To what extent did soldiers become governors by default in Somalia and Kosovo?

From an analysis of a fourth case, NATO's operation in Bosnia, which focuses on the operational level, the question emerges as to why an attempt was made to deliberately segregate the civilian and military spheres in peace operations. How did the American military paradigms and traditions influence the overall military approach to the civil-military interface on both sides of the Atlantic? What was the primary cause of the incongruity between the professionalism of the civil affairs branch within American military and the actual handling by the US military forces of civil-military operations once deployed in overseas operations? Was there a fundamentally different British approach to civil-military interaction in peace operations and can its sources be traced to different military traditions? Analyzed chronologically, these four military operations allow us to discern some key aspects of the rapid development of peace operations as a practice in the course of the 1990s. The overarching question that emerges from the cases examined is why the military roles that had been planned as separate support functions in the margins of military operations came to assume a central and pivotal position during the execution of these missions.

The reason for the scrutiny of such recent military history stems from the prevailing perceptions of this problem in policy, military and academic circles. The practical problems emerging on the threshold of the military and civilian spheres during peace operations in the 1990s appeared new and alien to the Dutch, as well as to most other Western military establishments. This study originates in the requirement to place the subject, which had grown to some prominence when it began in the year 2000, in a broader historical context in order to grasp its significance.

Perceptions of CIMIC as a concept and capability in the Netherlands and other NATO countries tended to be rather ambivalent. For instance, on the one hand, the Dutch armed forces had taken a leading role in creating an elaborate CIMIC framework within NATO with hundreds of specialist functions that was modeled to a large extent on the American civil affairs organization. As in conventional warfare, its purpose was presented within the military by emphasizing the traditional operational use to the field commander while performing his military mission.[9] On the other hand, the way in which CIMIC has been portrayed by policymakers as well as researchers in the Netherlands has been to emphasize the role soldiers played in supporting or directly performing humanitarian work and reconstruction in countries affected by war. Doing small-scale reconstruction projects became the focal point in the representation of CIMIC as it was the most tangible, and as I will argue, most welcome image for most politicians and generals. A third and important argument embraced by both policymakers and the military leaders was the value of such aid

projects to 'force protection,' by creating favorable attitudes towards the force from the local population. I argue that each of these three points of departure, that of CIMIC clearing civilian obstacles for the commander, that of the soldiers as humanitarians or 'nation builders', and the argument related to force protection, have contributed to a marginalizing of a subject that had much broader implications for soldiers while performing internal security operations.

The interaction of soldiers and their civilian environment during peace operations has attracted substantial attention in academic circles, mainly from political scientists and other social scientists. Also here, the focus has to a large extent been on military involvement in the humanitarian sphere, with a particular emphasis on the troubled relationship between the military and NGOs in peace operations. Rhetoric such as 'strange bedfellows,' 'a marriage of reason,' 'worlds apart' and 'living apart together,' has been used in titles of books and articles to emphasize the cultural divide between the two parties that are compelled to cooperate. The theme of 'the soldier as humanitarian,' captured by photos of husky soldiers in a war zone with small local children on their arms, has often provided cover photos for relevant books. This relationship between the military and the humanitarian community has been analyzed in many important scholarly publications.[10] However, this humanitarian focus has distracted attention from the even more thorny issue of soldiers assuming various degrees of civil authority, most often by default, as an integral part of their overall security operation.

The more general argument that civil and military goals in modern peace operations and other forms of outside intervention have become entangled is, of course, not virgin territory. Several valuable studies have addressed this subject, often with the specific aim of providing a framework or guidelines for policy decisions and future military operations.[11] For the specific American military vantage point on civil-military operations, US Army Lieutenant Colonel John T. Fishel wrote an important book in 1997 about the American interventions in Panama, Iraq, Somalia and Haiti, and the cooperation between soldiers and particularly American civilian agencies. In an early phase of my research I was influenced by his statement that 'the purely military does not exist,' but that the notion that political rather than military objectives dominate had 'only been accepted grudgingly, if at all, by the American military.'[12] Fishel, however, focuses on the inseparability of America's strategic-political goals and military objectives on the operational level, and emphasizes the specific value of civil affairs for the longer-term reconstruction and stability of these countries. Much scholarly interest is also focused on the merits and dangers of the use of military force for the sake of democracy.[13] A recent study by the RAND Corporation called 'Nation Building: The Inevitable Role of the World's Only Superpower' has made an important attempt to convince American policymakers that if the political decision is made to intervene militarily, politicians had better contemplate the long-term consequences: a lot of military manpower, many resources, and patience are required to stabilize and reconstruct what has been upset.[14] Most of the existing academic research, however, takes the strategic and operational levels as a starting point and tends to distill the examples from the technical level, that of the soldiers

on the ground, to underline the value or dangers of the choices made. This historical narrative, in contrast, seeks to reconstruct three operations in Cambodia, Somalia and Kosovo primarily at the battalion level. There is little empirical research into this tactical level of operations and few studies have combined different missions in order to draw generalizable conclusions on changes and continuity in the nature of soldiering as a result of the converging civil and military spheres.

The book's structure relies on four sections. Part one analyzes how during and immediately after the Second World War, and during counterinsurgency campaigns, military forces addressed the interaction of their civilian environment in relation to their military operations. Its purpose is to provide a frame of reference for the analysis of peace operations in the 1990s and to underline continuity in the challenges military forces found in supporting and substituting civil authorities. Chapter one traces civil affairs and military government as practiced by the Western Allies in the European theater of war during the Second World War. It highlights the practical choices made concerning the employment of civil affairs units and traces the shift from a primarily supportive function, to a more central position for military government once the Allied forces became essentially an internal security force. Chapter two analyzes how, in the colonial context, military forces adapted to insurgencies, and focuses on the emergence of a distinct British approach to counterinsurgency, in which civil-military cooperation assumed a pivotal position down to the lowest levels of command. It further examines how, for various reasons, American forces were employed differently in Vietnam and proceeds to explain how after these wars, while preparing for conventional battle in Europe, the Western military came to perceive their role as taking place in an exclusively military sphere during the remainder of the Cold War era.

Part two concerns the United Nations operation in Cambodia in 1992-1993 and investigates the early development of complex peacekeeping, which combined military and civil components. It reviews how the realities on the ground forced the military and civilian branches to ever further integrate their activities, even though they had been planned as operating along largely separate lines. The three chapters on Cambodia analyze in detail how a battalion of Dutch Marines, caught between four parties in a conflict that had not yet come to an end, adapted their operations to the unexpected and how they were confronted with early examples of the thorny problems involved in providing some level of public security, partly in cooperation with local authorities. Part two concludes with an investigation into the steady expansion of the military role in facilitating the embattled elections in Cambodia.

Part three focuses on the profound impact on both sides of the Atlantic of the leading American role in military operations in Somalia and Bosnia. The two chapters dealing with Somalia review how the multinational military force, without a parallel civilian organization, struggled to establish some degree of security in a country with no government or functioning institutions. By analyzing in detail how the Australian battalion in Somalia approached this challenge, it portrays how – seem-

ingly unhampered by some of the restraints placed on the American military – the Australians conducted their operation successfully by displaying a high degree of flexibility and originality in the methods applied. The chapter on Bosnia describes the troubled civil-military relationship and how the military's initial refusal to assume a substantial role in bridging the 'public security gap' seriously contributed to the stagnation of the peace process. It also traces the early developments of NATO CIMIC.

Part four analyzes NATO's mission in Kosovo, a mission that, as in Somalia, took place in a power vacuum. The absence of a functioning local government placed extremely high demands on the ingenuity of the soldiers involved. It establishes how NATO came woefully unprepared, reached uneven levels of success in filling the vacuum, but established an overall successful working relationship with the parallel civilian UN mission. The five chapters on Kosovo center on the role played by a Dutch artillery battalion, which came to perform de facto military governance during the early months of the mission in order to establish the necessary security in a town divided by ethnic hatred.

The motive for choosing these case studies is threefold. First, I selected the cases because of their relevance to the main theme of this study. However, a substantial number of other military operations during the 1990s would have qualified on this basis. Supporting and substituting local authorities or international organizations played a pivotal role in reaching any level of success in for instance Kurdish northern Iraq in 1991, Haiti in 1994, Eastern Slavonia in 1996 and in East Timor in 1999. A second criterion that helped to narrow down the wider selection of potential cases was a mission's exemplary function and overall impact on the stormy development of peace operations as a concept and practice. A third deciding factor in the choice of the cases was related to the availability of source material that enabled me to reconstruct these military operations on the tactical level and provide the reader with insights into the forces driving commanders to assume ever more civilian responsibilities. In doing so, I have attempted to present each case as an original historical narrative on itself.

For two out of the three tactical cases, Cambodia and Kosovo, I have had the privilege to do extensive research in Dutch military archives. Most of these are still closed to researchers as they contain a substantial amount of classified material. I thank Lieutenant General John M. Sanderson for allowing me to be the first to access his personal archive from his period as the Force Commander of the UN operation in Cambodia. For my research into tactical level operations in Somalia, I had access to the excellent field history by Robert Breen that has long been out of print and appears to be unknown outside Australia. In addition, I used various other sources such as Michael J. Kelly's important legal treatise on the Australian experience in Baidoa and several ego documents from the Australian War Memorial Archive in Canberra. In order to supplement archival research and the vast body of literature on peace operations, I conducted several interviews with key players, both military and civilian.

As this study is primarily focused on the first phase of interventions, varying from six months to a year, it avoids entering the debate about the merits or impossibilities of 'nation building,' 'peace building,' or 'state building.' These terms have

been used by commentators, often interchangeably, to describe the specific longer-term efforts to establish a lasting peace and most often democracy. The term 'nation building' is used specifically to point to the discussion on the role of the US military during the Bill Clinton presidency. 'Nation building' is a distinctly American term that, while, on the one hand, evokes proud memories of the post-war efforts to rebuild Germany and Japan after their defeat in 1945, on the other hand became laden with a negative connotation in the United States as a result of its association with the war in Vietnam. To the mainstream of the US military and those opposed to the Clinton's foreign policy, 'nation building' came to represent everything they were opposed to, because it diverged from what they had come to consider the proper military role, or what Eisenhower had called 'all problems other than purely military.'[15] Karin von Hippel has correctly argued that 'state building' is the more proper term, since the efforts to reconstruct concern state structures rather than the creation of a nation, inhabited by peoples of the same collective identity.[16] State building will be used in this book when necessary, although 'institution building' is the more specific term preferred for the reconstruction and reform of organizations such as police, the judiciary, and administrative structures. 'Peace building' is a generic term used by the United Nations in similar activities and will be used in that context.

During the 1990s, the very definition of peacekeeping has been in a constant state of transition. By the year 2000, the Brazilian international relations professor Domício Proença Júnior concluded that, after some ten years of muddling through, 'the original clarity of what Peace Keeping Operations (PKOs) are supposed to be no longer exists,' adding the crucial qualifier 'if it ever did.' He continued by stating that 'PKOs in their various denominations and qualified variants have become, increasingly, whatever peace forces are called to do, in spite of various attempts by UN Secretaries-General, officials and scholars to pin down what their various types are supposed to be.'[17] I have avoided becoming entangled in the discussion about the legal and theoretical standing of peace operations and their categorization and have generally used the comprehensive term 'peace operations' for a variety of missions that have been categorized by the United Nations as peacekeeping, peacemaking, peace enforcing and (post-conflict) peace building. When conducting historical research into contemporary military operations, the definitions provided by conceptual thinkers as well as the military tend to be obstacles rather than of much assistance. This is not to say that they are of no use for other purposes. However, when examining the tasks soldiers actually came to perform on the tactical level of military operations, the definitions tend to be too rigid as they often take the desired mission as a point of departure. This proved to be problematic throughout the 1990s as tasks and objectives in missions often changed.

PART I

The Civil-Military Interface in Twentieth-Century Military Operations

1

Substituting the Civil Power: Civil Affairs and Military Government in World War II

History is rife with examples of soldiers acting as governors. The military has exercised what was in essence civil power from the days of the Roman proconsuls to military commanders of the modern imperialist powers. The former combined military and civil powers in one person while ruling the provinces of the Roman Empire. The latter were often called upon in the nineteenth century to temporarily administer the rapidly expanding colonies. The prevailing image, however, of a modern and benevolent type of military rule over other people is the Allied occupation of conquered territories in Europe and Asia during and after the Second World War. While introducing the first theme of this book, the substitution of civil authorities by military forces, this chapter focuses on the Allied experience in the European theater of war. As the Allied military advance between 1942 and 1945 progressed from North Africa to Italy and from the beaches of Normandy toward Berlin, many of the central dilemmas involved in military occupation in relation to the primary military mission emerged.[1] First of all, there was the fundamental debate over civilian or military rule in liberated and occupied territories. Continued and historic reluctance in the United States about soldiers entering the civilian domain is one of the reasons for highlighting the American experience in military government. With the emergence of a specialized military branch for addressing governance came a second choice, either to integrate this 'civil affairs' organization into the regular tactical chain of command, or separate it from the combat units as they swept across Europe. Related to the issue of integrated versus segregated civil affairs was the dilemma over direct rule, with a high degree of interference by military personnel in the details of administration of a foreign country, or indirect rule through the local officialdom in the conquered territories. A third question – one that is central to this book – arose after the defeat of Germany. Did soldiers exercise control over civilian populations solely in support of their military mission, as was originally envisioned, or was military governance to become a central aspect of the military mission?

The Operational Primacy of Civil Affairs

'Modern war,' F.S.V. Donnison wrote in 1966 in the official British history of military government in the Second World War, 'consumes governments and administrations in its path, leaving anarchy and chaos behind. If authority and the necessary minimum order and administration are not at once re-established, disorder and subversion can all too quickly erode the victory that has been won in the field.'[2] It was

this realization that made the Western Allies accept responsibility and prepare for the occupation of friendly and enemy territory. The legal obligation to do so, however, was also prominent in the minds of the responsible policymakers and military leaders. The Law of Occupation as laid down in The Hague Convention of 1907 obliged occupying armies to restore law and order, and as far as possible provide basic relief and restore vital services.[3]

Although the Allies fully accepted the responsibility for the temporary governing of occupied territory for both practical and legal reasons, it remained undetermined if its execution would fall to civilians or soldiers. The inevitability of a large military role was viewed differently on the two sides of the Atlantic. The British, with their vast colonial empire and recent experience in occupation duty in the Middle East and the Horn of Africa, had no inhibitions about letting the military temporarily exercise civil power. They delegated the responsibility for policy to the War Office and made the Army the executive agency of military government.

In the United States, however, there was a strong tradition against the military exercising civil power. This foreshadowed the more general tendency in the other Western democracies to regard temporary military substitution of civil governments, and increasingly also military support to civil authorities, as an abnormality and even as highly undesirable. In American history, every war that involved the temporary seizure or conquest of territory had evoked bitter debate about the military role in government. Like most military occupation regimes, the US Army's record for improvising was inconsistent, in for instance in Mexico 1847-1848, in Confederate territory during and after the Civil War, in the Philippines and Cuba following the Spanish-American War of 1898 and in the German Rhineland after the First World War.[4] In the eyes of President Franklin D. Roosevelt especially, the war against Germany and Japan, more than any armed conflict preceding it, was fought for ideals. It was waged to fulfill the promises of self-determination as laid down in the Atlantic Charter and the United Nations Declaration. Replacing totalitarian rule with Allied military government was therefore by no means the obvious choice.[5]

While civil administration was regarded as a task unsuited for military forces in political circles, soldiers themselves were not particularly eager to assume this role.[6] Nevertheless, as early as 1942, the US Army started to select and train specialized civil affairs personnel for deployment in liberated and occupied territory in Europe and Asia. The initiator of this civil affairs training program in the United States was a soldier, General George C. Marshall, the chairman of the American Joint Chiefs of Staff (JCS). As a second lieutenant, Marshall had served in the Philippines in 1902 where he received no instructions or training whatsoever for the civilian tasks he would face. Nevertheless, he was 'practically governor in effect of a large territory, about half an island.' By the end of the First World War, Marshall witnessed how preparations for the US Army's contribution to the Rhineland occupation had not much improved.[7] Nevertheless, American forces performed relatively well, partly because they lacked the punitive motives displayed by their French, Belgian, and to a lesser extent, British allies.

Much thought was expended after 1941 on the definitions of 'civil affairs' and

'military government.' The former, sounding more friendly to civilian ears, was commonly used for what was in fact military government conducted on one's own or liberated territory. Civil affairs was considered too bland for use in enemy territory, so military government was plainly used for the occupation of enemy territory.[8] For the recruitment of civil affairs personnel, the British could initially fall back on a large body of colonial administrators in uniform, but the Americans had to start from scratch to build up an organization. Civil affairs officers in both Britain and the United States were either regular career officers, or civilians in uniform. Part of the latter group was selected for their specific civilian skills in administration, public safety, finance, health and civil infrastructure, and referred to as functional specialists as opposed to the generalist civil affairs officers.[9]

The idea of civil administration entirely in military hands continued to make the Americans, civilian and military alike, somewhat uneasy. Although civilian inspectors generally found the level of the course adequate, sceptics referred to the School for Military Government in the Provost Marshall General's School at the University of Virginia, as the Army's 'School of *Gauleiters*.'[10] In the United States, President Roosevelt's lingering opposition to the military role in administration caused a plethora of governmental institutions – the State Department, the Treasury, the Department of Agriculture and many others – to engage in a turf battle with the War Department. Supreme Allied Commander General Dwight D. Eisenhower's chief of staff, Lieutenant General Walter Bedell Smith, was convinced that 'the American people will never take kindly to the idea of government exercised by military officers.' He was among many advocating the occupation of Germany under civilian control.[11]

Lingering doubts among military commanders about the crucial role of civil affairs were settled in the North African campaign. In late November 1942, a few weeks after the British and American landings in Morocco and Algeria, Eisenhower wrote to Marshall that he was desperate to rid himself of 'all problems other than purely military.' Absorbed in political and economic matters and unable to coordinate the American civilian agencies or to control the headstrong French, it was at that point that the theater commander wrote to General Marshall his momentous complaint about his desire to 'get rid of all these questions that are outside the military scope.'[12] Eisenhower even told Marshall that he was having 'as much trouble with civilian forces behind aiding us as I am with the enemy in front of us.' According to Marshall, Eisenhower's complaints finally persuaded the president to temporarily invest the theater commander with civil power.[13]

As far as the execution of administrative power was concerned, the initial interdepartmental struggle in 1942-1943 was won by the War Department at the expense of the State Department and other departments. In March, the Civil Affairs Division (CAD) was established at the Pentagon under Major General John Hilldring. It was created to plan the execution of interim rule in the Mediterranean, northwestern European and Pacific theaters. The division would eventually number approximately ten thousand civil affairs personnel who were trained at the University of Virginia in Charlottesville and various other schools for lower ranks. Nonetheless, responsibility for occupation policy continued to rest with the State Department.

The main object of having specialized civil affairs units was to facilitate military operations by preventing chaos and disease in conquered territory. Military commanders as well as policymakers were eager to emphasize this operational primacy of civil affairs and the limited scope and duration of military rule: 'The Army is not a welfare organization,' Hilldring wrote to Undersecretary of State Dean Acheson in November 1943. 'It is a military machine whose mission is to defeat the enemy in battle. Its interest and activities in military government and civil affairs administration are incidental to the accomplishment of the mission. Nevertheless, these activities are of paramount importance, as any lack of a condition of social stability in an occupied area would be prejudicial to the success of the military effort.'[14] Four weeks before the Allies hit the Normandy beaches, Hilldring described the two main objectives of civil affairs to a US congressional committee. The first objective was 'to secure the civilian populations to the maximum extent possible, which is an obligation under international law.' The primary task of civil affairs was therefore to maintain law and order. The second objective was to prevent civilian populations from interfering with military operations and 'that they are so treated that they will be able to assist the forward movement of our troops to the greatest extent possible.' Hilldring continued by emphasizing:

> That is the beginning and the end of our involvement in this business. When neither of those two objectives any longer obtains, in other words, when the battle has gotten far enough ahead so that we can lay down our obligations under international law and so that the populations can no longer interfere with the military purposes of the operation, we intend to turn this work over to such civilian agencies as are designed to take it.[15]

In practice, the handover of responsibility from soldiers to civilians turned out to be a mixed success during and after the Second World War.

Integrating or Segregating Civil Affairs

Whenever possible, control over foreign populations was to be indirect. This meant that a civil affairs officer's relations were to be with the head of local administration and not with the public. The 'ideal type' of civil affairs officer trained at the School for Military Government was considered 'one who integrated the local laws, institutions, customs, psychology and economics of the occupied area and a superimposed military control with a minimum of change in the former and a maximum of control by the latter.'[16] The strong preference of indirect control over direct control over the population was in line with the requirements of international law that prescribed the minimum of change to indigenous government systems.

Indirect rule worked reasonably well in liberated territory. In occupied territory, however, indirect rule and operational primacy appeared to be in conflict with the policy of rooting out fascism and Nazism, a policy to which the Allies had committed themselves. This goal was higher on President Franklin D. Roosevelt's agenda

The invasion of Italy had been planned as an occupation, but the majority of the population greeted the Allies as liberators in 1943. 'I am frank to think we shall get away with things here more by luck than good management', said the British general in charge of Allied military government on Sicily.

than that of Prime Minister Sir Winston Churchill, and the Americans leaned more towards direct control, reaching into lower levels of a defeated government.[17] The British may have been driven by a general personnel shortage, but most of all they had a long tradition of indirect rule in their colonies. This administrative system, similar to that used by the Dutch in the Netherlands East Indies, leaned heavily on indigenous administrative elites. This colonial policy had allowed both the British and the Dutch to control a vast empire with relatively little administrative and military personnel.

The Allied military campaign in Italy became the testing ground for military government and civil affairs. The invasion was planned as an occupation of enemy territory, but it felt like liberation to most Italians. It officially became a liberation after the Italian surrender and declaration of war on Germany following the invasion of Sicily in the summer of 1943. The occupation of Sicily brought home to the American public the earliest and most popular image of civil affairs and benevolent occupation in the form of the just and humane Italian-American Major Victor Joppolo, the lead character in John Hersey's Pulitzer prize winning novel *A Bell for Adano*. Written in 1944 and later adapted to film, the story depicted how in the wake of the Allied invasion Joppolo, based on a true character, assumed the reins of government in the town Adano. Hersey's graphic descriptions of Joppolo's first day in office are exemplary for the clarity of the military government mandate and powers that went

with it. Joppolo walked straight into the town hall of the town of Adano and positioned himself behind the desk of the former Fascist mayor. The former civil servant from the Bronx then took an American flag from his briefcase and hung it from the flagpole on the balcony overlooking the town square. Assigned to exercise military authority in occupied territory, he held absolute judicial, executive and legislative powers over the village and its surroundings.

Hersey also portrayed the problems of preparing soldiers for this unpredictable task in a foreign land in the wake of major warfare. Major Joppolo sat down and looked at the immense pile of Allied Government in Occupied Territories (AMGOT) instructions for the first day. After reading just a fraction of them he started tearing up the pile in neat quarters and crumpled them up to throw them in the wastebasket.

> He stirred and reached into his briefcase again and took out a small black loose leaf notebook. The pages were filled with notes in Amgot school lectures: notes on civilian supply, on public safety, on public health, on finance, on agriculture, industry, utilities, transportation, and all the businesses of an invading authority. But he passed all these pages by, and turned to the page marked: Notes to Joppolo from Joppolo. And he read: 'Don't make yourself cheap. Always be accessible to the public. Don't play favorites. Speak Italian whenever possible. Don't lose your temper. When plans fall down, improvise...' That was the one he wanted. When plans fall down, improvise.' Plans for the first day were in the wastebasket. They were absurd. Enough was set forth in those plans to keep a regiment busy for a week.[18]

Flexibility and improvisation were the key virtues of the civil affairs officer, arguably more than regular combat personnel whose mission, however difficult, was relatively straightforward – the defeat of the enemy. It is important to realize when reading the following chapters that during the 1990s, when international troops entered Somalia and Kosovo under a United Nations mandate, regular combat units were faced with a similar civil administrative power vacuum, but mostly left to fill the gap without specialized personnel, no instructions or specific training and worst of all, hardly any or no mandate or orders describing the civil powers a military commander was allowed to exercise to create some rudimentary order amidst chaos.

AMGOT headquarters was established under British Major General Lord Rennell of Rodd, who remarked that 'I am frank to think we shall get away with things here more by luck than good management.'[19] The majority of the population would greet the Allies as liberators, but this had been far from certain. Moreover, AMGOT was generally able to rely on local officials such as the Carabinieri and regular police for most public security tasks. Although the large majority of higher-ranking Fascist officials fled and some were purged by the Allies, an estimated ninety-eight percent of the local administration and services in Palermo continued to be manned by nominal Fascists.[20] Nevertheless, both on Sicily and mainland Italy, civil affairs units initially had a tendency to engage in direct control, thereby overstretching the organi-

zation. Mostly shorthanded, AMGOT in the end refrained from direct control as much as possible, instead leaving the Italians to administer under Allied control those parts liberated without a battle.[21]

Italy became the test ground for various methods of military government after September 1943. From the protracted organizational chaos emerged two preferred models of military governance: a separate civil affairs structure responsible only to the Supreme Commander versus a civil affairs organization integrated into the tactical chain of command. The main argument by those favoring a single civil affairs organization segregated from the tactical commanders was that, as Allied forces moved forward, civil affairs personnel would constantly have to be changed as a new commanding officer took over an area. The plea for a single military government organization to be established as soon as possible after combat operations ceased in a particular area resulted in 'an organism standing on its own feet and divorced from military command except at the highest level.' In the early planning phase for the invasion of Western Europe this model prevailed and large combined Anglo-American 'country houses,' were set up in England to prepare for the administration of France, the Low Countries and Norway. They tended to prepare for direct control of indigenous administrations. It was often referred to as the AMGOT theory of civil affairs or the 'Mediterranean system.'[22]

The primary disadvantage of the separate chain of command for military governance was that it endangered 'unity of command.' After all, commanders below the supreme headquarters could not control the civil affairs units that were roaming through their area of operations. According to US Army historian Earl Ziemke, AMGOT in Italy 'rapidly began to look like a prize example for the fallacy of permitting two independent commands in the same theater.'[23] The second disadvantage was that as a separate entity civil affairs had a hard time gaining access to essential Army resources and had to beg 'like a stranger' for relief goods, transportation and engineer support.[24] Ziemke's British counterpart, the historian Donnison, argued that the disadvantages of the integrated model were largely offset by the fact that civil affairs was not represented in tactical units below army corps level in the British Army and below divisional level in the US Army. In early 1944, Eisenhower decided to integrate the Allied Civil Affairs Division as a general staff division into his supreme headquarters, and as a staff section called 'G-5' in the tactical chain of command (on army group, army, corps level and with the Americans on divisional level).[25] However, Donnison argued that the controversy over the two systems lingered throughout the war:

> Especially during the advance into Germany, mostly in the American area of operations, there were constant complaints about [...] the changing CA staffs coming in with new ideas and priorities and duplicating work. They argued that only through a separate command, uniformity of administrative policy could be created. Americans emphasised the need to replace administrators to a relatively low level and – partly based on the North-African experience talked of the need to supplying administrative personnel, 'not by the dozens, but by the thousands.'[26]

Although the difference of opinion about the two models cannot be drawn strictly along national lines, it is safe to say that the British leaned towards an integrated model while the Americans favored a separate civil affairs organization in theater. Of this period of controversy, a British general said that 'there were plenty of affairs but the difficulty was to keep them civil.' This is not to say that civil affairs was more easily accepted within the British Army's hierarchy. It was often still treated 'like a quasi-civil poor relation' and it was accepted as a full general staff function only after the authoritative Major General Gerald Templer, a former combat commander, was appointed director of military government for Germany in March 1945.

In the end, the integrated model and the related emphasis on indirect rule prevailed first and foremost because the alternative was not feasible. The Allied European governments in exile whose countries lived under Nazi occupation were not particularly enthused by the idea of direct Anglo-American military control. On top of this political motivation, to which the British were more sensitive than the Americans, there were more practical considerations related to the shortage of civil affairs personnel. Finally, the American tendency toward a separate organization was overruled at SHEAF and in the War Department by those favoring minimal interference in local administrations in order to assure the most rapid transfer of responsibility.[27]

In liberated territory such as France, Belgium and the Netherlands, the rapid transfer of overall responsibility for government proved attainable, albeit not as quickly or smoothly as envisaged. Dutch historian Peter Romijn asked the question as to whether Allied soldiers had truly become governors in the Netherlands in 1944-1946. Focusing on the first major city to be liberated in the south, Maastricht, he concluded that this had been the case, but only shortly and in limited ways. Given the immense gratitude of the Dutch population and the overall cooperativeness of the Dutch authorities, the Netherlands was clearly not the most difficult place in which civil affairs officers could work. They could delegate much of their local administrative powers to their Dutch counterparts in the Netherlands Military Authority (NMA) under SHEAF, who in turn oversaw the reconstruction of a local civilian administration. As a rule, Allied civil affairs officers only supervised this process and refrained from interfering as long as matters of public safety and order was guaranteed and general Allied interests were not in danger.[28] This hands-off policy proved somewhat more difficult in for instance Belgium and France, where political strife and more rebellious resistance movements posed a larger threat to overall stability and public security. Despite some significant hurdles, military governmental control as exercised in the Netherlands could be considered the model for the sort of short-lived and skin-deep indirect military rule the Allied Civil Affairs Division had envisaged in support of military operations.

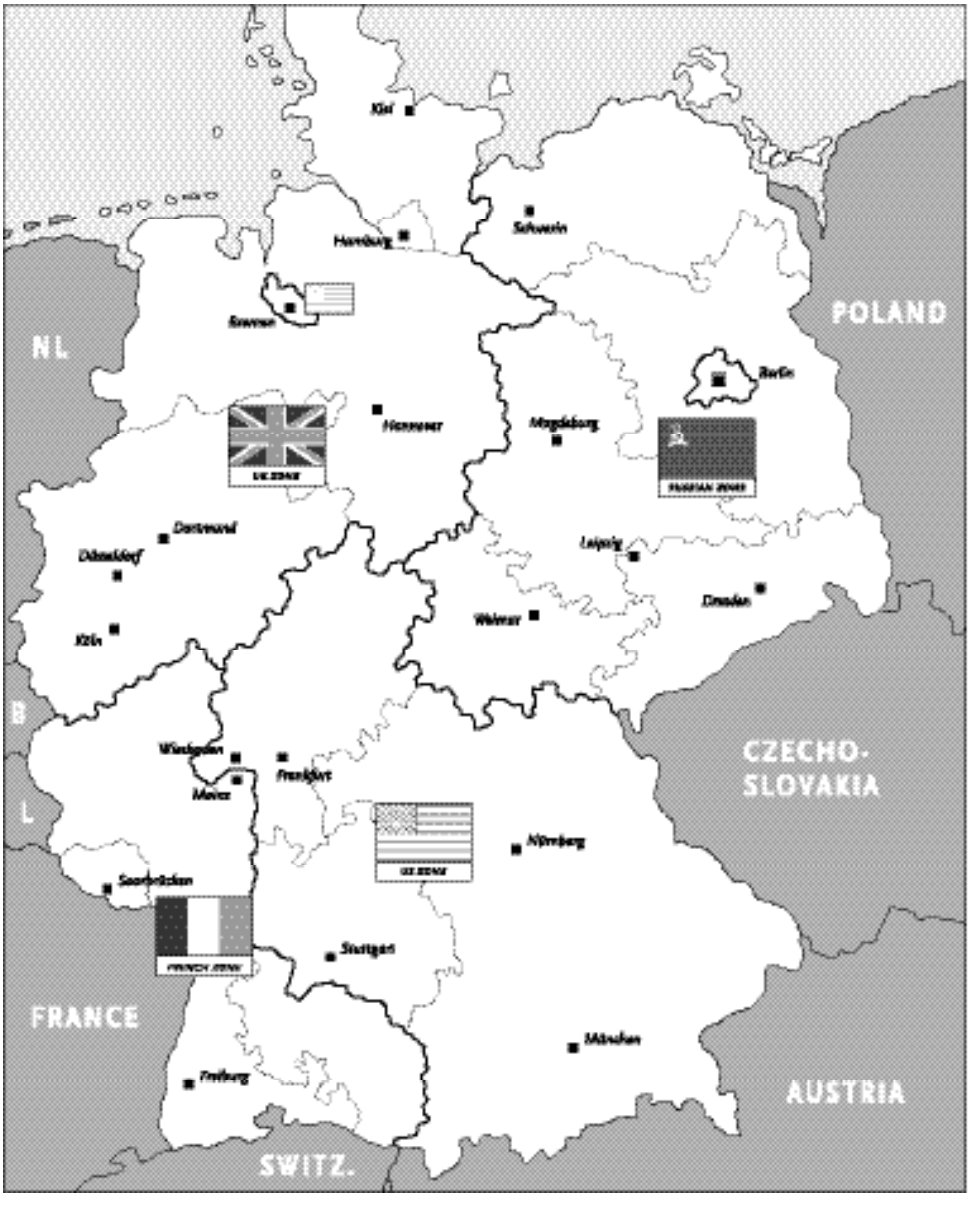
Military Government Moves Center Stage

After having successfully maintained order in France and the Low Countries, the true test for civil affairs came in Germany. The United States came to dominate policy in the western zones of Germany as its military might eclipsed that of the British

by 1945 and since it was footing much of the bill for the occupation. What was later often described as 'nation building' in post-war Germany has often been portrayed as an example of political vision, clarity and American generosity – an image repeated by George W. Bush prior to and during the occupation of Iraq in 2003. Professional historians of this era know, however, that the years between 1943 and 1946 were awash with political ambiguity. There was confusion as to the punitive or lenient character of the occupying regime, the distribution of responsibility for administering Germany between soldiers and civilians, and the duration of the occupation. By the time the first Allied troops entered Germany in mid-September 1944, there was no clear strategy on how the country would be governed apart from the overall goal of preventing it from ever again embarking on another wave of conquest. When the newly appointed German mayor of Aachen asked the Americans in early 1945 if the occupation intended to bring democracy to Germany, civil affairs officers were unable to give him a clear answer. Neither the policy nor the plans provided for an active democratization program.

The Marshall Plan, that aimed to economically revive Western Europe, has clearly come to prevail in the image of post-war American policy towards Germany. However, America's initial policy towards occupied Germany was based on the Morgenthau Plan, singularly focused on deindustrializing and pastoralizing the country. Two years separated the acceptance of Secretary of the Treasury Henry Morgenthau's proposal in April 1945 from the launch of the Marshall Plan. Morgenthau's plan was diluted after Roosevelt, its most important proponent, died in April. By the time the new president Harry S. Truman finally approved it less than a month prior to Germany's capitulation, the policy as formulated in Joint Chiefs of Staff Directive 1067 (JCS 1067) was a vague compromise between harsh and more lenient views. It was nevertheless still an austere document. Relief to the Germans was strictly limited to a means of preventing disease and unrest and the population was to be kept at subsistence level. The 'let-them-stew-in-their-own-juices approach to economic affairs' was also given in by Roosevelt's determination to punish the Germans whom he held collectively responsible for Nazi aggression.[29] The policy further emphasized the need to root out Nazism. An Army orientation pamphlet for soldiers entering Germany after May stated: 'You are going to be fighting with ideas instead of guns, laws instead of tanks, control measures and policing instead of bombs. But the ultimate goals are the same – the complete stamping out of Nazism and fascist ideas, and the re-education of the Germans to the advantages of a decent, responsible self-government.'[30] After pictures of GIs socializing with locals, often of the opposite sex, appeared in American newspapers in late 1944, US soldiers became subject to a strict 'non-fraternization' regime prohibiting all social interaction with German officials and citizens. It proved rather foolish and unenforceable, but the restrictions would only be gradually lifted in late 1945.

Especially when compared to Japan, where the Americans would be in complete control of the occupation of Japan, tripartite and later quadripartite control over Germany in separate zones as agreed upon at the Yalta Conference seriously complicated policy planning. However, much of the policy vacuum was the result of contin-



The Allied division of Germany in four occupation zones at the end of World War II.

ued interdepartmental and jurisdictional rivalries within the US government. The delegation of responsibility between soldiers and civilians also was not settled. Although the War Department and the Army consistently argued that post-surrender occupation was a job for the State Department they advocated a short, but exclusive military period to US control. However, they were still meeting serious opposition in October 1944. As civil affairs once again became military government just across the Belgian-German border in Monschau, calls in Washington for the appointment of a civilian high commissioner once again become stronger.[31]

The lack of political guidance was largely offset by two factors. In the course of 1944, interim directives were provided by the Anglo-American Combined Chiefs of Staff, giving Eisenhower responsibility as the military governor and therefore 'supreme executive, legislative, and judicial authority' in seized territories. Meanwhile tactical regulations were spelled out in two pocket-sized handbooks on military government prior to and after the German surrender. Both were less harsh on the German population than President Roosevelt had envisaged, calling for military government to be 'firm,' but 'at the same time just and humane with regard to the civilian population as far as consistent with strict military requirements.'[32] Moreover, the civil affairs organization had gained a lot of experience from the occupation of Italy, France, Belgium and the Netherlands. There was nevertheless a lack of detailed planning beyond the 'purely military requirements' such as establishing governance, public order, relief, handling displaced persons, and basic services in the initial stages. Lack of policy complicated planning for more thorny issues such as economic reform, political reform and re-education. These matters were, however, briefly addressed in the handbooks. Hence, despite a lack of policy, the instruments and tactics to avoid anarchy in the direct aftermath of Germany's capitulation were well developed. In a plan called *Operation Eclipse*, every available unit was ordered to contribute to a rapid takeover of every town and institution once Germany surrendered.[33]

At the local level, American, British and Canadian civil affairs detachments performed almost all military government functions in the towns and villages of northwestern Europe between 1944 and 1946.[34] These mobile teams, composed on average of four generalist civil affairs officers and six enlisted men in jeeps or small trucks were the backbone of Allied military government. Upon entering a German town or village in the wake of the Allied advance, these spearhead detachments would first post proclamations and ordinances, telling the Germans what their obligations to the Allied troops were, informing them about curfews and where they had to turn in weapons. A detachment, mostly consisting of two generalist civil administrative officers and two public safety officers, would appoint a new local German mayor and select a police chief, often in cooperation with military police.[35] Temporarily they held absolute power to dismiss or arrest anyone.

East of the Rhine and Osnabrück, the Germans withdrew almost all of their public administrators and police officials and took all public records, which seriously complicated the task ahead. One of the tasks of civil affairs was to salvage such archives whenever possible. Once the Allies crossed the Rhine early 1945, most German public officials were found at their post. As in liberated territory many would

continue their work administrating the German population, but now under Allied control and later supervision. Once again military government staffs and detachments were faced with the kind of tasks they had executed during the rapid advance across the Seine and into Belgium. However, it was now no longer possible to 'thrust a bundle of notices into the hands of the local *Maire* and wish him good luck.' Someone had to stay and see that proclamations and orders were issued and obeyed.[36]

By late March 1945, 150 US detachments were deployed in Germany, almost two-thirds of US capacity for local-level military government. As US forces occupied far more territory in May than planned, stretching from the Ruhr to the Elbe and including Leipzig, and reaching into western Czechoslovakia and Austria, the US Army swiftly ran out of civil affairs detachments. In April it had started to organize provisional detachments made up of artillery units and signallers.[37] By the end of the war, 250 detachments and 200 provisional detachments had laid a carpet behind the military advance in Germany.[38] Larger detachments varying in size from 27 to 43 officers and enlisted personnel also entered Germany to govern at the regional and state (*Land*) levels and in the major cities, as they had done in liberated territory. Such civil affairs units included more specialists in areas such as economy, transport, public health, welfare and legal matters. Tactical forces occupied most of Germany after the surrender and Major General Lucius Clay, Eisenhower's deputy for military government, remembered how these combat units did not want to give up, 'because as long as they were in charge they could commandeer houses, and whatever they wanted, and they liked that sense of power.' The regular forces and detachments 'had picked somebody here or somebody there to be a local Bürgemeister, a local official, without much screening and without much time to screen.'[39] German police were disarmed and operated under Allied control and 27 lower courts were reopened and functioned parallel to US military courts in late May.

Unlike in Japan, there was no national governing structure in Germany after Hitler's regime collapsed. Since the Western Allies and the Soviets failed to agree on a central German authority, military government in Germany was exercised on the state level and below. In contrast, General Douglas MacArthur ruled Japan primarily through the existing central governmental institutions, while making little use of the civil affairs apparatus at his disposal. He did not give his military government officers the authority to command Japanese officials, leaving the understaffed local military government teams to do little more than supervise and report on the progress – or lack thereof – of the reforms decreed by his own headquarters and executed by the wartime local administrators. Thus, while MacArthur ruled and adopted a 'top down' approach, Germany became an exercise in 'bottom up' state building. This was not, and could not have been, foreseen during the planning phase, but emerged from a very different military and political situation at the time of capitulation brought about by the atomic bomb instead of prolonged struggle and a final stand. Detachments in Germany had more power and influence, but the primary driving force for the military commanders – to get out of government as soon as possible – was similar.[40] Personnel reform through purges of civilian officials was initially attempted with more vigor by Clay in Germany than by MacArthur in Japan, but the effort lost out in both countries to the overall urge to create stability and efficient rule.

Other than in Japan, where American forces expected protracted guerrilla warfare, the Allies had not anticipated large scale revolts in post-war Germany, only smaller acts of terror by die-hard Nazis. None of this materialized in either country. Internal security operations in Germany were limited to preventing a breakdown of public order. In the direct aftermath of battle, looting was a serious problem. However, 'since US troops, German civilians and [displaced persons] all looted,' the official Army historian wrote, 'there was soon debate over whose behavior was the most reprehensible.' Three quarters of the town center of Hanover was destroyed and there was still fighting when the first military government detachment moved in. 'There was no electricity, water, sewers. Some half million people inhabited the ruins. It was a town of looting, drunkenness, rape, and murder as forced labor broke out from restraint. Shots whistled by from drunken 'slaves' or left-behind snipers. German police were mobbed and their bodies strung from lamp posts. A new force was improvised and stopped the worst looting. It could do nothing yet about murders and rapes.'[41]

In this phase, the contribution of the public security officers especially was critical. They were mostly drawn from police forces back home and their experience, training and common sense was invaluable in handling the public as well as other administrative problems. The military government detachment entering Osnabrück encountered civilians and displaced persons (DPs) involved in looting clothing and food. 'Being unable to obtain military assistance two officers of the Detachment tackled the crowd with their revolvers, and gained control after inflicting casualties. The commander of the [*Regierungsbezirk*] Detachment then reinstituted 24 hour house arrest for the entire population, and gained control which he has not again lost....' Donnison observed how the primary role of the state – establishing and maintaining law and order – re-emerged in times of chaos:

> When seeking to revive social existence in such anarchy the essentials of civil administration once more stand revealed. In easier times they disappear under the proliferation of amenities which comes to be looked for as the proper function of administration. But without order and the enforcement of law the provision of other services is vain or impossible. It was the primary task of the Military Government detachments, as it must be for any administration, to re-establish these prerequisites of all other administrative endeavour.[42]

After Germany's capitulation, the overall docility and servility of the German population and administrators was certainly enhanced by every available regular Allied unit contributing to a speedy and synchronized takeover of every town and institution of Germany in a matter of days. The number of American, British and Canadian troops in Germany was well over two million at the time. In backing up the civil affairs detachments during the execution of *Operation Eclipse*, local conquering officers held absolute powers to dismiss or arrest anyone and impose pre-established proclamations and ordinances. They were initially not always aware of their powers, but soon informed by trained military government officers that they were 'Caesar'

in their towns and also allowed to use deadly force to quash any resistance.[43]

After the short-lived anarchy in some cities and towns, the military government's major concerns in 1945 were the rapid rise of a massive black market, criminal behavior of displaced persons and local teenage youth. Germany was hungry, but not starving and although the rates of violent crime in 1945-1946 amongst Germans were obviously higher than in pre-war Germany, 'post-war Western Germany was not by historical comparison a particularly violent place in which to live, contrary to the impression usually given.' The major law and order problem amongst Germans was property crime.[44] Marauding and looting DPs were responsible for a large proportion of the violence and the prime reason for rapidly rearming the German police after September 1945. Military police and regular Allied forces were often called upon to restore order in DP camps. One million displaced persons, almost all from Eastern Europe, were still in Germany in 1947.[45]

Like everywhere in the wake of the Allied advance, rapidly fielding a local police force answerable to the occupation forces proved crucial to quickly stabilizing the country. The German police proved surprisingly loyal to their new military masters, 'stolidly obeying orders and arresting their previous bosses just as happily as they had political victims a few days earlier.' However, deprivation clearly added to their unreliability when dealing with the black marketeers.[46] As in Italy, German police officers were suffering from material hardship and often could not resist the bribes from the criminals that thrived on black market activity and that have best become known in the figure of Harry Lime in the film *The Third Man*. Meanwhile, denazification clearly lowered the efficiency of the police force and added to the demoralization of its personnel. Like the Americans, the British soon found out that there would hardly be a police force left if this policy was to be carried to extremes. The denazification of the legal profession completely failed and the German police force was only 'half denazified.' Police efficiency increased by early 1946 through a combination of increased rations and better cooperation with the occupation troops. By 1948, its overall reliability had been restored despite the fact that the black market was still thriving.[47] In Japan as well, the relatively efficient indigenous police forces were maintained and proved to be the key to public security and order.

Whereas the crime rate among Germans was relatively low considering the post-war chaos, that of American troops was far higher than is commonly thought. 'Most of my trouble came from the American soldier,' US Major General Ernest Harmon wrote in his memoirs about the first post-war winter. 'Almost none at all came from the German population.' John Willoughby, in his study of the American occupation army entitled *Remaking the Conquering Heroes,* gives a distressing account of an undisciplined and marauding mob that was eventually tamed in the early Cold War years. Only then did it become the garrisoned and disciplined army so crucial to projecting US power across the globe. The number of 'serious incidents' such as murder, rape, and armed robbery between 1945 and 1947 was beyond anything contemporary armies would accept from their troops during foreign interventions. GIs were heavily involved in black marketeering, the theft of American military assets as well as uncontrolled 'requisitioning' or theft from the German population. Crime rates

A member of a U.S. tank crew on a German street in 1945. Since Allied troops, German civilians and displaced persons all looted in the wake of battle, there was soon debate over whose behavior was the most reprehensible.

among troops actually went up as those who had never fought the Germans replaced the war veterans.[48] Although there are no comparable accounts of overall British behavior, there is no reason to believe that their record was structurally better. However, it has to be remembered that military behavior in the American and British zones was exemplary by most historical comparisons of military occupations, and certainly when compared to the systematic rape and plunder that occurred in the Soviet-occupied territories to the east.[49]

Lack of discipline amidst the general confusion of the demobilization period was, however, one of the key motives for creating a specialized force for internal security operations in the US zone. A new constabulary force composed of regular Army personnel was conceived in October 1945 and became operational in July the next year. It consisted of 38,000 personnel and augmented the military government organization while backed up in case of emergency by the regular occupation Army, which by then had shrunk from 61 divisions to just five and had disintegrated as an effective combat organization.[50] In order to uphold law and order, the Constabulary had jurisdiction over all civilian and all Allied personnel in the US zone. Although they were launched as a 'super military police organization,' the main difference was that,

while the Constabulary was primarily tasked with policing the German people, the Military Police (MP) was chiefly concerned with policing the Army and only did public security on the side.[51] Constabulary squads, equipped with jeeps and light armored vehicles, wore distinctive formal jackets and yellow-brimmed helmets. They conducted patrols, community support and spent much of their time performing checkpoint operations to stem the tide of black-market goods and illegal immigrants throughout their sector.

The War Department had estimated that constabulary duty demanded the use of a 'higher type of individuals.' Their mission asked more from their resourcefulness since, other than regular combat units, they were required to operate in small groups at extended distances from headquarters. In addition to being capable of performing the strictly military duties of a squad, crew or team, its personnel were trained for enforcement of law and order. Tasks included riot duty, conducting searches and raids and operating checkpoints. In order to perform them they had to learn elementary German words and phrases.[52] However, the Constabulary was forced to accept regular troops and reinforcements. The Constabulary's commander, Major General Ernest Harmon, put a strong emphasis on discipline, and eventually his force played a substantial role in improving relations with the local population by substituting an 'army-type occupation' for a 'police-type occupation.' The British left internal security operations to tactical troops and military police.

Truman had repeated in May 1945 that 'the military should not have governmental responsibilities beyond the requirements of military operations.'[53] However, once Germany was defeated and the mobile phase turned into the static phase of occupation, military government was propelled onto center stage. Apart from German demobilization, which was largely accomplished in three months, there was no real 'purely military' operational purpose for the army other than constabulary-type duty in support of the government, which the Allied commanders had in fact become. Civil affairs had thereby lost its operational primacy, and in effect, tactical troops were used in support of the Allied military government. Eisenhower formally assumed the dual function as military governor with Clay as his deputy in charge of the Office of Military Government US (OMGUS), established on 1 October 1945. In the early months of 1946, military government and the tactical American and British chain of command were once again fully divorced. The army of occupation thus continued its support role enabling military government to carry out its objectives, but the new relationship was now formalized – not always to the liking of the tactical commanders who had previously been in command.[54]

The Effects of Military Pragmatism

Military government not only assumed the central position for which it had not been envisioned. It also lasted much longer than anticipated and assumed an increasing number of functions. Expectations of a military occupation phase lasting no more

than a few months after the capitulation proved unrealistic in both Germany and Japan. The State Department – originally attempting to maximize its role – had to admit it simply could not field the organization capable of supplanting the Army with its abundance of resources and in personnel. The administrative responsibility, the number of refugees and the food crisis were too massive. The distribution of food became increasingly problematic with the economy in ruins and Germany's breadbasket, the eastern part of the country, under Soviet control. Millions of Germans were being expelled from the eastern parts of Germany now under Polish, Czech and Russian control in what would in late-twentieth-century jargon be called a massive 'ethnic cleansing' campaign. At one point, displaced persons from France, the Netherlands, Belgium, Poland, Russia and Yugoslavia in the western zones numbered over five million.[55] The United Nations Relief and Rehabilitation Administration (UNRRA) had been created to take care of displaced persons, but it lacked the capabilities to assume this awesome task. Military forces continued to take the lead in feeding, clothing, housing and supervising this 'mass of confused human beings cut adrift in a collapsing society.'[56] Other than the Red Cross, that played an important role alongside the military, there were no other international humanitarian organizations. In the decades to come the family of United Nations aid organizations, national governmental relief organizations, and non-governmental organizations would become the key players in relief during war and crisis.

While the Army accepted responsibility for public order and handling the refugee crisis – its motives shifting from operational to humanitarian – it initially balked at assuming politico-economic functions. Eisenhower recommended in October 1945 that all non-security-related aspects of German occupation be transferred to American civilian institutions. However, the influential Assistant Secretary of War, John McCloy, insisted by June 1945 that the Army would have to move far beyond the envisaged role of policing the Germans as an occupation force. Although the State Department was supposedly left in charge of policy matters, by late July Truman formally assigned to the War Department and the Army the political and economic responsibility for Germany.[57]

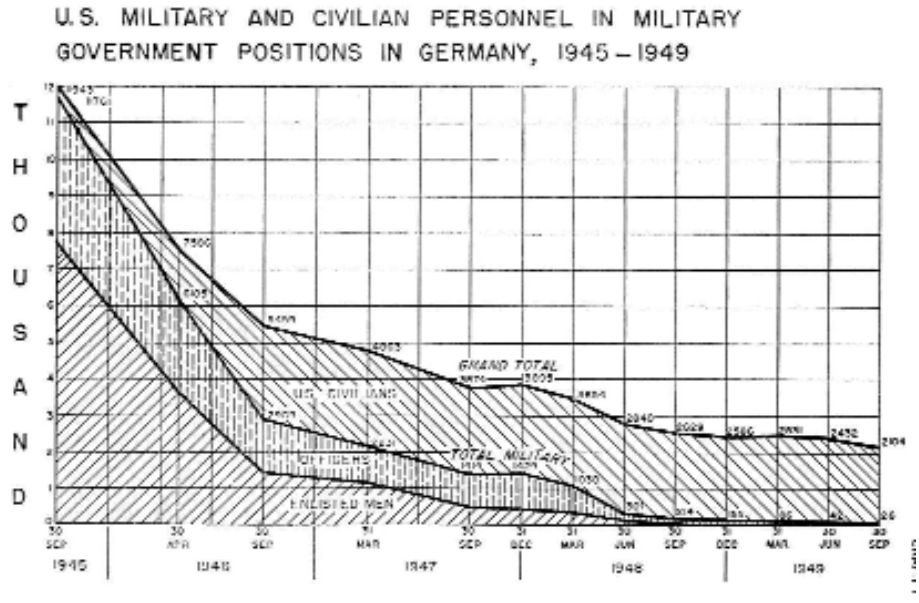
Partly as a result of the prolonged and broadened military control over government, the two central American occupation aims, denazification and economic retardation, rapidly dissolved. Winston Churchill's refusal to adopt the harsh American occupation policy as laid down in JCS 1067 had already barred it from becoming Allied policy. The British were as eager as the American military to keep the military phase of the occupation as short as possible and viewed that economic recovery and order went hand-in-hand. They had always been more pragmatic in their approach to Germany, putting less emphasis on the punitive element of occupation and more on the expected stand-off with the Soviets. British policy therefore did not undergo the same shift in emphasis from moralism to geopolitical concerns. Geopolitics had always been prominent in Churchill's mind, but only recently started to take hold in some circles in Washington. American civil affairs officer Harold Zink found that on the ground the British 'certainly had a more professional attitude gained from their long experience with colonial peoples, but displayed less sentimental concern

for German suffering.'[58] Helped by the British position on German recovery, General Clay admitted in retrospect that he all but ignored the policy guidance as laid down in JCS 1067. 'We were creating a situation that was hopeless,' he recalled. 'We were preventing, not helping, the recovery of a country we had defeated, but at the same time paying for its deficits to keep it alive.'[59] Clay illustrated that those who administer a policy often have more impact than those who conceive it.

After hostilities ended, the military was eager to transfer governmental responsibility and there was a broad consensus about the need for civilian takeover. On 21 June 1945, Clay told the Army commanders in Germany that the War Department considered military government 'not a job for soldiers' and should be 'turned over to the political as soon as practicable.'[60] He vigorously pursued a policy to reduce his own staff and replace them with civilians from the State Department and other departments. The other means of speeding up the transfer was promoting German self-government on the local level. Clay told McCloy in September 1945 that the Army could 'hardly withdraw the local [military government] detachments until officials appointed by us have been replaced by others elected by the Germans.' Elections were first held in German municipalities in January 1946 and followed later that year by ballots in the counties (*Landkreise*) and cities (*Stadkreise*).[61] The high voter turnout was reassuring to the Allies, but generally seen as evidence of German obedience to the victors than as proof of newly found democratic zeal.

Clay's expressed hope in September 1945 that the transition from military to civilian control would be completed by July the next year proved unrealistic. However, civilians gradually took over. At the lower levels of government, the burden of actual administration was rapidly shifting to German civilian officials under American and British civilian supervision in 1946. Meanwhile, the number of American civilian staff working under military control in Germany would grow from a negligible size at the close of the war to 2,500 in September 1946. In that same period, the amount of US personnel involved in military government dropped from twelve thousand to less than three thousand and steadily shrank to 155 by the end of 1948. When full responsibility was handed to the State Department in 1949, Clay had only 26 soldiers on his staff.[62] By that time the Federal Republic of Germany had emerged from the joint British-American Bizone created in 1947 and the smaller French zone. The Germans had also agreed upon a new constitution and elected their first parliament.[63]

After 1945, the US Army ran Germany in name and in law, but not in fact in local communities. In the first half of 1946, military government detachments were gradually replaced by two-officer liaison and security teams observing the work of local German officials and assuring the quickest possible transfer of responsibilities. By late 1946 they had mostly left. Clay continued to have absolute judicial, executive and legislative powers after 1945, but hardly exercised them as selected and elected German officials were allowed to run most of their own institutions in 1946. The Germans even ran much of the denazification program. However, this program already seemed to grind to a halt in all zones while under Allied military control.



From: Oliver Fredericksen, The American Military Occupation of Germany, 1945-1953 (Karlsruhe 1953) 33.

Nevertheless, the Americans had up until then purged and detained in greater numbers than the other occupying powers.[64]

Indignation and public pressure in the United States over the failure to remove Nazis from positions of power and influence caused a short wave of new purges in the American zone in late 1945. However, the Army again resorted to its pragmatic approach to reshaping post-war Germany in order to withdraw from administrative jobs as soon as possible.[65] It continued to grant priority to order and security and therefore emphasized material reconstruction rather than political and social democratization.[66] To serve this purpose, it mostly turned to the old business and administrative elite, ignoring more progressive forces in German society. After September 1946, the State Department, after some qualms over JCS 1067, placed its full weight behind the War Department in prioritizing economic reconstruction. By that time, occupation priorities fundamentally shifted to creating a bulwark against Communism and denazification finally went on the back burner.[67] But as Rebecca Boehling argued in her study on the effects of US military interregnum in Germany, the occupier's changed priorities preceded America's Cold War preoccupations. On the one hand, the Army's emphasis on efficient rule during the first year of the occupation hurt denazification and socioeconomic reforms by reinstating a large part of the old bureaucratic and economic elite. On the other hand, most Germans longed for stability and efficient rule and in the end, economic recovery ensured the acceptance of the new political system. The emphasis on economic reconstruction also helped to instill German confidence in democracy by sharpening the contrast with the Sovi-

et zone, where their countrymen were living under considerably direr conditions. Like quite a few of his more progressive colleagues in civil affairs, Harold Zink was seriously disappointed with America's failure to create a clean break with the Nazi past when he wrote his first book on American military government in Germany in 1947. In his second book on the subject, written ten years later, Zink was milder, concluding that 'despite the well-remembered SNAFUs of the occupation, the end result was oddly not that bad.'[68]

Conclusion

Most of the choices made in civil affairs and military government were driven by pragmatism rather than principle. This is the likely reason why there was no controversy in the United Kingdom about the occupation as there was in United States where, as a result, far more scholarly debate has raged over the blessings and failures of military government in Germany. Soldiers rather than civilians governed in the wake of the Allied advance because this served the war effort best. Integrating civil affairs into the military chain of command rather than segregating the administrative organization assured their primary allegiance was to the tactical commanders and not to the people over whom they ruled. This also prevented civil affairs and military government from creeping towards direct rule, for which even the massive Allied war machine lacked personnel and resources. The operational primacy of civil affairs prevailed during the mobile phase, but once the German armed forces were defeated and the occupation moved into its static phase, the role of military government shifted from support to center as the occupation became the primary goal of the Allied military presence. Military government became a purpose in its own right and the role of the regular tactical army units shifted towards a supporting role. As will be further explored in the next chapter, military support to the government was more or less the normal situation once a military force becomes involved in internal security operations.

2

Supporting the Civil Power: Counterinsurgency and the Return to Conventional Warfare

After the post-war occupations in Europe and Asia came to an end, most of the specific knowledge of civil affairs evaporated. With the rapid reductions of the military forces that had fought the Second World War the British, Canadians, and Australians discarded their specialized capacity to perform military interim government activities, leaving only the US Army in possession of a dedicated civil affairs organization. However, civil affairs survived in two different forms outside the United States. The Second World War dramatically upset the existing world order and the two prevailing politico-military developments to emerge in its wake were superpower rivalry and the sudden and rapid disintegration of Europe's colonial empires. NATO, founded in 1949 to counter the Soviet threat in Europe, created a special function for civil-military cooperation (CIMIC). Unlike the Americans, however, the European allies did not create a specialized organization to coordinate its defensive operations on the German plains with the local government institutions and population. Outside Europe, civil affairs and civil-military cooperation re-emerged as a prominent aspect of the fight against nationalist and Communist insurgencies in the colonies, although not specifically designated in those terms or as a concept at the time. This type of unconventional warfare is crucial to understanding the second theme in this work – military support to civil authorities during internal security operations. Following an introduction into irregular warfare and the problematic search for a military answer, this chapter centers on the British approach in Malaya in the 1950s. This has often been regarded a 'model campaign' and 'textbook case in counterinsurgency.' The Malayan campaign stood out for a number of reasons, but most of all for its adequate balance between civilian and military measures and eventually the high degree of coordination and cooperation between soldiers, civil administrators and police.

Imperial Policing

A wide array of terminology has been created to name the fight against irregular opponents in war. According to one scholar, this is reflective of 'the profound discomfort of conventional armed forces with unconventional war.'[1] Soldiers often did not see suppressing revolts as their job, instead considering it a task for the civil administration and its police forces. Military support was to be offered as a last resort. In practice, however, military forces would continuously be called upon and once engaged, steadily increased their role in pacifying colonized territories.

'Small wars' was a term that emerged in the course of the nineteenth century in both the British and Dutch colonies. It echoed the Spanish word *guerrilla* that became internationally known during Lord Wellington's campaign against Napoleon's forces on the Iberian Peninsula 1808-1813, where he cooperated extensively with local irregular fighters sabotaging and ambushing the French behind enemy lines. The term guerrilla warfare has been commonly used for the tactics employed by irregulars in support of a conventional war, while 'insurgency' was coined for an autonomous struggle to overthrow the existing government. The similarity in tactics employed by guerrillas and insurgents caused the terms to be used interchangeably. Both often chose not to wear uniforms, melted away into the civilian population, and preferred hit-and-run tactics instead of open battle.

Prior to the Second World War, the British commonly used the term 'imperial policing' to describe military operations against insurgents in their colonies. The Dutch used 'politico-police tasks' in the Netherlands East Indies and continued to use the term 'police actions' in 1947-1949 to emphasize the illegitimacy of the enemy who, in their view, were nothing but rebels and bandits who challenged the sovereign power. The Americans kept using 'small wars' as the generic term to describe policing their zone of influence in Central America and their colonial adventure in the Philippine Islands in the early twentieth century.[2] After the Second World War, 'counterinsurgency' and, from the 1960s, 'counter-revolutionary warfare' were added to the list by the British to describe their answer to the insurgencies by nationalist and Communist movements. During the Vietnam War the American Army, after taking over from the French in the South, came up with a host of new terms to distinguish between the different elements of unconventional military operations. The central tenet was to remove 'counter' from the parlance and as a result 'stabilization operations' became the term preferred by the US Army.[3]

In 1971 the British General Frank Kitson, who fought in Malaya and played a major role in successfully suppressing an insurgency in Kenya in the 1950s, introduced a new umbrella term in his book *Low Intensity Operations* to distinguish it from 'high-intensity' conventional military operations as in for instance the Second World War, and included peacekeeping in this category. Low-intensity operations became the common term used in the 1980s until the US military establishment, who increasingly displayed their unease with anything other than symmetric warfare, came up with 'Military Operations Other Than War' in the early 1990s. The aim, it had been suggested, was to lump together anything the armed forces considered to be outside their primary scope. 'Stabilization operations' would re-emerge at the turn of the century after operations in Bosnia and Kosovo slowly convinced US military leaders they had an inescapable role to play in the murky area between all-out war and peace.

According to counterinsurgency expert Thomas Mockaitis, all of these terms were used to describe essentially the same phenomenon. This is correct if peacekeeping – with its emphasis on impartiality instead of the defeat of an enemy – is left out as a category.[4] What most of these types of operations have in common is their attempt to defeat an enemy that refused to fight on the government's terms. They

usually do so when the government's armed forces are clearly better equipped for open battle. Driven by some ideology, mostly nationalism or Communism and often a powerful mix of both, the insurgent group's political aim was traditionally meant to create a new order by overthrowing the established government. It should be noted that insurgency is not by definition civil war, but may be one or escalate into one by splitting a society along ethnic, ideological or geographic lines.

The insurgents start from a position of weakness and traditionally combine subversion, guerrilla warfare, and terrorism, but could move toward more conventional forms of warfare. The classic method of Communist seizure of power preached by Mao Tse-Tung distinguished three distinct stages in the Communist struggle for power: guerrilla warfare, mobile warfare and positional warfare. The stages were not necessarily consecutive and had to be handled flexibly while adapting to the enemy, but after the first stage of Mao's classical rural insurgency, which was aimed at wearing down the government and winning the population to the cause of the revolution, some of the elite small guerrilla units could merge into large formations to attack the government forces at the time and place of their choosing. The third and last phase was all-out conventional war to dislodge the government and its foreign supporters from the country. Ho Chi Minh succeeded in driving the French from Indo-China in 1954 after successfully executing what can be considered the second stage in an open battle at Diem Bien Phu. Mao had progressed to the third stage when he defeated the nationalist Chinese in 1949 and so did the Communist Vietnamese when they delivered the final blow to the South Vietnamese government with conventional armed forces in 1975 after the Americans had withdrawn the bulk of their troops in the preceding years. For insurgents to win militarily, they usually had to progress to the higher stages for which they often relied on foreign backing. However, they often did not even have to win on the battlefield as much as wear down the enemy to the point where lack of resources, but most often the lack of will, did the job. In the colonies or during foreign intervention, the disparity of will was often caused by the fact that insurgents posed no threat to the foreign power's survival. 'The guerrilla wins if he does not lose,' Henry Kissinger wrote in 1969. 'The conventional army loses if it does not win.'[5]

The limited learning process in fighting insurgencies was probably the most dominant feature of Western armies. In the course of protracted colonial wars, learning was most often slow and, in between campaigns, hard-won knowledge invariably withered away. As a result, Western governments and their armies had a poor record in defeating insurgencies. The Dutch colonial army in the East Indies in the nineteenth century is a case in point. At the outset of every new campaign since 1830, the army advanced in large columns of heavily armed forces, including cavalry and artillery, in search of the elusive enemy and a decisive battle to win.

In campaigns that often lasted more than a decade, lessons were, in the end, learned by some visionary commanders who adapted their organization and tactics to the enemy. The vicious war that started in 1873 in Atjeh in the northern part of

Sumatra progressed disastrously for the Dutch until the end of the century. Only then was the struggle slowly won by employing light and flexible constabulary-type forces, called the *Korps Marechaussee*, and by prioritizing a steady but intensive pacification campaign aimed at controlling territory rather than killing the enemy. The tactics employed in the campaign included a strong emphasis on intelligence gathering. After the final remnants of resistance were quashed in the Indies in 1910, decades of relative peace followed in the Indies. Not until 1928 were the lessons – the bulk of which was learned thirty years earlier – officially codified and translated into official learning material for a new generation of officers. Although the handbook's overall emphasis was on military tactics and techniques, it incorporated a chapter on cooperation with civilian authorities and one on the soldier's posture towards the indigenous population. At times, the Dutch colonial army had been obliged to exercise military government in unruly areas, but overall the lessons were surprisingly enlightened. It strongly advised against collective punishment by burning homes and crops ('scuttle and burn'), as had been common wisdom in the previous century.[6]

Other colonial armies fared little better in the nineteenth century. The British Army had extreme difficulty adapting to the sophisticated guerrilla tactics employed by the South African Boers in 1899-1901. What often saved colonial armies in the days of traditional colonial policing was their ability to rely on their superior firepower, the indiscriminate use of force, summary justice and collective punishment for the population in order to suppress insurgencies. In the course of the twentieth century, with a more critical media, such methods were increasingly hard to apply, but at the time the press was hyper-patriotic and mostly uncritical. Reporters were totally dependent on the military for access to the battlefield, if they ever came close at all. When reported in the European press, harsh repressive measures only seemed to raise widespread indignation when applied to fellow white men – and women and children – in South Africa. Only after the Second World War did colonial armies and the Americans in Vietnam constantly have to answer to international and domestic opinion, which heavily politicized insurgencies and the struggles to counter them.

One explanation for inadequate learning in military circles was the overall aversion to a type of warfare that was not considered the army's proper role. Even when serving in the colonies, the officer corps oriented itself mainly to military developments in the homeland, where rapid technical advances were made. The profound military conservatism of the day also manifested itself in Europe, where developments in tactics dramatically lagged behind advances in weaponry, which resulted in trench warfare and stalemate during the First World War. Poor adaptation while fighting irregular opponents can also be traced to the complexity of the necessary methods, which depended on a delicate balance between civil and military measures and therefore cooperation with, and support of, the civilian 'other.' As we have seen when looking at military governance, soldiers prefer to operate in what they hope or expect to be an exclusively military domain.

Presumably because soldiers do not consider the causes of unrest and the wider political aspects of a military problem, these aspects and the question of how to deal

with them were left out of the meager available learning material in the British and Dutch colonial armies. Yet, whereas learning in the Dutch colonial Army all but stagnated in the interwar period after the introduction of formal doctrine, the British steadily progressed. Free from serious internal uprisings, the Dutch focused on the growing conventional threat from Japan in the 1930s. Unlike most other European armed forces, the small professional British Army 'was in many respects an imperial police force for which conventional warfare was the interruption.' Nevertheless, the literature of the interwar period was meager for an army involved in two decades of almost continuous insurgency. There was little formal learning and teaching at military colleges. Paradoxically, despite the steady stream of experience in Ireland, India, Burma, and Palestine, the British started to preserve the lessons of the more complex aspects of internal security operations in doctrine and literature since 1960, only after the great campaigns were over.[7]

In his analysis of British counterinsurgency between 1919 and 1960, Mockaitis argues that British learning did not progress through formal channels, but by the application of three broad principles: minimum force, civil-military cooperation and tactical flexibility. Although these principles evolved unevenly during the consecutive internal security operations, they were 'passed on as traditional wisdom from one generation of officers and civil servants to the next with almost no effort made to formulate doctrine, and little attention paid to preserving past experience in an organized fashion.'[8] What made officers responsive to unofficial learning was their acceptance of internal security operations as a regular task for the military.

First, in quoting the 1923 Army manual, *Duties in Aid of the Civil Power*, Mockaitis emphasized that British soldiers were constantly reminded that their mission was 'not the annihilation of an enemy but the suppression of a temporary disorder, and therefore the degree of force to be employed must be directed to that which is necessary to restore order and must never exceed it.' Rod Thornton has argued that the minimum force philosophy was produced by a mixture of ethical principles that can be traced back to Victorian values, and pragmatic considerations.[9] Clearly ethics would have lost out if the British had not gradually become convinced that in order to rule over their vast empire effectively, the colonial yoke had to be as light as possible. This is not to say that the British Army has not been guilty of excesses during imperial policing and counterinsurgency in the twentieth century. Despite their wide and continuous experience, the British clung to 'certain bad habits with remarkable tenacity.'[10] Since the British Army persisted in dealing with each insurgency on an ad hoc basis, they often fell back on measures such as collective punishment, even though this proved largely ineffective. During the insurgency in Ireland, for example, instead of winning the people to the government's case by positive incentives and protection, the British resorted to measures such as burning people's houses. After the First World War, the newly created Royal Air Force was a rather blunt instrument used to subdue tribesmen in the Middle East and employed to police the Empire's borders in the most cost effective manner. The most infamous example of indiscriminate force by the British in the colonies was the shooting of between 200 and 379 Sikh protesters at Amritsar in India. However, while performing this role,

the deliberate or thoughtless destruction of life was clearly the exception rather than the rule. Overall, there was clearly an upward learning curve as a result of informally transferred lessons within the British regiments.[11]

Second, Mockaitis argued that the emphasis after the First World War on the British Army's role in support of civil administration and civil police asked for a high degree of civil-military cooperation. Cooperation certainly had its ups and downs in this period as it always involved the thorny question of whether soldiers or civilians were in control. Cooperation between the military, police and civil government in Ireland was poor while fighting the Irish Republican Army (IRA) in 1919-1921. The initial solution had been to call on the military once local insurgent cells became active and a situation threatened to get out of control. Once the local military commander deemed his intervention necessary, he would assume command, but cease to coordinate his efforts with the local civilian authorities once he handed over responsibility to the civilian police. During joint police-military actions or patrols, the usual uncertainty over who was in command prevailed. In Ireland, poor cooperation between the military and police had a stifling effect on successful intelligence gathering and sharing, the key to finding and fighting the insurgents, for which the police – more familiar with the local situation – were essential.

When the situation threatened to become uncontrollable for local administration and police, calls were usually heard for the introduction of martial law, which in many ways resembled military government. The usual first step taken by the government, quite different from martial law, was calling a state of emergency whereby the civil government continued to exercise control and military forces acted in their support and under civilian direction at the highest level. The provisions of the state of emergency, usually a set of emergency regulations for arrest and detention in relation to arms possession and support to the insurgents, give legal backing to actions by soldiers, police and civil government officials to control violence. Martial law was a more drastic measure. It implied a full-scale takeover by the military commander of central or local government institutions, soldiers running public services, officers giving orders to the police and criminals being tried by military courts.

Calls for unity of command under military leadership were frequent in the turbulent corners of the British Empire. Mockaitis concluded that '[p]erhaps too much has been made of the debate over unity of command in counterinsurgency. The British experience suggests that co-operation between civil and military authorities rather than rigid control by either is what is required.' This system worked in the provinces and districts as long as there were clear political directives on the overall aim of the campaign from the top.[12] When delegating total control to military officers, the solutions tended to become militarized with a single emphasis on security, whereas successful counterinsurgency called for measures in the political, economic and social sphere. It made officers less accountable to civilian politicians and more likely to rely on the maximum use of force. Clear political directives, the prime condition for successful civil-military cooperation, proved problematic in for instance Ireland and Palestine, where no political solution was offered. Between 1919 and the end of the colonial counterinsurgency campaigns in 1960, ad hoc civil-military coop-

eration slowly evolved into a system with constant liaison, sometimes with soldiers and police operating out of a joint headquarters, and eventually into the elaborate 'committee system' of civil administrators, police and military commanders on all levels of government that proved so effective in Malaya.

Tactical flexibility was the third principle that according to Mockaitis became ingrained in British military culture. In order to allow the Army to adapt to the constantly changing types of conflict and to an enemy that failed to 'play by the rules,' much authority had to be delegated to local commanders. This meant that command had to be decentralized and the army needed to operate in small units, with much latitude for battalion, company and even platoon commanders. Rigid control at the center had proved counterproductive. In Burma, India and Palestine, cooperation with their civilian counterparts on the regional and district level in order to find local solutions to specific problems was the best guarantee for adequate intelligence gathering. However, by 1945, much of the traditional wisdom of the interwar period had been temporarily abandoned on the battlefields of the Second World War, where the tactical emphasis of military operations was on army groups and divisions rather than battalions and platoons. For the troops faced with the Jewish insurgency in Palestine in the immediate post-war years, most of the available manuals and pamphlets from the interwar period focused on the purely military aspects, and cadets in the 1940s and early 1950s were no longer trained in duties in aid of the civil power.[13]

Malaya: Integrating the Civil and Military Spheres

After seven months of British military government following the Japanese defeat, the British inaugurated the Malayan Union in April 1946. Under the new constitution citizenship and equal rights were granted to the Malayan Chinese minority that constituted thirty-eight percent of the population and Indians, comprising twelve percent. However, the Malay majority that made up almost half of the population and had been traditionally in administrative control under British supervision refused to accept shared political control. The minorities consisted of former immigrant workers who had been brought in during previous decades to work on Malaya's wealthy rubber plantations and tin mines. The enlightened measures were premature and, after serious opposition from the Malay elite, the British returned to a federal system in early 1948. Power was thus restored to the nine Malay sultans that had traditionally ruled the country's nine states with British administrative advisors operating in a classic system of indirect rule.

In the Malay-dominated Federation, less than twenty percent of the Malayan Chinese qualified for citizenship. The Chinese laborers had traditionally been discriminated against and had endured much hardship as a result of their Communist-inspired armed opposition against the Japanese. Meanwhile the Malays had passively collaborated. Over 400,000 of the Chinese minority were 'squatters,' subsistence farmers living on illegally occupied land on the jungle fringes, where they had fled during the Japanese occupation. By 1948, law and order had seriously deteriorated, and early that year the predominantly Chinese Malayan Communist Party (MCP)

called for open rebellion and guerrilla operations. The dormant wartime guerrilla cells were reactivated. It was on the squatters that the jungle army depended for its support, in the form of supplies of food and clothing, information and recruits. Thick jungle and rugged mountains covered eighty percent of the Malayan peninsula and provided the guerrillas with a perfect hideout from which to launch their campaign to gain control over the rural villages and ultimately urban centers. The remainder of the country was predominantly covered with rubber plantations.

The Malayan 'Emergency', the polite British euphemism for a protracted colonial war, can be divided into three consecutive phases. The first 'defensive phase' lasted from 1948 to 1951. The second 'offensive phase' started in 1952 and ended in 1955, when the insurgency was effectively broken. The remainder of the campaign was spent consolidating the gains previously made by preparing the Malayan government for self-government. Independence was granted to Malaya in 1957, but mopping-up operations continued until 1960. The insurgency seriously began in May and June 1948 when many lives were lost in a wave of terror. The MCP's military wing, the Communist Malayan Races Liberation Army (MRLA) mostly used hit-and-run tactics against isolated police stations, rubber plantations, tin mines and moving vehicles. Initially the terror was quite indiscriminate and managed to alienate a large part of the apathetic public, but violence after 1950 was concentrated against Europeans, government officials and Chinese who refused to cooperate with the MCP. In order to retain popular support, the British had to avoid the mistakes made in Ireland, where their counter-terror operations alienated a large part of the initially neutral public. They also had to steer clear of the problems in Palestine, where – as in Ireland – no political solution was offered that might have addressed the legitimate grievances of the insurgents.

As much of the rural areas were in chaos calls for drastic legislation and a state of emergency became louder. The government initially restricted introducing these measures that could have provoked indignation and unrest rather than ameliorating the situation. The usual package of emergency laws quite rigorously infringed on basic civil rights. By the end of 1948, nine hundred people had died at the hands of the guerrillas. Emergency regulations were introduced, but prior to 1950, the government was by no means able to enforce them. The local police force of 9,000 constables was far too small and, as a result, the available military forces were tied up performing static guard duties protecting the villages instead of effectively hunting down the insurgents. Nevertheless, in those first two years of the Emergency, British troops had been able to harass the insurgents in their jungle hideouts. At least this kept them on the move and off-balance and prevented them from coordinating their operations into larger assault by bigger units. However, the Army proved incapable of inflicting any serious number of casualties. Meanwhile, the ranks of the Communist guerrillas swelled with Mao's victory in China in 1949 as an inspiring example.

In the defensive phase, the major theme was security for the people. As long as the regular police were still relatively weak, the Army grudgingly assumed many

police duties. Their role in policing was crucial, however, since public safety was essential in order not to lose the bulk of the politically apathetic rural Chinese, who cared only about stability, but who would side with the party that was most likely to win and eventually provide law and order. Considering the fact that Communism seemed to be sweeping through China and Southeast Asia like a whirlwind, it was far from certain that they would place their bets on the British. Food and other supplies were reaching the guerrillas in sufficient quantities, partly from the approximately ten percent of the rural Chinese actively supporting them and also from the eighty percent that was coerced and intimidated by the Communists. By spring 1950, the British and Malay authorities were losing the battle as the Communists were able to recruit much faster than the government could kill and capture. Military casualties were relatively low, but the police posts were hard-pressed and losing more men than the insurgents. More than one hundred civilians were still murdered every month.[14] If the police and civilian population lost confidence in the government, the struggle would be lost.

In 1948, the British Army could field no more than ten infantry battalions with an average strength of seven hundred. Five of these were Ghurkhas, three Malay and two British. As in any modern army, a large number of these were drivers, cooks, mechanics, signalers and quartermasters. Therefore, a battalion of seven hundred was mostly unable to put more than four hundred riflemen in the field. This left no more than 4,000 riflemen to fight approximately the same number of guerrillas in the jungle, who relied on civilians in the Communist Party organization and its supporters in the villages. The number of Army battalions rose to twenty by 1951, but by that time the number of guerrillas had also doubled. At the height of the Emergency in 1952, government forces numbered 30,000 troops and 28,000 police. In addition, thousands of local home guards were trained to back up the police during emergencies. All these security forces were needed to effectively fight an enemy whose numbers never rose above 8,000, or perhaps were never allowed to do so.[15]

On the military side, the problem was the inclination of many commanders to operate in large formations. They attempted to conduct big-unit sweeps in the jungle, 'clearing the area of the enemy,' without much information on their whereabouts. They launched their battalion into the jungle to try to encircle a known camp in order to wipe it out. In 1966, ten years after serving in Malaya, Clutterbuck wrote:

> The predilection of some army officers for major operations seems incurable. Even in the late 1950's, new brigade commanders would arrive from England, nostalgic for World War II, or fresh from large-scale manoeuvres in Germany. On arrival in Malaya, they would address themselves with grease pencils to a map almost wholly green except for one red pin. 'Easy', they would say, 'Battalion on the left, battalion on the right, battalion blocking the end, and then a fourth battalion to drive through. Can't miss, old boy.[16]

While the maneuverist approach to fighting guerrillas was still prominently featured in US Army textbooks when Clutterbuck lectured on counterinsurgency at US Army

Staff College at Fort Leavenworth in the mid 1960s, it had long since been removed from their British equivalents. The method had proved to be costly in man-hours and resources. Most of all, maneuvers in order to cordon and search hide-outs by large units through dense jungle were slow, hard to coordinate and noisy. Once confronted with the enemy, only the first few troops ahead of a column could see enough to shoot at the enemy anyway. In most cases, however, the soldiers would find an empty camp as the alerted guerrillas avoided such direct confrontations. This nonetheless enabled the commanding officer to claim he had cleared an area of the enemy, which would be proudly marked on the map.

Thousands of new special Malay constables completed their training by early 1949, enabling the government to man the village police posts to sufficient strength in the course of that year. This allowed the government to release more combat troops from static protective duties in the populated areas and use them more flexibly in support of the police when a village was under threat. It also enabled them to take the offensive into the jungle in order to attack the larger guerrilla camps and conduct smaller patrols and ambushes. To be successful, however, these actions relied heavily on accurate and timely intelligence, which proved to be lacking at the outset of the campaign. Only slowly were the time-honored principles and tactical lessons of previous campaigns rediscovered and improved upon.

The lessons came to full fruition in the second, offensive phase of the Malayan campaign, when all previous experience merged. After the campaign ended, the assembled experience on successful colonial policing and counterinsurgency operations was unofficially codified by Sir Robert Thompson, who had played an important role as a colonial civil servant in Malaya. His five basic principles for successful internal security operations were laid down in his book, *Defeating Communist Insurgency*, written in 1966 after his disillusionment with his advisory role to the South Vietnamese government and the US Army.[17] Thompson clearly rose above the usual focus on the military aspects of counterinsurgency and the methods used. Although recommending methods that would be considered rather harsh by the end of the twentieth century, his analysis gained a timeless quality. The principles more or less became British doctrine and were taught at Sandhurst. He put particular emphasis on their application in Malaya and on their misapplication in Vietnam. While acknowledging the difference in circumstances facing the Americans in Vietnam, most analysts of low-level operations have since reconfirmed and elaborated on his findings.[18] Thompson's five points will be described and used as the context to explain how the offensive phase of the Malayan Emergency unfolded.

First and most important, the government had to identify the legitimate grievances that fed the insurgency and tackle this central problem. To that end, it had to define a clear political aim, which in the colonial context was to create a free, independent and united country that was stable and economically viable. By removing the prime cause of discontent, the government would be 'outbidding the insurgents for the loyalty of the people.'[19] It was the most potent weapon in the counterinsurgency arsenal and the essential element of 'winning the hearts and minds of the people' in order to separate the moderates from the insurgents. What facilitated find-

ing a political solution for the British was the Malay majority's acceptance of the inevitability of sharing power with the minorities after they saw the ferocity of the insurgency after 1948. Moreover, the Second World War had brought home to the British Isles the notion that self-rule or rapid decolonization was inevitable. This was not sufficiently understood in countries like France, the Netherlands and Portugal, where governments desperately tried to hold on to their colonies – and suffered the consequences.

'Winning the hearts and minds' became a platitude in the course of the 1960s at the time of the Vietnam War, and again in the 1990s, when the term re-emerged during peace operations. It was often misused to simply point to the desired effect of soldiers conducting small-scale humanitarian projects, so-called 'civic actions,' to win over the local population. However important these measures were, the phrase had a far broader significance and re-emerged implicitly in Thompson's other principles.

Second, the government had to act in accordance with the law. The law applied to the government as well as to the insurgents, but the government had of course the power to change the law. In Malaya it had much latitude to do so after the state of emergency had been declared in June 1948. As in all pre-war internal security operations, a series of emergency regulations were deemed crucial to winning the struggle, some of which called for the suspension of basic freedoms and fundamental human rights in democracies. The most important regulation was the widespread registration program. Regularly checking the issued identity cards made it difficult for the insurgents to move and therefore to supply and communicate as the insurgents had poor communications equipment. It thus became difficult to sustain and coordinate larger operations. In addition to food control measures linked to the cards, curfews and travel restrictions were imposed. Second in importance, according to Clutterbuck, was the power to arrest and detain without trial, although control mechanisms were created to prevent abuse. Security forces also had the right to search property without a warrant.[20] According to Thompson, the government could be quite authoritarian in an emergency situation, as long as the laws were applied equally to all and as long as the people felt it was providing security and meeting their basic needs.[21] None of these regulations achieved any result without effective local government. 'Where this is lacking, the regulations may do more harm than good, since inequitable enforcement brings resentment and nonenforcement brings contempt.'[22] Crucial to success in Malaya was that the British, unlike the Americans in Vietnam, were in full control of all government institutions and able to use the Malays or Indians who were usually reliable as a result of their aversion to the Chinese Communists.

The concept of minimum force was an integral part of this second principle. When fighting insurgencies, frustration over the inability to capture those that were considered bandits rather than a legitimate enemy often caused military forces to take their anger out on the civil population when suspected of supporting the insurgents. This led to collective punishment in most of the colonial wars and again on a small scale in Malaya. Moreover, methods such as air strikes, suppressive fire from

helicopter gunships and artillery bombardments had frequently been relied upon out of concern for the lives of an army's own troops. The use of such indiscriminate weapons often killed more innocent civilians than enemy forces. Thompson advised strongly against such methods, instead advocating punishment strictly aimed at the guilty.

Colonial armies and the Americans in Vietnam often ignored the fact that fear, rather than ideology, was the primary driving force for most civilians in choosing sides in the conflict. When fighting insurgencies, there was a point where fear of the government could come to prevail among the population. In both Indochina and Algeria the French, partially provoked, engaged in a policy of ruthless suppression. After having received the order to stamp out an urban insurgency in Algiers in 1957 by any means, French paratroopers, invested with full civil power, broke the insurgent cells and gained control over the city. However, their ruthless methods, including widespread torture, alienated the Algerians and French alike. In 1947 and 1948, the Dutch in the Netherlands East Indies sought a conventional military solution by twice relying on a speedy and successful military advance, only to fail dramatically during the costly and, at times, brutal pacifying campaigns that followed in the countryside. Their two 'Police Actions' eventually caused international indignation and diplomatic pressure. Both the French and the Dutch were forced to leave their colonies. Unlike the British, they were unable to dictate the terms for their imperial retreat.

Having learned in previous campaigns that force had to be used in a highly selective manner, the British in Malaya created an elaborate system of civil-military cooperation in order to exercise tight administrative control. This was the key to successfully applying Thompson's third principle of counterinsurgency. The government needed an overall plan for attacking the cause of the insurgency, not just the guerrillas. 'Unity of effort,' the process of tying civil and military measures together into a single effective policy, always proved extremely difficult to achieve because, as one analyst wrote, 'it represents the fusion of civil and military functions to fight battles which have primarily political objectives [...] All the political, economic, psychological and military means must be marshalled as weapons under centralized co-ordination and direction.'[23]

The appointment of Lieutenant General Sir Harold Briggs as the director of operations in Malaya was crucial to the development of the overall British strategy and a mechanism for its implementation. Briggs was a retired officer and a veteran of the Burma Revolt in 1930-1932 where civil-military cooperation had progressed better than in most other operations. He worked directly under the high commissioner, Sir Henry Gurney. Briggs introduced what became know as the 'war by committee system' that harked back to previous colonial experience, but finally put it on a formal footing. The foundations of the system were the District War Executive Committees. Chaired by the district administrative officer, the committee included the battalion commander and the police superintendent. They worked together to conduct day-to-day operations supported by an integrated intelligence committee of soldiers and police. For each of the nine Malayan states a similar triumvirate, a State War Executive Committee, was created. In Kuala Lumpur, the high commissioner

chaired the Federation Executive Council that issued policy directives and controlled finance. It took some time for the system to function smoothly. The British committee system for civil-military cooperation was the alternative to the 'single commander system' mostly preferred by the French, where the military were in overall control of some or all levels of government.

In Malaya, it was only on the highest federal level that civilian and military powers were temporarily merged between 1952 and 1954, during the height of the insurgency. This drastic measure was made possible by the shock effect created by the killing of Sir Gurney in an ambush in October 1951. Later that year, General Briggs left Malaya, an exhausted man, only to die a few months later. The man who was chosen to replace Gurney was General Sir Gerald Templer who arrived in Malaya in January 1952. Not only was he the first military man to occupy this political post, he also served as the director of operations. He thus combined military and civil authority in one person and has been called 'the last of the proconsuls.'

Templer combined all the personal experience needed for leading the campaign through its most critical phase, although it is important to realize that his predecessors had held the line and developed the schemes that he implemented. As a divisional commander he had seen combat in North Africa and Italy, where he was wounded when his jeep struck a mine in 1944. Templer was director of military government in the British zone in Germany in 1945-1946, after which he served in the War Office as the director of intelligence and vice chief of the Imperial General Staff. Although the idea obviously predated him, the phrase 'winning the hearts and minds' has often been ascribed to Templer, when he said in 1952 that '[t]he answer lies not in pouring more troops into the jungle, but in the hearts and minds of the people.' He explained: 'The shooting side of this business is only 25 percent of the trouble and the other 75 lies in getting the people of this country behind us.'[24] Templer perfected the committee system by putting extreme emphasis on the civilian side of the operation and the need for a closely coordinated effort. He insisted that the district and state committees meet once a day, 'if only for a whiskey and soda in the evening.'[25]

With his unstoppable energy and strong and inspiring leadership, Templer played a crucial role in invigorating the schemes that had already been developed under Briggs. In 1950, Briggs had evolved an integrated plan for anti-guerrilla operations. The committee system he institutionalized was the tool with which to implement what became known as the Briggs Plan, which encapsulated the fourth principle distilled from the Malayan campaign by Robert Thompson. The government had to give priority to defeating the political subversion of the people, not to defeating the insurgents by killing them. The strategy hinged on denying the guerrillas access to their chief source of supply, recruits and intelligence – the civilian population. Thereto the Briggs Plan included the resettlement of almost half a million Chinese squatters from the jungle fringes to so-called 'new villages.' The primary aim of this drastic measure was denial of food. The guerrillas would often be forced to come out into the open to reach the villages when unable to obtain food from nearby squatters, which allowed the security forces to attack them. The villages were encircled with wire and protected by police with backup from local home guards. It took time,

money for public facilities, compensation, offers of early citizenship and pressure to induce the subsistence farmers to move. The committee system took time to bear fruit and therefore the measures took long to implement – too long for Briggs to see the results. It did work, in the end, as witnessed by the fact that only six out of 480 'new villages' were abandoned by 1960.[26]

Physically divorcing the people from the extremists who tried to subvert them was one method of 'separating the fish from water.' A hearts-and-minds campaign was the other way to deny the guerrillas their most important protective shield – the people. By the time of Templer's appointment, the British pledged that Malaya would become independent by 1957, a promise they would keep. In the meantime, Templer laid great emphasis on Malayan participation in local government. An elaborate information or propaganda campaign was another vital element to keep the local population from embracing the Communists and encouraging the guerrillas to surrender. Quintessential to 'winning the hearts and minds' of the Chinese, however, was their personal safety. When turning against the Communists or when they were relocated, the Chinese squatters had to believe the security forces could protect them against reprisals and intimidation. The primary element of the Briggs Plan was therefore security and protection of the population 'that allow[ed] their 'hearts and minds' to be won over.'[27]

In his book *Low Intensity Operations*, Kitson emphasized these same principles as those mentioned by Thompson. However, he put extra emphasis on the tactical handling of information by operational commanders and the fact that 'the problem of defeating insurgents consists largely of finding them.'[28] Food denial, intelligence gathering and the actual act of killing insurgents were intricately linked. Even before the Briggs Plan became British strategy, individual units found out how concentrating patrols and ambushes near food sources were likely to be most successful. A vital part of the organized food denial program was the identification of villagers who were supplying food to the insurgents. Templer's tactics combined harsh treatment of villages and individuals caught collaborating with the insurgents with positive incentives for those cooperating with the government. When sufficient evidence had been collected to show conclusively that a villager was a supplier, he was discreetly confronted with this evidence by a plainclothes Chinese detective from the special branch of the police force – the agency with overall responsibility for collecting and analyzing intelligence after 1951. He could escape punishment by becoming a double agent, which many did, and continue to smuggle food to the Communists while providing the exact information on the whereabouts and movements of guerrillas. If he chose to flee to the jungle, the insurgents had lost a source of supplies and information in the village, and gained another mouth to feed. Together with extremely generous rewards for peasants and voluntarily surrendered guerrillas who provided information that led to a successful ambush or attack, intelligence gathering rapidly improved.[29]

The British had found that flogging the jungle without information by large numbers of troops proved 'utterly useless.' Now, the new sources of intelligence, combined with a great deal of planning and coordination, allowed small patrols with local

trackers to attack camps, with others laying ambushes for the fleeing guerrillas.[30] The necessary shift towards smaller scale operations and dispersal of forces was accompanied by a decentralization of command and control, allowing junior commanders considerable initiative in adapting the broader principles and assignments laid down by senior commanders. Commandos from the Special Air Service (SAS) played an important role in deep penetrations of the jungle, but the British found that counterinsurgency was first and foremost a job for regular infantry.[31] Battalion and company commanders who remained in the area longer, often more than a year, became familiar with the area. Personally knowing the administrators, police, and special branch paid off. Overall, there was little new theory but much common sense in their approach, with officers and non-commissioned officers claiming 'we were making it up as we went along,' applying minimum force and finding solutions with civilian partners as a reflex, rather than as a set of orders imposed from above.[32]

The fifth and last principle from Thompson's *Defeating Communist Insurgency* was the need to secure the government's base area and to progress gradually from there. While maintaining military pressure in all parts of Malaya not cleared of guerrillas, other areas were designated as sufficiently secured for emergency regulations to be lifted. In time, the security role in these areas could be fully taken over by police and local home guard.[33] Thompson and all other analysts of counterinsurgency that followed him emphasized over and over again that successfully defeating an insurgency required patience. The government had to show extreme determination to see the campaign through to the very end and root out the insurgency before transferring power to the independent government of Malaysia. The British stayed until the emergency was finally over in 1960 and after that they maintained a close relationship with the new Malaysian government. The British Army stayed on in an advisory role and, together with Australian troops, again saw action in the jungle in support of the Malaysian Army during its confrontation with Indonesia over Borneo (1962-1966). However, by mid-1954 the offensive against the insurgents was so successful that one-man rule was no longer necessary and Templer handed over his military powers to a soldier and his post as high commissioner to his civilian deputy. The British would go on to win two other counterinsurgency operations in Kenya and on Cyprus in the second half of the 1950s. In both cases it would be a long haul.

As a result of the escalating war in Vietnam and Communist successes elsewhere, insurgency and counterinsurgency became widely studied. In the course of the 1960s, those who had been practicing subversion and insurgency, such as Mao and the Greek Cypriot insurgent leader George Grivas, wrote books on their ideas, principles and methods. Those devising measures to successfully counter them, people such as Thompson and Kitson, a civil servant and a soldier, did the same. 'Unfortunately,' Kitson observed, 'the fact that so much is known by those who have studied the problem does not mean that the problem has been studied by all those who should have done so.' Even in Britain, a considerable number of officers, including senior ones, consciously failed to understand what was involved and cried 'that a fit soldier

with a rifle can do all that is required.'[34] This attitude was deeply ingrained on both sides of the Atlantic.

The root of the problem was that an officer's qualities for fighting conventional war differed from the development of characteristics for the 'lower end of the operational spectrum,' in which Kitson included peacekeeping. Traditional soldiers were trained to be 'strong, courageous, direct and aggressive,' whereas the successful officer in counterinsurgency developed certain deviousness, a lot of patience and 'determination to outwit their opponents by all means compatible with the achievement of the aim.' In 1971 Kitson wrote:

> Those who are not capable of developing these characteristics are included to retreat into their military shells and try not to notice what is going on. They adapt the 'fit soldiers with a rifle' theory, and long for the day when they can get back to 'proper soldiering' by which they mean preparing for the next – or the last – war, as opposed to fighting in the current one. There are also some sound material reasons for not becoming too well qualified in fighting insurgents, because expertise in this field can result in an officer being channelled away from the main stream of military preferment, a factor which is more apparent in the United States than in the British Army.[35]

Only after the great campaigns of the 1950s were over the principles and methods of counterinsurgency became part of the curriculum taught at the Royal Military Academy. Several smaller insurgencies on Borneo, in Aden (South Arabia) and Oman in the 1960s and early 1970s, but particularly the 'Troubles' in Northern Ireland, kept the interest in low-intensity operations in the United Kingdom alive in the decades to come. Obviously, the 'Troubles' were dissimilar from previous insurgencies. Most of the doctrine and methods from the Malayan Emergency, a rural insurgency halfway across the globe, proved politically and practically impossible to apply in Ulster's largely urban environment. Moreover, the ever-present media seriously constrained the British security forces in Northern Ireland. Adherence to the principles of minimum force, civil-military cooperation and tactical flexibility were essential in keeping the violence at 'an acceptable level,' but the struggle could not be won without a proper political solution.[36] Despite the frustration within the British military over their inability to put a stop to the violence within the borders of the United Kingdom, the British armed forces – like the Australians who shared much of their experience in Malaya and Borneo – could look back on counterinsurgency campaigns with a certain pride. Compared to the American military's reaction to their experience in Vietnam, this gave their soldiers a different outlook on what the proper role of the armed forces was.

Vietnam: Lessons Unlearned

While lecturing in the United States in 1962 on the patient and restrained approach in Malaya, a British Army colonel was interrupted by a chuckle from a US Marine

Corps major. Asked what the reason for his amusement was, the major explained that in Vietnam, '[w]e will work them over with so much steel that six months will see the end of it.' For a number of reasons the British experience in Malaya could not be blindly copied in Vietnam. The Americans, however, instead of using the applied principles as a basis and expanding on them, ended up using methods and displaying reflexes that were often diametrically opposed. The US military, like the French in Vietnam before them, tended to treat insurgency as a predominantly military problem. 'Whereas French and American generals would say 'turn us loose', British ones would repeat, 'Give us a political solution and a good police establishment.''[37] Not only did the American military leaders fail to build on the British experience, they also discarded their own historical experience in counterinsurgency. The US Marine major's reaction in 1962 was as an exponent of the way the experience in conventional battle during the war in the Pacific had come to influence the Marine Corps thinking. Prior to the Second World War the Corps had been the breeding ground for commanders skilled in low-intensity operations.

The wide variety of 'small wars' fought by the United States in the late-nineteenth and early-twentieth century included suppressing an insurgency in the Philippines and a punitive expedition in Mexico. Here the US Army played the predominant role. However, the US Marine Corps became America's primary overseas police force and built up considerable experience during a series of guerrilla wars and military interventions familiarly known as the 'Banana Wars' in Central America and the Caribbean. Between 1898 and 1933, the Marines saw action twice in Cuba, Panama, Nicaragua, Haiti, the Dominican Republic, and again in Nicaragua in pacification campaigns that often took years and sometimes more than a decade.

The accumulated wisdom of several decades of small wars was collected and codified in the late 1930s by the US Marine Corps and eventually published in their elaborate *Small Wars Manual*. Quite inopportunely, it appeared in 1940, on the eve of America's participation in the Second World War, which would fundamentally change the country's foreign policy and military outlook. In 2002, a retired US Marine Corps colonel, Nick Pratt, called the *Small Wars Manual* 'a classic, and [...] more relevant today than anything currently in use by *any* military service.' It defined small wars as 'operations undertaken under executive authority, wherein military force is combined with diplomatic pressure in the internal or external affairs of another state whose government is unstable, inadequate, or unsatisfactory for the preservation of life and of such interests are determined by the foreign policy of our Nation.'[38] President Woodrow Wilson had declared the purpose of these interventions 'to teach the South American republics to elect good men.'[39]

Many of the same principles that emerged during British imperial policing and counterinsurgency can be found in the Marine Corps manual. Minimum force is one of them. Although Americans, like their European counterparts, had at times resorted to excessive force and collective punishment such as during the Philippine insurrection, they eventually learned their lessons: 'In small wars, caution must be exercised, and instead of striving to generate the maximum power with the forces available, the goal is to gain decisive results with the least application of force. In

US forces in Vietnam were unable to exploit the mobility provided by helicopter transport. American political and military leaders failed to appreciate that counterinsurgency was about controlling territory and the civilian population rather than killing the enemy.

small wars, tolerance, sympathy, and kindness should be the keynote of our relationship with the mass of the population. Small wars involve a wide range of activities including diplomacy, contacts with the civil population and warfare of the most difficult kind.'[40] The handbook explained how in major wars the mission was usually unequivocally the defeat and destruction of the hostile force. 'This is seldom true in small wars.' Instead, the Marines faced the more ambiguous mission 'to establish and maintain law and order by supporting or replacing the civil government in countries or areas in which the interest of the United States have been placed in jeopardy.' Other than in 'big war,' diplomacy had not ceased as a function and the State Department continued to play a major role in shaping the American response by exercising 'a constant and controlling influence over the military operations.' However, as in the Second World War, the State Department was often incapable of picking up the civilian administrative tasks in time and soldiers ended up running medical programs infrastructural projects and establishing new local governments.

Protecting the population and public security was also a central tenet of the *Small Wars Manual*. Much emphasis was put on the formation of local constabulary forces

commanded by Marine Corps non-commissioned officers and used for the protection of persons and property of the population.[41] The Marines learned to rely on small patrols and avoid big sweeps, for which they mostly lacked the manpower anyhow. 'Resourcefulness and ingenuity' were called for when pacifying and the Marines were mostly given general guidelines to follow and considerable latitude in achieving objectives. 'Small Wars demand the highest type of leadership directed by intelligence, resourcefulness, and ingenuity. Small Wars are conceived in uncertainty, are conducted often with precarious responsibility and doubtful authority, under indeterminate orders lacking specific instructions.' This degree of ambiguity and the room for interpretation would be unthinkable in the descriptive American military doctrine that appeared several decades later, at the time when the US military became increasingly involved in peace operations.[42]

By the time the United Stated became fully involved in Vietnam in 1965, the *Small Wars Manual* was all but forgotten, except by some older Marine Corps veterans. The experience from the Second World War and the Korean War solidified what has been called the 'Army Concept' of war, or what later became know as 'the American way of war.'[43] The overarching tenet of the American approach was to fight the Viet Cong with conventional war methods. The US commander in Vietnam, General William C. Westmoreland, wanted to pursue a mobile war, attacking large enemy formations and disrupting their supply lines, as he had done while fighting the Germans. American military leaders sought a decisive victory on the battlefield and, when this proved impossible against an enemy that refused to come out into the open and fight, they chose to fight a war of attrition by killing the maximum number of insurgents with 'search and destroy' missions.

Instead of gradually pacifying the densely populated agricultural coastal plains and the Mekong Delta, as some Marine Corps generals suggested, Westmoreland used most of his resources to aggressively seek out and kill the enemy in the Highlands and the jungle. Continuously looking for a quick-fix solution, his tactics were focused on bringing out the enemy in sufficient numbers so he could bring his forces' overwhelming firepower to bear. Whenever the Viet Cong chose to operate in larger formations, as in the siege of Khe Sahn and during the Tet Offensive, it suffered tremendous losses. But, unlike the Americans, the Vietnamese were willing to suffer these losses. In the meantime, the elusive Communist insurgents continued to win over, subvert and intimidate the people in the populated areas, thereby maintaining their access to supplies, information and recruits. The Viet Cong and the North Vietnamese Army acting in its support would not abide by the American rules and the US Army refused to adapt to the enemy's predominantly small-unit guerrilla tactics.

There were some notable exceptions to the mainstream American military experience in Vietnam. In 1961 and 1962 the US Army Special Forces – specifically trained in unconventional methods of warfare – secured a great number of villages in the Highlands by employing proven counterinsurgency methods that emphasized small-scale patrols, winning the hearts and minds and intelligence gathering. In its area of operations in the north, the US Marine Corps conducted an overall success-

ful but small-scale pacification campaign. Not only did the Marines have a long history in small wars, they were also not committed to the defense of Europe that tended to exclusively focus commanders on conventional warfare. Harking back to the small wars experience from the Caribbean campaigns, the Marines created the Combined Action Platoon (CAP) program. A CAP of approximately ten Marines would integrate their operations with up to fifty National Front home guard forces in the defense of a village or 'hamlet.' They would live, eat and sleep with the local population and their mission was to destroy the Viet Cong infrastructure in the village and area, protect public security, help maintain law and order and conduct civic action projects. Westmoreland marginalized all such initiatives and the program never employed more than two thousand marines. [44] Another notable exception to the mainstream performance in Vietnam was the role played by the Australian Army that – fresh from Malaya and Borneo – served in Vietnam between 1965 and 1972. The American Vietnam war veteran and *Newsweek* commentator, Colonel David Hackworth, once said, 'The only people who really know how to fight this thing are the Australians and the Viet Cong.'[45]

When looking at successive versions of the US Army's capstone war fighting doctrine, Field Manual 100-5, one can see a brief surge of interest in counterinsurgency methods and principles in the early and mid-1960s, after President John F. Kennedy had showed special interest in unconventional warfare and stimulated the expansion of Special Forces. By 1968, the chapter on military operations against irregular forces was removed from the main Army doctrine publication.[46] During and after the Vietnam War, the Army tended to delegate the practice of unconventional warfare, with its high demands on flexibility, improvisation and ability to interact with the local population, to the Special Forces.[47] The British, while making some use of the SAS, had always held that counterinsurgency was primarily a job for well-trained, versatile regular infantry units.

The Americans could have learned a lot more from the British experience, but Vietnam was not Malaya. While Malayan insurgents had been geographically isolated in the jungles of the Malayan peninsula, the Vietnamese Communists were amply supplied with Soviet and Chinese armaments and supplies. In Malaya, the guerillas belonged to one of three major ethnic groups, which made them much easier to isolate. For the United States, tackling the underlying political grievance in Vietnam by defining a clear political aim was far more difficult than it had been for the British in Malaya, who were in control of all government institutions. The Americans were backing an unpopular and corrupt regime, many of whose actions were beyond the control of policymakers in Washington. The South Vietnamese government readily accepted military aid, but successfully resisted the pressure for political and economic reforms. Meanwhile, what the South Vietnamese people wanted first and foremost was good government, safety and order.

An integral strategy for counterinsurgency similar to that in Malaya was difficult to conceive, and a system of civil-military cooperation for its implementation seri-

ously hampered by poor local government and weak police force and home guard. On their part, the Americans failed to put sufficient emphasis on a population-oriented 'hearts and minds' campaign, and there was never a proper functioning system for liaison and cooperation between smaller tactical units and local authorities. One of the ironies of the Vietnam campaign was that no US Army civil affairs reserve units were activated during the Vietnam War. Calling up the reserves that made up the vast majority of the civil affairs personnel had always been politically sensitive. Civil affairs could have played an important role in an army whose combat units lacked versatility and – other than the British in Malaya who regarded this as a commander's responsibility – preferred to delegate interfacing with civilian institutions and people to its specialized branch. Instead of deploying sufficient civil affairs personnel, 'the chequered path of civil affairs was overseen by various civilian-military hybrids, which, in spite of heroic efforts, never did fire the imagination of US field commanders, who seemed determined to fight a war of attrition.'[48] Ill-fated attempts from 1962 to create hundreds of 'strategic hamlets' in line with the 'new villages' in Malaya never succeeded in rendering sufficient protection to the village population.[49] As a result of poor civil-military cooperation, the failure to protect and win over the people and insufficient human intelligence on the enemy's whereabouts, the American forces tasked to 'search and destroy' were in fact 'flogging the jungle without information by large numbers of troops' – and napalm.

Lacking a reliable political base and framework for operations in South Vietnam, the American Army preferred to seek a purely military solution. In doing so, it fundamentally broke with the desirability to use minimum force. An American general admitted that since their superior technology had little to aim at, soldiers were applying firepower 'on a relatively random basis.' The population was often in the line of fire and, in some cases, deliberately targeted. A British brigadier general who witnessed American operations in Vietnam described United States tactics as 'prophylactic firepower, which means that if you do not know where the enemy is, make a big enough bang and you may bring something down.'[50] Apart from heavily relying on artillery, twice the tonnage of bombs dropped by the British and American air forces in the Second World War was brought to bear on North and South Vietnam.

On the ground, however, over eighty percent of the engagements in 1967 between the Americans and the Communist Vietnamese took place on the enemy's initiative.[51] By 1968 there were over 600,000 US and allied troops supporting the 670,000 South Vietnamese security forces. With the massive disparity of will on both sides, and without proper counterinsurgency strategy and tactics, it would not be enough. Although the Americans actually started to conduct the war somewhat more skillfully from 1969 by embracing a pacification program called 'clear and hold,' the South Vietnamese government and their American sponsor never succeeded in separating the population from the insurgents before public support for the war effort in the United States crumbled. Following the Viet Cong's psychological victory in the 1968 Tet Offensive, US military ground forces started to gradually withdraw. Approximately 57,000 American troops and at least one million, perhaps even two million Vietnamese civilians and soldiers died in the war.

The Return to 'Ordinary Soldiering'

The US military establishment found the suggestion that it had failed on the battlefield unacceptable. It sought arguments to reinforce the thesis that defeat in Vietnam was not due to tactical incompetence and inflexibility, but solely a result of strategic failure. Military leaders blamed the political decision to slowly escalate the war instead of applying decisive military force at once. A frequently heard claim was that American soldiers were fighting 'with one hand tied behind their back.' Although the tragedy in Vietnam was indeed first and foremost the consequence of political mistakes, the US military cannot be exempted from structurally failing to adjust their methods and principles to a guerrilla-style opponent and from alienating a population they had supposedly come to protect. As a result of the tendency to divert all the blame to the political level, even the few positive tactical lessons from the experience in low-intensity conflict were largely ignored. The prevailing strategic lesson from Vietnam was that the United States should avoid this type of intervention altogether. The high-tech Yom Kippur War between the Israelis and their Arab neighbors in 1973 featured the second largest tank battle in history and only seemed to reconfirm that Vietnam had been an aberration in the historical trend of warfare. The most significant failure the American military elite was willing to acknowledge was its inability to adequately influence policy decisions in Washington. Since the 1980s, the US armed forces sought to correct this by influencing policy decisions on how and where they would be deployed.[52]

In his highly influential US Army War College study *On Strategy: A Critical Analysis of the Vietnam War*, Colonel Harry Summers concluded in 1981 that the United States had lost the Vietnam War because it had not fought conventionally enough. The most fundamental 'lessons learned' publication to come out of the conflict concluded that the Army should not have deviated from its big-war approach and engage in some half-hearted counterinsurgency experiments.[53] This message was clearly more welcome that of another, more critical in-house study that had concluded quite the opposite one year earlier. Summers thesis was embraced by the bulk of the armed forces during the post-Vietnam process of soul-searching and strengthened the idea that the sole purpose of the US armed forces was to fight and win America's wars. This 'American way of war' was articulated and codified in the Weinberger-Powell Doctrine as formulated in 1984. The doctrine, named after Secretary of Defense Casper Weinberger and co-drafter, National Security Advisor Colin Powell, held that military force should only be used if there was a clear risk to US national security and only as a last resort; that the objective should be unambiguous; that the force used should be overwhelming and with the clear intent to win; that the operation must have strong public support and a clear exit strategy.[54] A US colonel wrote of the 1984 Weinberger-Powell doctrine that it codified and distilled, in 'bumper-sticker form, the key components of Summers' book.' The Doctrine was perhaps best summarized by the statement, 'We don't do Vietnams.'[55]

The idea that conventional warfare was the only proper role for military forces was also reconfirmed in continental Europe in the aftermath of a long series of colonial debacles. The experiences on both sides of the Atlantic perfectly converged in

focusing on a new single military objective. The Israeli military analyst Martin van Crevelt wrote:

> When the last colonies – those of Portugal – were freed in 1975, many people felt that an era in warfare had come to an end. Having suffered one defeat after another, the most important armed forces of the 'developed' world in particular heaved a sigh of relief; gratefully, they felt that they could return to 'ordinary' soldiering, by which they meant preparing for wars against armed organizations similar to themselves on the other side of the Iron Curtain.[56]

While preparing for conventional battle against the Warsaw Pact forces during the Cold War years, the Western military retreated to barracks and military practice grounds. The few lessons from counterinsurgency that had been learned were mostly forgotten or 'unlearned.' As the United States and the former colonial powers lost interest in low-intensity conflict in the third world, they further neglected operating close to civilians and integrating operations with civilian authorities. To their great relief, they were hardly ever called upon to perform tasks related to public security. The role military forces had played in supporting the civil power at home during and before the nineteenth century had already been disappearing in most democracies. The rapid professionalization of police forces in the twentieth century made civil authorities less dependent on military backup during a breakdown of law and order. Only the British Army continued to support to the civil authorities during an internal security operations on a significant scale while containing the insurgency in Northern Ireland after 1970. When intervening in their former colonies in Africa, the French delegated most of these internal security operations to its Foreign Legion, thus keeping much of the experience in low-intensity operations outside the mainstream army culture. NATO member states and their militaries became fixated on armored and combined-arms operations and on maneuver warfare theory. After the détente of the 1970s, the 1980s saw a revival of Cold War tension. During Ronald Reagan's presidency, the American military refound its confidence and, provided with lavish funding, developed the 'air-land battle' doctrine aimed at resisting the numerically superior Warsaw Pact armies by relying on superior technology.

While focusing singularly on possible conventional combat in Germany, NATO treated the civil-military interface as a problem at the margins of military operations, just as it had been during mobile operations in the Second World War. The functions ascribed to Civil-Military Cooperation (CIMIC) concentrated on population and resources control and support to the host-nation authorities. NATO CIMIC was geared towards facilitating conventional military operations by clearing civilian 'obstacles' such as refugees and by exploiting civilian resources and infrastructure for military purposes. As in the Second World War, this happened mostly outside the scope of tactical units below army corps level, which became used to operating in what was conceived to be a purely military sphere.[57] Soldiers viewed their area of operations as their near-exclusive domain and considered civilians primarily a hindrance.

The US Army civil affairs branch was also largely consumed by preparations for

these CIMIC-type tasks in support of conventional warfare in the defense of Europe.[58] The acronym CIMIC was absent from American doctrine and only used by the US military when performing a NATO role. Most of the civil affairs units were configured to meet these needs. Nevertheless, CIMIC covered only a portion of the civil affairs field of operations that formally still included low-intensity operations and civil administration. However, as priorities had changed in the previous decades, Army doctrine for full assumption of government functions in enemy and friendly territory withered away. Military occupation was not seriously considered on the European battlefield and as a result civil affairs neglected much of its ability to perform military government activities after the 1960s, when those with 'proconsular' experience from the 1940s left the military. Around 1960 the term military government was purged and replaced by the generic term civil affairs to emphasize the non-coercive aspects.[59] At that time, civil affairs attempted to adapt both doctrine and organization to counterinsurgency operations, but political deliberations had prevented it from proving its worth in Vietnam. Thereafter civil affairs doctrine became largely concerned with the composition of units and not how they would be employed; by the end of the century, administration of occupied territory had disappeared from its pages.

In the 1980s, the civil affairs community, consisting of two hundred active personnel, and some five thousand reservists, was in a sorry state.[60] The US Army often neglected providing staff officers at general staff level (G5) in headquarters in Germany and, with the Army's strict focus on Europe, civil affairs was also poorly prepared to support low-intensity conflict.[61] One civil affairs officer complained in 1990 that the civil affairs organization had 'no champion, no sponsor, and therefore, in spite of its great potential, tends to be lumped together with the 'ash and trash' units.'[62] Regular Army personnel hardly knew what civil affairs was and tended to confuse it with the Army's Public Affairs Division.

During the mid-1980s, voices were raised to focus civil affairs on conflict at the lower end of the spectrum and in 1987, Weinberger assigned all civil affairs units to the newly established Special Operations Command at Fort Bragg. The rationale behind this was to redirect civil affairs assets towards unconventional warfare at a time when the Reagan administration was supporting both anti-government guerrillas in Nicaragua and the counterinsurgency efforts of the government of El Salvador. It did so without the use of regular combat units. 'Foreign Internal Defense' therefore became the term for support to irregular warfare to emphasize that the US military would only help and not be involved in these unwanted low-intensity conflicts itself. The shift in focus led to some heated debates within the civil affairs community that was continuously trying to prove its value to an Army that was strictly focused on the conventional Soviet military threat. Many civil affairs officers regarded their general support role in Germany as the goal of the force while seeing unconventional warfare as 'aberrations of the core *raison d'être* for civil affairs.'[63]

After the Cold War had come to an end, the Persian Gulf War in 1990 seemed to validate all the hopes and beliefs in future trends in warfare that existed within Western military forces during the Cold War years. The UN-sanctioned war to evict

Saddam Hussein's forces from Kuwait was played strictly by Weinberger's rules and executed under the military leadership of General Colin Powell, then chairman of the Joint Chiefs of Staff. The type of war NATO had planned to fight on the German plain with the US armed forces at its core was instead fought against an infinitely inferior enemy in the Iraqi desert. After their technological sprint in the 1980s – which left friend and foe in awe – the United States' armed forces could bring their tremendous firepower to bear against an enemy that was so unwise as to meet the Americans on the open battlefield on their terms. The US Army could maneuver and fire at will in a terrain that harbored almost no civilians, had no large urban centers and no local government to worry about. Before the civilian population threatened to become a problem at the far edges of the American advance toward the Euphrates, the US and allied forces withdrew from Iraq – leaving the Shiite population the American president had called upon to revolt to fend for itself against Saddam's wrath.

The conquest of Kuwait was liberation in a classical sense. With close to one thousand civil affairs personnel in theater and ample time to plan, it could have been a model for US Army civil affairs in its traditional role. However, with civil affairs in its civil administrative role on the back burner during previous decades, and as a result of inadequate political prioritization of this function in the planning phase, the effort to reconstruct Kuwait was chaotic. The American general left in charge of operations in post-war Kuwait recalled being handed 'a dripping bag of manure,' that no one else wanted to deal with. Neither the Pentagon nor the US Army had conceived of an adequate plan to reconstruct Kuwait and its institutions, and few assets were initially allocated. American civilian agencies were no better prepared. The situation was salvaged with adept improvisation by Army engineers and civil affairs personnel, and a large input from Kuwaiti volunteers and the Saudi government.[64] With its incredible wealth and governing elite that could move right back into power, Kuwait would not prove the most difficult post-war nation to put back on its feet.

After defeating Saddam Hussein's troops with the use of overwhelming force, and with the Cold War at an end, President George H.W. Bush launched his optimistic but vague vision of a 'New World Order' that held some promise of an increased role for the United Nations in international conflict resolution. He also claimed that the United States had kicked its Vietnam syndrome, but this proved only partly true. The syndrome would soon be revived during the coming era of peace operations, particularly by developments in Somalia in 1993.

Toward Civil-Military Peace Operations

If conventional warfare and irregular warfare are considered the two main categories of military operations, where did this leave peacekeeping as a military tool around 1990? Judged from the perspective of civil-military interaction in an area of operations, United Nations peacekeeping in the preceding decades had followed the trend of conventional, 'inter-state conflict.' In accordance with the principle of non-interference in domestic affairs, UN peacekeepers had stayed out of the murky business

of civil war, or 'intra-state conflict,' with its nasty tendency to pull soldiers into internal security operations. Prior to 1989, peacekeeping was almost exclusively focused on separating two national armies along a status-quo line with the hope of solving territorial disputes by restoring internationally agreed-upon boundaries, or providing the shield that allowed them to be adjusted by diplomatic means. Initially, UN missions were limited to deploying military observers, but over the years these evolved into what later became known as 'traditional peacekeeping': operations with infantry units physically manning buffer zones between warring armies. The principles of peacekeeping were consent of the parties involved, neutrality, observation and the use of force limited to self-defense. Many traditional 'blue helmet' peacekeeping forces succeeded in freezing conflicts in places such as Kashmir, Cyprus and the Golan Heights, but they often remained stationed there for decades without a lasting diplomatic solution ever being reached.

Peacekeeping along the 'thin blue line' allowed for very little contact between peacekeepers and the civilian population and local civilian administration. Peacekeeping forces engaged in interposition hardly ever found themselves in densely populated areas or urban terrain. Involvement in public security and administrative support tasks were generally not conceived to be part of a peacekeeper's duty. The United Nations operation in recently decolonized Congo in the early 1960s was a notable exception. Apart from sliding into peace enforcement and law and order tasks without a corresponding UN mandate, it was the first mission to involve a substantial civilian component. The unhappy experience, involving high degrees of military violence, substantial casualties, and a nearly bankrupted United Nations, was consciously ignored until rediscovered after similar experiences in the mid-1990s.[65]

Like soldiers in conventional operations, peacekeepers expected to operate in an exclusively military domain and accordingly, local civilians were regarded as an obstacle while executing their mission. This changed drastically in the 1990s after international intervention in the internal affairs of a state – either with or without the consent of the government in question – became the norm rather than the exception in peace operations. In this type of military operation, local civilians were not only ever-present, they were the raison d'être for such intervention forces. Soldiers from different national backgrounds did not equally accept this fundamental point. Often, their different attitudes could be traced back to their national historical tradition and the interrelated perception of what a soldier's proper task was.

While striving to end a civil war, military forces were increasingly confronted with 'the security gap' between the military security they tried to create by separating opposing military factions, and their inability or unwillingness to provide public security. This gap was often a source of contention and embarrassment, since relief of suffering and protection of the civil population was mostly the explicit or implicit goal of an international military presence. However, protecting the civilian population was poorly defined in almost all peacekeeping mandates formulated in the 1990s.

Frank Kitson warned in 1971 that '[t]he problem of co-ordinating civil and military measures is complicated enough when the campaign is the affair of a single nation, but it becomes vastly more so if allies become involved.'[66] Kitson was think-

ing mainly along the lines of the civil administration-military-police triad in counterinsurgency operations. In the new era of peace operations the playing field would become infinitely more complicated with multilateral governmental organizations such as the UN, NATO, or ad hoc coalitions in charge of the military side of operations and the UN, national governments and a host of non-governmental humanitarian organizations, responsible for the civilian side of conflict resolution. Moreover, soldiers would mostly find themselves in countries ravaged by civil wars, where local civil administration and police organizations were often non-cooperative, dysfunctional – or, as in two of the following case studies, even completely absent.

The heady optimism that followed the end of superpower rivalry would unleash tremendous international political ambitions in 'peacemaking' that mostly surpassed the conceptual thinking for military operations. Although under very different circumstances and with dissimilar mandates, soldiers in the post-Cold War world were confronted with many of the challenges that previous generations of soldiers had faced before them in military governance and counterinsurgency. Their flexibility and ingenuity would mostly be tested where military and civil spheres converged.

PART II

Complex Peacekeeping: The United Nations in Cambodia

3
Making Sense of the Mission: UNTAC's Military and Civil Mandates

In 1992, the UN embarked on the most ambitious peace operation in its history. The United Nations Transitional Authority in Cambodia (UNTAC) was more than a peacekeeping operation. Not only was the aim to put an end to over two decades of civil war, it intended to place the country under virtual trusteeship and give the Cambodians a crash course in democracy. For the first time in the United Nation's history, a peace mission was supposed to take over the administration of an independent member state. UNTAC was an early example of a new type of 'complex peacekeeping' that moved far beyond the mere separation of belligerent parties along a status quo line, and was hoped to be a model for future settlement of civil wars. With almost sixteen thousand troops and some six thousand civilian personnel at its height, it was the biggest and most expensive operation under UN command up to that time. UNTAC had two principle missions to accomplish in merely eighteen months' time. The military was to observe the cease-fire and demobilize and disarm most of the four belligerent parties, while the civilian components had to control the four factions' civil institutions and eventually organize democratic elections. As the military and civilian components deployed in mid-1992 and set out to perform their separate missions, they discovered that, faced with obstructionism from the two main factions and with the means, organization and mandate provided to them, it was impossible to perform either mission as planned. Nevertheless, eighteen months later, UNTAC had successfully held elections that resulted in a democratically elected government. The following three chapters explore how the civil and military sides discovered how their missions – which had been envisaged and planned as sequential and largely segregated – were intricately entangled.

Peacekeepers in the Post-Cold War Disorder

In late May 1992, a small group of Dutch Marines assembled on the Thai border with Cambodia. As part of one of the UN peacekeeping force's twelve infantry battalions, the Marines were tasked to deploy in one sector in the western region of Cambodia. The largest part of their assigned sector was jungle area controlled by the Khmer Rouge, the most notorious of the four belligerent parties in a country that had been involved in war for most of the previous twenty years. Civil war had officially come to an end with the signing of a comprehensive peace agreement by all four parties in Paris on 21 October 1991, but seven long months had passed since the factions had agreed to disarm and demobilize their forces and sporadic fighting had erupted throughout the country.

Khmer Rouge troops, here seen wearing their characteristic scarfs, confronted the UN with the limits of peacekeeping in 1992 when they refused to let Dutch Marines deploy in their territory to oversee the demobilization process.

As the Dutch tried to cross into Cambodia, they were instantly confronted with the new realities of soldiering in the post-Cold War era. At the border post, the Dutch battalion commander Lieutenant Colonel Herman Dukers and his advance party were prevented from reaching Pailin, the heart of Khmer Rouge territory, by three Khmer Rouge border guards. Dukers made another attempt to cross the border, this time with 35 heavily armed Marines and an eleven-vehicle UN convoy, but also this failed to impress the guards in flip-flops. The Thai truck drivers, who were involved in a lively cross-border trade in Cambodian tropical timber and gems, seemed to have no such problems. After some negotiations involving the exchange of stacks of banknotes and some Coca-Cola cans, the Khmer guards raised the flimsy bamboo pole for the Thai drivers and returned to their hammocks.[1] From Phnom Penh, the Australian UNTAC Force Commander Lieutenant General John Sanderson instructed Dukers to continue his attempts and to keep up the pressure. The Dutch Marines

set up camp in no-man's-land. They probed in various ways until there was no other possibility left than to use force – an option clearly ruled out at this point by the Australian veteran of the Vietnam War.

Although the Marines were thoroughly aware of the need for restraint, the inability to act during their new mission was difficult to digest. They were trained to take the initiative. 'They are good, and they know it,' German General Klaus Reinhardt would note in his diary seven year later. As the force commander of NATO's massive Kosovo Force he encountered the Marines in Albania in 1999 where he noticed how everything within their organization was geared towards efficiency. Not only were the Marines the best light ground forces the Dutch could offer at the time, they were the only sizeable infantry unit the Netherlands had available for overseas deployment in 1992. The Netherlands government, traditionally a strong proponent of the UN and supporter of the international rule of law, was eager to play its part in the 'New World Order.' To this end the foreign minister, Hans van den Broek, and the minister of defense, Relus ter Beek, joined hands, the former primarily to raise Dutch prestige in the international arena, the latter also to create a new raison d'être for the Dutch armed forces.[2] The end of the Cold War made all Western European governments eager to cash in the so-called 'peace dividend' by slashing their defense budgets. After the threat from Moscow had dissolved, participation in peacekeeping was regarded as the best way to demonstrate the continued value of the armed forces.

In the UN-sanctioned war in Iraq, the Dutch military, like most of its European counterparts, had been unable to contribute ground forces to the predominantly American war effort. The lack of expeditionary military capacity – a major drawback of a conscript army – and the vast technological gap in military equipment had become painfully clear to most European militaries in 1991. Only the British Army proved willing and able to project sizeable force overseas. Even for the British Army, providing a full armored division had meant cannibalizing four divisions from its Army on the Rhine.[3] The French light armored division that participated in *Operation Desert Storm* performed reasonably well, but its capabilities were limited as it was manned, organized, and equipped much more like an American brigade than a division.[4] The vast Dutch army of conscripts, although relatively well equipped in the course of the 1970s and 1980s to defend the German plain, was not at all suited to long and distant overseas deployments. Conscripts could only be deployed outside NATO territory if they volunteered, and the armed forces totally lacked strategic lift capacity. Even to contribute substantially to peace operations, the army would have to reform drastically in the years to come.

Unlike the Royal Dutch Army, the Royal Dutch Marine Corps consisted predominantly of professional soldiers. As a unit trained for amphibious warfare in distant locations, its battalions were light, easily deployable and trained for both arctic and tropical conditions. It associated more with the British Royal Marines than with the Dutch Army, whose military doctrine the Marines did not use. In fact, the Marine Corps prided itself on having no official doctrine at all and for being a flexible force

with much emphasis on personal initiative. It had one major drawback: the Corps was only three thousand strong and consisted of no more than two active battalions and one reserve battalion. With budget cuts around the corner, the Dutch Marine Corps played its cards skillfully. Although it had just contributed over four hundred troops to *Operation Provide Comfort* in Northern Iraq, the Corps had eagerly offered its battalions for deployment in Cambodia. Their effort would pay off. The Marine Corps turned out to be the only element of the Dutch armed forces unaffected by several rounds of budget cuts in the 1990s and was even hoping to expand to three active battalions.

During the refugee crisis in Kurdish Northern Iraq in the aftermath of the liberation of Kuwait, the Marines had their first taste of soldiering in the 'New World Order.' Although the military intervention was sold as a peace operation, and later categorized as a 'humanitarian intervention,' it was in fact nothing less than a UN-sanctioned temporary military occupation of Northern Iraq by an American-led coalition. The aim was to protect the insurgent Kurds from Saddam Hussein's bloody revenge. The Marines learned many lessons that would help them cope with the unexpected in Cambodia. Major Jaap Bijsterbosch was a company commander in Iraq and would serve as the operations staff officer in the second battalion that relieved Dukers' troops in Cambodia. He learned about the importance of cooperation with humanitarian organizations and close relations with the local population in Iraq. As a thirty-two-year-old major in charge of a small Kurdish sector, he also learned that when entering an area where there was no government with a substantial military force, you in fact become the government – whether you liked it or not. 'Iraq was an exciting experience,' he recalled:

> We had been provided with a rather vague mission, but after the return of the first refugees we became the de facto authorities. We also had to act when there were property disputes, for instance over houses. If a dispute threatened to get out of hand I would call the local town elders, the local Peshmerga [Kurdish insurgent] leader and the religious leader together for a meeting. I would tell them to sort the problem out amongst themselves, but that I would have the final word if they had not reached a solution in two days. I made that very clear, but luckily it never came this far.[5]

In early 1992, only a few months after the Marines returned from Northern Iraq, the Dutch government decided to contribute to the mission in Cambodia. It was the most high-profile peace operation the United Nations were gearing up for until the Security Council became consumed by the rapid disintegration of Yugoslavia.[6] The stakes were high for the United Nations, because UNTAC was a test case for 'post-conflict peace building,' the most ambitious of four types of international action to prevent or control conflicts. The new UN secretary general, Boutros Boutros-Ghali, had made this categorization for future multinational interventions in *An Agenda for Peace*. The paper, presented on 31 January 1992 to the Security Council, provided an analysis of and recommendations for ways to improve the UN's capacity to establish

peace.[7] The era of predominantly 'thin blue line' peacekeeping that started in 1948 had come to an end, and the development of peacekeeping doctrine now centered on interventions in civil wars instead of conventional, inter-state conflicts. *An Agenda for Peace* combined older peacekeeping principles and more recent experiences in Namibia to define four consecutive phases of international action to prevent or control armed conflict: preventive diplomacy, peacekeeping, peace making – including the possibility of peace enforcement when consent of one or more of the warring parties was lacking – and post-conflict peace building. This division in linear stages found its way into the peacekeeping doctrines of most Western armies, and would remain the prevailing conceptual framework during the 1990s.[8]

Throughout 1992, despite some early setbacks to the new interventionism, optimism prevailed over 'second generation peace operations' and the opportunities presented by the use of military means – not force – to bring peace and relieve human suffering. At the end of that year, the UN was engaged in three massive operations that involved many tens of thousands of troops: one in Cambodia, another in Yugoslavia and one started under US leadership in Somalia. Many more operations with a lower profile were conducted in other corners of the globe.

Not surprisingly, civil wars and the military interventions dominated much of the international media. In *Time Magazine*'s last issue of the year 1992, Cambodia was called 'the UN's biggest gamble.' The image used in *Time* to portray the military's new role, that of a burly but friendly peacekeeper with a child in his arms, would soon become a cliché. 'Ethnic cleansing' was still written between quotation marks. The American secretary of state, Lawrence Eagleburger, spoke of an international court of justice, 'a second Nuremberg' to deal with war crimes in Bosnia. However, the Bush administration cautiously avoided the commitment of American military forces in the Balkan war. Instead, the United States eventually opted for military intervention in Somalia, where the president was told there would be fewer risks. *Time*'s editorial in the early days of the military intervention in Somalia, titled 'On the Road with the US Marines,' had a profoundly optimistic tone that would never again be associated with that mission after eighteen US military personnel were killed in Mogadishu only ten months later. The subtext to the yearly 'unforgettable pictures of the year' captured the optimistic mood of that year, while simultaneously revealing one of the underlying causes for the failures to come:

> Pictures can capture history, but in 1992 they also changed its course. From Baidoa, to Los Angeles, to Sarajevo, the power of extraordinary photos captured the world's attention and broke through to stir the individual conscience.[9]

Images like that of a Somali child in Baidoa, 'too weakened to stand, grasped by a mother whose arms were barely stronger,' and that of a four-year-old boy killed by shellfire from Serbian guns triggered a public outcry in the Western world that 'something must be done' about the massive human suffering.

The problem was that the 'international community,' led by the United States and Western Europe and operating through the United Nations, chose to act upon

those public calls impulsively, without a well-thought-out peace plan or the will to offer long-term solutions. The wish to remove the images of suffering from the TV screens prevailed over the question of whether outside solutions, providing the will was there, were even feasible. In the Balkans and the Horn of Africa, the international community thus entered the murky arena of what soon became known as 'humanitarian operations.' In Somalia and Bosnia these interventions in sovereign states involved the use of military means with the initially limited aim of helping secure the provision of humanitarian aid and assistance in order to alleviate the suffering of civilians, without the actual intention to end the conflict. 'Peacekeepers' were injected into a combat zone without a peace agreement to implement or uphold. These operations would criss-cross diagonally across the consecutive doctrinary phases and categories distinguished in Boutros-Ghali's *An Agenda for Peace* – while simultaneously combining elements of them all – as the mission inevitably moved beyond the limited, but vaguely defined humanitarian goals. None of the operations appeared to exist in its pure form in the real world and even in Cambodia *An Agenda of Peace* soon appeared to be of questionable use.

The Paris Peace Agreement

The United Nations, while in the process of reinventing peacekeeping to meet the new post-Cold War challenges, was called upon to intervene in two types of intrastate conflicts. The first category originated in the peripheral battlegrounds of the Cold War. As the United States, the crumbling Soviet empire, and the regional powers lost interest in areas such as Namibia, El Salvador, Mozambique and Cambodia, these bloody civil wars tended to dry up. Simultaneously, a second type of conflict emerged from the end of superpower rivalry. The end to the Cold War made the superpowers lose interest and thus their grip over other areas of the world where their rivalry had traditionally created stability – most often at the loss of citizen's individual freedoms. These new civil wars tended to erupt in regions with mixed ethnic populations, such as in some of the former Soviet republics and in the Balkans, but also in Africa. Particularly in Yugoslavia, former communist leaders tapped ethnic nationalist sentiments in an effort to hold on to power, fuelling confrontations between ethnic groups that soon erupted into full-scale civil wars. The traditional principles of peacekeeping as laid down in Chapter VI of the UN Charter were thoroughly anchored in consent of the parties involved, neutrality and the use of force restricted to self-defense by lightly armed forces. They proved reasonably successful in ending the first type of conflict. Here, both the factions and population were war-weary and the warring parties tended to be susceptible to outside pressure and imposed solutions. However, applied to the second type of conflict, peacekeeping under a traditional Chapter VI peacekeeping mandate proved insufficient to deal with stirred-up nationalist sentiments and unruly warlords who profited from chaos rather than order.

Cambodia's civil war clearly belonged to the category of Cold War relics. After the young Prince Norodom Sihanouk won Cambodia's independence from France in 1953, he tried to maintain his independence from the United States, China and the

USSR. This proved impossible, as the war in neighboring Vietnam was raging and the United States adopted a policy that boiled down to 'either you are for us, or you are against us.' This drove Sihanouk towards China and USSR for aid, while Thailand on his western border was firmly in the American camp.

Sihanouk assumed in 1965 that communist North Vietnam would win the war against the US-backed regime in Saigon and allowed the regime in Hanoi to move troops and supplies through Cambodia to the south. The prince was deposed in an American-backed coup in 1970, but the new government under General Lon Nol – a thoroughly corrupt and regressive regime – soon came under siege from the Party of Democratic Kampuchea (PDK). This Maoist insurgent organization, better known as the Khmer Rouge, rapidly gained new recruits in rural Cambodia. This was partly due to the relentless American bombing campaign in support of its war effort in Vietnam and in defense of Lon Nol. In 1975, only days before the fall of Saigon, the Khmer Rouge's armed forces, the National Army of Democratic Kampuchea (NADK), entered the capital victoriously. Immediately, the new regime under Pol Pot started its reign of terror in an effort to produce a classless Marxist agricultural society. Between one and two million died as a result of mass executions, forced labor, malnutrition and disease in a widely accepted estimate of what has been called a form of 'autogenocide.'

Out of strategic rather than humanitarian motives Vietnam invaded Cambodia in 1978. Although the invasion was a liberation for most Cambodians, it was widely condemned by both Western and Asian powers. Meanwhile, the Khmer Rouge continued to receive massive Chinese aid. Hanoi installed a new communist government headed by Hun Sen that relied heavily on Vietnamese and Russian military support. As a result of geopolitical considerations the United Nations recognized the Khmer Rouge government-in-exile during its continued war against the State of Cambodia (SOC). In order to create a broad coalition to fight the government army, the Cambodian People's Armed Forces (CPAF), the United States and China resurrected Sihanouk, who still had wide appeal amongst the Cambodians. His royalist party, Funcinpec, and a small middle class republican movement called Khmer People's Liberation Front (KPNLF), both supported by the western powers, joined the Chinese-backed Khmer Rouge in 1982. With the Cold War coming to an end, however, China decreased its support of the Khmer Rouge and the US was no longer focused on opposing communist Vietnam. Meanwhile the Soviet Union was eager to withdraw its support to Vietnam. As the patrons lost interest by the late 1980's, the civil war reached a stalemate and the parties realized that outright victory was impossible for either side.

Rather than stumbling into this peace operation, as was the case in interventions in 'new' conflicts of the 1990s, a long period of negotiations and planning preceded UNTAC. In 1989 the Vietnamese government suddenly announced its intention to withdraw from Cambodia. It did so within six months, leaving behind the feeble Hun Sen regime that was nevertheless in control of the vast majority of Cambodian territory. Without its Vietnamese benefactor and still faced with a coalition of three insurgent factions, the SOC was under serious pressure to reach an agreement,

if only to ensure its very own survival. Meanwhile, several Western nations flirted with the idea of recognizing the Hun Sen regime, forcing the three opposing factions to reach some agreement with the government in Phnom Penh in order to share a piece of the pie. Unable to find their way out of the stalemate, the parties turned to the international community to mediate a settlement. In 1990, Australian foreign minister Gareth Evans, initiated a plan for 'an international control mechanism' that would rule Cambodia temporarily. During the internationally sponsored negotiations in Paris the use of the former patrons as leverage proved crucial, as it became clear that the parties would never settle if left to their own devices. Remarkably, in October 1991 all four parties agreed to 'a system of liberal democracy, on the basis of pluralism,' as the framework for the new Cambodian constitution in *The Agreements on Comprehensive Political Settlement of the Cambodia Conflict*, better known as the Paris Peace Agreement.[10]

The Cambodian factions were running out of steam by the Cold War's end, but the conflict still proved very difficult to solve within the traditional perimeters set on peacekeeping. What complicated the implementation of the peace agreement was the compromise made in the peace agreement on sovereignty in the interim period. In the transitional phase there were two bodies representing Cambodia's sovereignty. First, during the negotiations in Paris the Cambodian Supreme National Council (SNC) was formed. This quadripartite body was composed of thirteen members, six from the SOC and two from each of the other three parties. It was chaired by Prince Sihanouk, who was also its thirteenth member. Under the Agreement, the SNC was recognized as 'the unique legitimate body and source of authority in which, throughout the transitional period, the sovereignty, independence and unity of Cambodia [were] enshrined.' Second, the UN was declared to be the interim transitional authority for eighteen months, and was formally given the power to run the government until elections could be held. Although the SNC delegated to the United Nations 'all powers necessary' to ensure the implementation of the Agreement, making UNTAC the official interim authority, Special Representative Yasushi Akashi delegated most important decisions back to the SNC. The Japanese UN diplomat stuck to his role of the honest broker, more than becoming an administrator.

The ambiguous provisions in the Paris Peace Agreement concerning the crucial question of who held the final authority in Cambodia during the interim period proved to be one of UNTAC's largest stumbling blocks. The mission was envisioned as an operation under a Chapter VI mandate rather than a Chapter VII mandate of the UN Charter, which would have allowed Akashi to enforce measures. This meant that decisions would be based on consent of all parties involved and that the interim 'authority' could do little to coerce the parties to comply, neither in military terms, nor in the administrative sphere. Akashi once said that having lived in post-war Japan, he refused to be 'a MacArthur of Cambodia.' Some would later argue this was what the mandate effectively required, but the means at Akashi's disposal would not allow him to rule like a proconsul or colonial overlord.[11]

Another weakness embedded in UNTAC's mandate was that it had been largely envisioned along separate military and civilian lines. UNTAC's military mandate gave the peacekeeping force four tasks that were to be performed largely before the pivotal electoral process could start. On 9 May 1992, UNTAC announced that phase one of the peace process, the cease-fire, which had been in effect since the signing of the Paris Agreement, would be followed by phase two on 13 June. During this second phase, UN soldiers were to demobilize and disarm seventy percent of all four factions in designated cantonments, continue to supervise the cease-fire and verify the withdrawal of 'all foreign forces,' meaning Vietnamese troops. They would also support the enormous effort to de-mine the Cambodian countryside. After the military component had established a 'stable and secure environment' the civilian side of the mission could truly get underway.

UNTAC's civilian mission consisted of six distinct components: civil administration, civilian police, human rights, electoral, repatriation and rehabilitation. Civil administration was supposed to assume control over the administrative institutions of the four parties in order to ensure that they would behave neutrally in the electoral process.[12] The UN Civilian Police (CivPol) was to monitor the four factions' police forces to ensure that they would behave neutrally. The human rights component was charged with tempering Cambodia's authoritarian institutions, such as the judiciary. The electoral component had to organize and run – and not merely monitor as in previous UN missions – free and fair elections planned for May 1993. The repatriation of 360,000 refugees from the Thai border camps was left to the UN High Commissioner for Refugees (UNHCR). The infrastructural and economic reconstruction of Cambodia was to be coordinated by UN Development Project (UNDP). The small education and information branch, although not a separate component, performed the crucial task of explaining to the Cambodian people what the UN was planning to achieve. Each of these civilian components set out to recruit personnel and created its own structures, aimed at achieving its own specified objectives with little prior coordination. Coordination was concentrated primarily on the operational level at UNTAC headquarters in Phnom Penh in the person of Akashi, to whom all component directors reported.

The Unworkable Military Mandate

Five long months elapsed between signing the Paris Peace Agreement on 23 October 1991 and the moment when UNTAC became operational on 15 March 1992. Its battalions would only gradually arrive and it was not until June before the force was fully deployed. All this time was consumed assembling the peacekeeping force and drafting operational plans that, in an ideal world, would have been ready once the ink on the Agreement had dried. The force commander and special representative, as well as most other key personnel, were only appointed in early 1992 while others received their commission after June. Akashi and Sanderson arrived in Phnom Penh as late as March.

Even after phase two of the mission finally got underway in June 1992 an addi-

tional four months were needed to complete the deployment of civilian and military personnel. UNTAC's delayed deployment had a devastating effect on the peace process as a whole. The parties may have agreed during negotiations, but the more time they were given between their signatures and executing the agreements, the more room they were granted to change their minds in the field.[13] By June the Khmer Rouge had decided to boycott those elements of the peace agreements it saw as conflicting with its interest. There appears to have been a rift in 1991 between the pragmatic technocrat forces within the party that had been dominant during the negotiations and the orthodox hardliners, who regained the upper hand after November of that year, when their nominal leader, Khieu Sampan, was almost lynched by an angry mob when he attempted to install himself in Phnom Penh to take part in the SNC.

In assessing the Khmer Rouge motives throughout the mission, the difficulty was that the inner core of the Khmer Rouge, Pol Pot, Nuon Chea and Tha Mok, never revealed themselves to UNTAC. Sanderson always felt they were fully engaged, but they preferred to pull the strings from their jungle hideouts.[14] Although not necessarily capturing what Akashi called the 'unfathomable' minds of the Khmers Rouge, several documents retrieved from captured Khmer Rouge territory in September 1993 do reveal how party policy towards UNTAC was sold to the inner party members. By the time the UN finally started to deploy in sizable numbers in May 1992, the Khmer Rouge was internally denouncing UNTAC as the 'new enemy.' The old enemy was of course the State of Cambodia that was mostly referred to as 'the Vietnamese puppet government' of 'the contemptible puppets.' The State of Cambodia and the UN peacekeepers were described by the Khmer Rouge as colluding in allowing the Vietnamese troops to remain in Cambodia, thereby keeping the Hun Sen government in power.[15]

The reasons for the tardy military deployment were many. Other missions in Croatia, Bosnia and eventually also Somalia constantly distracted the UN Secretariat in New York. Even before this surge in commitments, however, the Secretariat simply did not have enough qualified staff to act as a strategic headquarters. 'The truth is,' the force commander concluded, 'that discounting the much smaller Namibia mission that was ten years in gestation, Cambodia, as the first large complex post Cold War mission of a multi-faceted nature, was too complex for the Secretariat.' Sanderson soon accepted that, as the operational commander, he was tasked to run the largest peace operation in history without the support from a strategic headquarters. The force commander therefore had to produce his own plan, although this did not stop the Secretariat's staff members from 'interfering in the planning, politicising if you like, and attempting to claim the output as their own.'[16] Even when the Secretariat created a 'situation room' in the spring of 1993, this state of affairs hardly improved. Although the phone was finally picked up outside New York office hours in the final phase of the mission, this did not yet mean that anyone able to make decisions would answer it.[17]

What further complicated Sanderson's work, and that of other UN force commanders, was the United Nations' reliance on an ad hoc international operational staff. For the purpose of command unity it was important to have all major troop

contributors have a representative at all staff levels, but this resulted in massive linguistic and cultural barriers in a force dominated by Indians, French, Chinese and Pakistanis. Sanderson, who for a soldier possessed remarkable diplomatic skills, took these and many other hurdles very well and his decisiveness would prove instrumental in compensating for the lack of planning and preparations at the strategic level. Nevertheless, for a tactical commander such as Dukers, used to working within a predictable NATO environment, 'Phnom Penh,' as headquarters was referred to, stood for chaos in the early days. Logistical arrangements were scanty, which proved particularly harmful in a country with almost no infrastructure and left the poorly equipped battalions virtually immobilized in the early phase of the operation. The Dutch were lucky to have arranged most of their supply lines independent of the UN and received most of their materials straight through Bangkok.

While UNTAC was trying to get its act together in Phnom Penh, the Dutch Marines were still stranded at the Thai-Cambodian border. Time pressure was rising as all twelve UN infantry battalions were to deploy by 13 June 1992. The Marines at the border were confronted with a steady stream of different Khmer Rouge colonels, but soon found out that military ranks had been subject to serious inflation within all Cambodian faction forces, whose army divisions were often under one thousand strong – less than one tenth that of their Western equivalent. It was abundantly clear that orders to halt the Dutch deployment came from the highest levels in the Khmer Rouge hierarchy. 'They are bound to have seen the pictures of the UN in Yugoslavia,' a Dutch Marine told a Dutch reporter 'they know they have nothing to fear from UN soldiers.'[18]

The Dutch government did not contribute to UNTAC credibility when they announced that they would hold up the influx of troops from the Netherlands. The Dutch battalion commander and foreign minister clashed with Sanderson and Boutros-Ghali respectively over this decision.[19] Sanderson wanted to build up a sizeable force on the border to keep the pressure on Khmer Rouge. Stopping the build-up gave the wrong political signal, but the Dutch – losing sight of the larger picture – were thinking in more practical terms. Dukers advised The Hague to stop flying in troops on the basis of potential 'disciplinary problems' in Thailand. The Marines were quartered in a holiday resort near Pattaya, a coastal town in low season, where hotel managers were bringing in a steady stream of prostitutes. This and the presence of Dutch reporters and TV crews in the very same hotel made the battalion staff nervous and the minister of defense, concerned with wives and families back home as well as his program to launch the Dutch military as a credible peacekeeping force, was equally jumpy. Remarkably, the press showed relative restraint in covering this story.[20]

To break the deadlock Akashi, joined by Sanderson, decided to travel from Phnom Penh to Pailin on 30 May and use their moral authority to demand access to Khmer Rouge territory in front of the assembled world press. Dukers, with whom they were in radio contact, was to try once more from Thailand, several kilometers to the west.

The Khmer Rouge leaders proved quite determined. The special representative of the secretary general of the United Nations was offended by a couple of young Khmer Rouge soldiers who refused to lift their thin bamboo pole. This story, which soon became know as 'the bamboo-pole incident,' was broadcast all over the world and demonstrated the limits of UN power in a way 'which was both humiliating and portentous.'[21] While aware of the embarrassment suffered by the UN forces as a whole, the incident caused a slight feeling of relief amongst the Dutch Marines. At least the world could now see that is had not been due to their lack of effort. Moreover, it increased recognition for the harsh conditions in the sector to which they had been assigned.[22]

Not everybody was willing to accept the limits on the use of force in the peacekeeping mission. The deputy force commander, French Brigadier Jean-Michel Loridon, wanted the peacekeeping force to call the Khmer Rouge's bluff and take more direct action than his superiors Sanderson and Akashi would allow. 'It is not a question of troop strength,' he argued in an interview with the *Far Eastern Economic Review*. The veteran from the war in Algeria, where he served as a Foreign Legion company commander, claimed to have done 'a lot more with 300 troops than is now being done with 14,000.' The general was frustrated that UN troops were 'just sitting and waiting for the Khmer Rouge leaders to agree to disarm their troops.' He was convinced that the Khmer Rouge would not dare shoot at UN troops, but added: 'It is possible ... at some point they will try to block the UN move by force. If it comes to that one may lose 200 men – and that could include myself – but the Khmer Rouge problem would be solved for good.' The brigadier was not alone in overestimating the willingness of the troop-contributing nations to take such risks. In January 1993, Gérard Porcell, the French chief of the civil administration component, saw this as a crucial failure of UNTAC's will.[23] He explained: 'we don't have the will to apply the peace accords. This absence of firmness with the Khmer Rouge was a signal for the other parties who saw there the proof of UNTAC's weakness towards the group that from the start eschewed all cooperation.'[24]

Sanderson felt that the proponents of enforcement, both within and outside UNTAC, were 'moved by the passion of the immediate events' and argued that enforcement was never a realistic option. It was 'beyond UNTAC's legitimate authority and practical ability.'[25]

The military component lacked a proper force structure, equipment and mindset to take on the Khmer Rouge, an organization that had successfully resisted the mighty Vietnamese Army for ten years. Moreover, he felt that enforcement might destroy the peace process as well as the international consensus and he knew very well that most countries contributing troops would not have permitted their soldiers being sent into battle against the Khmer Rouge. In early August Loridon was dismissed, and became known as 'UNTAC's first high-ranking casualty.'

Within the Khmer Rouge party cadre there had been a discussion in May on whether or not to grant UNTAC access to its territory. A report on this meeting, which only came into the possession of UNTAC more than a year later, did not reveal who was present, but the language used showed little room for compromise. It was

concluded then that if the peacekeepers were let in, they would take over these areas, gain intelligence which would be used against them, and try to prevent the Khmer Rouge from carrying out 'their activities.' UNTAC soldiers were described as 'parasites' and the analogy of a worm entering a healthy body was used.[26] Although their colorful rhetoric appeared to UNTAC analysts as an attempt to conceal a fundamental lack of relevant ideas within the party, the animosity in the descriptions used of UNTAC seems to prove that the force commander was right in not calling their bluff. An important motive for Khmer Rouge leaders not to grant the peacekeepers access was that 'their activities' were first and foremost the extremely lucrative trade in tropical timber and gems with Thai merchants on the other side of the border. This trade relationship had made the communist insurgent organization very rich in the previous years. UNTAC's success would mean that their resource-rich territories would be opened up to all. Revenues would have to be shared within the new government that, it was feared, would be dominated by the hated State of Cambodia.

Even though Akashi publicly ruled out the possibility of enforcement, he instructed Sanderson to engage in contingency planning for this option in September. The special representative was reacting primarily to outside pressure, mostly from the civilian side. Since the Khmer Rouge power base was in its area of operations, the Dutch battalion would bear the brunt of this operation. Dukers became aware of these preparations when the UNTAC chief of plans, his compatriot Colonel Willem Huijssoon, inquired about the heavy arms in the unit's regular equipment. The plan, euphorically called *Operation Dove Tail*, involved no more than a company of Dutch Marines and some Malay and Pakistani units. The Dutch were to be flown to the Thai side of the Cambodian border by four large UN helicopters to two border crossings and demand access to Khmer Rouge territory from the Thai border. Indicative of the fact that the operation's effect was supposed to be founded on moral authority rather than combat capability, was the plan to have the operation executed in concert with UNTAC civilian police, electoral component, civil administration and information and education branch. All components were to demand the Khmer Rouges cooperation simultaneously.

Dukers considered *Operation Dove Tail* 'a ridiculous plan.'[27] He and his men were equipped for a peacekeeping operation and although the plan included some extra support in the form of armored personnel carriers, the peacekeepers would have been extremely vulnerable in their white vehicles. It remains unclear how the element of surprise was to be attained. First of all the plan was classified under 'UN Restricted,' which guaranteed little secrecy in a multinational setting under UN flag. Second, cooperation from the Royal Thai Army manning the border crossings was required. It had by then become common knowledge that its local commanders were in cahoots with the Khmer Rouge on the other side of the border. When asked to brief Akashi about his options, Sanderson and Huijssoon both strongly advised against the plan.

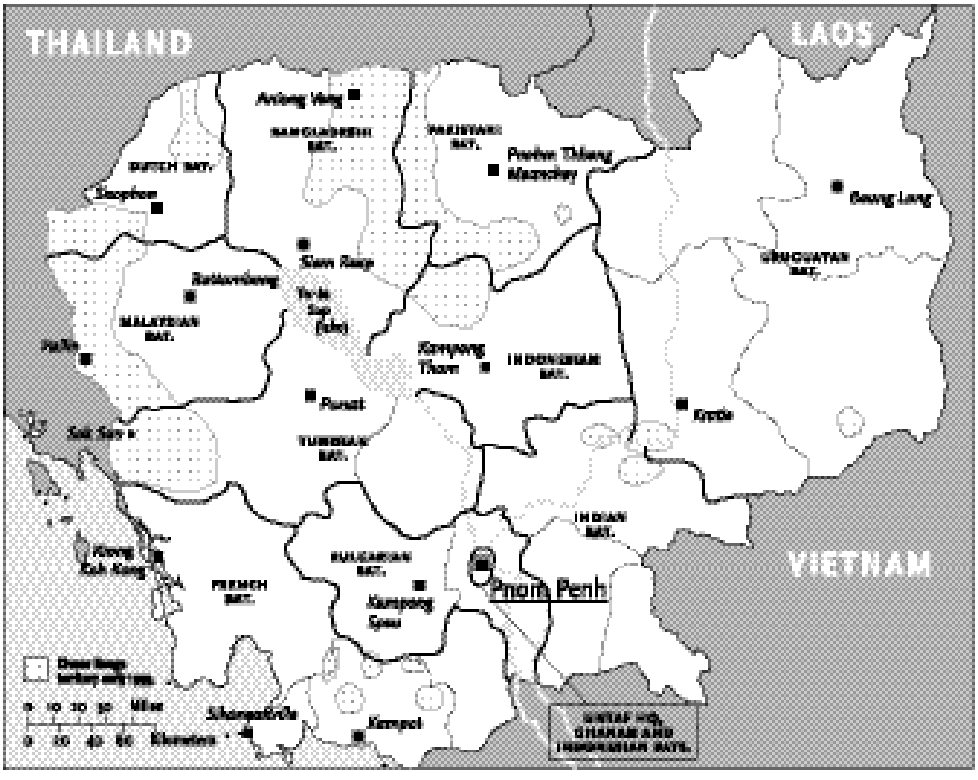
A force equipped for peacekeeping and widely dispersed could not easily upgrade to combat capability. Prior to the embarrassment suffered by peacekeepers at the hands of warlords in Bosnia and Somalia, it was not appreciated that an interven-

tion force needed 'escalation dominance,' the capability and will to take a military confrontation at least one step further than the adversary, for enforcement to succeed. Peace enforcement after all, was not much different from going to war against one of the parties. Even if the UNTAC military would have had anything resembling the military capability to confront the Khmer Rouge, enforcement measures were likely to result in retaliation against UNTAC's soft underbelly – the thousands of UNTAC civilian staff and NGO workers that the military would have been unable to protect. Although fully agreeing with Sanderson's arguments, one of the Dutch battalion commanders wondered what would have happened if Akashi had just walked on at Pailin in front of the assembled world press and not have allowed himself to be sent off 'like a schoolboy.' He seriously doubted whether the Khmer Rouge would have opened fire. 'UNTAC would then have showed determination, instead of just taking another beating.'[28]

The bamboo-pole incident became symbolic of the UN's inability to operate without all the parties' consent. On the other hand, its aftermath was a manifestation of UNTAC's primary strength: its capacity to improvise despite serious setbacks, move forward around the obstacles raised by both the Khmer Rouge as well as the State of Cambodia and use its military component creatively. Initially this flexibility meant embarking upon the planned demobilization process without the Khmer Rouge, while keeping all lines for negotiations open. This proved wise, for although its representatives refused to cooperate militarily and eventually decided to boycott the elections, the Khmer Rouge remained sporadically engaged at the political level.

The crisis surrounding the Dutch battalion's deployment forced UNTAC headquarters to find alternative locations for them from which to operate. Huijssoon came up with a plan that satisfied Sanderson. The primary intent was to contain the Khmer Rouge in the jungle area around Pailin and deny them the possibility to infiltrate and support operations in the rest of Cambodia. The Khmer Rouge was known to keep its supply lines open between Pailin in the west and Anlong Veng, its secondary power base on the northern border with Thailand. These two areas had previously been joined into the so-called Free Liberated Zone, a lengthy patch of territory hugging the Thai border, which had been conquered through a joint effort of the three insurgent factions. Compliance with the peace agreement by the two non-communist factions allowed UNTAC to monitor and control their areas within the Free Liberated Zone. After international pressure had made the Thai bar the Khmer Rouge from using its territory as a supply route, Pailin was forced to fully rely on a complex pattern of foot-paths through the jungle and country-side to reach the north.

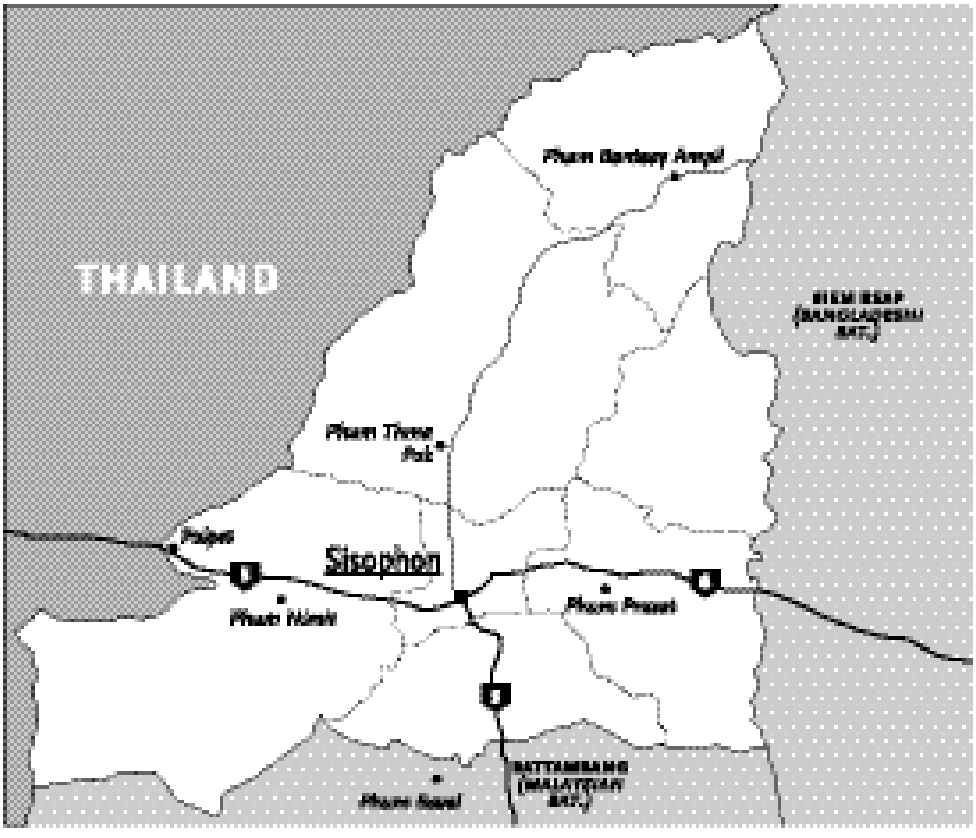
Sanderson's attempt to disrupt Khmer Rouge operations from Anlong Veng proved to be based on the right calculations. From there, the Khmer Rouge was hoping to strike at the heart of Cambodia in the populous Kampong Thom province. Subsequently it hoped to enlarge its influence in the north and east. The Khmer Rouge called this struggle for central Cambodia the 'first battlefield.' The second battlefield was 'waging of guerrilla warfare throughout the country in cooperation with the pop-



Cambodia 1992-1993: In december 1992 UNTAC's twelve battalions redeployed to sectors that matched the provincial boundaries. The orginal Dutch sector approximated the Khmer Rouge territory around Pailin.

ulation in order to get rid of the Vietnamese puppet government.' The third battlefield was at the negotiating table in Phnom Penh, where they would continue to demand that all de facto sovereign powers vested in the SOC were to be transferred to the Supreme National Council and that all Vietnamese had to withdraw from Cambodia. During a 'leadership meeting' held in August 1992, this threefold strategy was re-stated, but it was acknowledged that the real results would only come as a result of the armed struggle.[29]

In order to cordon off the Pailin area in an attempt to cut the Khmer Rouge's lines of communications to Anlong Veng, Sanderson positioned one of his strongest battalions to the north and northwest of its territory.[30] He gave the Dutch parts of the Malay and Bangladeshi sectors, including Sisophon, the provincial capital of the province of Banteay Meanchey, where the Dutch posted one company and their headquarters. They were also put in charge of controlling the strategic Route Five between Sisophon and the border town of Poipet, which connected Cambodia with Thailand. A second company was positioned at Phum Nimit, where the Dutch succeeded in demobilizing some of the government forces, and a third operated from Phum Bavel.



Banteay Meanchey province: the Dutch area of operations in Cambodia after their redeployment in December 1992.

Finally, a Dutch unit had been able to take control of Sok San, a small KPNLAF enclave surrounded by Khmer Rouge territory. Like Funcinpec forces, the KPNLAF was pleased with the UN presence and was fully cooperative with the Dutch.

Huijssoon knew that the Marines would patrol intensively around the clock when he assigned them their new area of operations. He knew them to be eager to dominate their ground and that they were highly mobile with many vehicles. The Dutch were clearly one of the 'rich-man's' contingents within UNTAC. Apart from large numbers of Land Rovers, they were equipped with forty Haglund BV's, a snow vehicle used for operations in the arctic region. With their extremely wide rubber tracks this proved to be the perfect vehicle for patrolling and supplying distant locations during the wet season, when the jungle roads often turned into mud-pools with which even regular tracked vehicles would have had difficulty. They also had constant support from four light helicopters from the Royal Dutch Air Force and troops were equipped with night-vision equipment – that allowed them to operate effectively at night. These were luxuries that were not possessed by the Bangladeshis and

Pakistanis, who had to reach most of their destinations on foot.

The new position chosen for the Dutch companies would also enable them to reach their original locations if the Khmer Rouge leaders were to change their minds and come on board.[31] For several months, hopes within UNTAC headquarters were vested in the 'departing train effect.' Initially, Sanderson remained optimistic, hoping that the Khmer Rouge were merely keeping their options open and that Thai, Chinese, Japanese and UN political pressure would eventually force them to join the peace process and allow UNTAC to enter their territory. In August, Sanderson estimated that despite a delay of two months, the election could be held on the planned date in May and that the Khmer Rouge would join the peace process in four to six weeks.[32] However, the Khmer Rouge did not jump aboard the departing train and the UN force was never able to exert its authority in areas under their control.

Sanderson decided nonetheless to begin the disarmament on 13 June, with only eight-and-a-half infantry battalions at his disposal. By late September, UNTAC had cantoned some 52,000 troops, approximately 40,000 of which were government forces. The remaining 12,000 belonged to the two smaller factions that soon withered away as military and administrative organizations. Many of these non-communist forces were disarmed in the northwest of Cambodia, where the Dutch were stationed. However, by refusing to enter phase two of the peace process and disarm, the Khmer Rouge also prevented its nemesis, the State of Cambodia, from fully dismantling the CPAF. Under SOC pressure Sanderson acknowledged the right of self-defense for the other factions, which gave them the freedom to delay their cantonment.[33] The number of cease-fire violations in this period was rapidly rising. The total of the demobilized troops amounted to no more than a quarter of the country's regular fighting forces, and did not include over 200,000 local militia that UNTAC was eventually also required to disarm. The UN force seized some 50,000 arms, a mere fraction of the number of weapons in circulation in Cambodia. Nevertheless, the playing field had become somewhat less complex as there were only two credible military forces left in Cambodia. Some 100,000 government troops now faced approximately 30,000 Khmer Rouge forces, with its core of some 10,000 seasoned fighters.

Paradoxically, the Khmer Rouge obstinacy probably saved the UN from serious embarrassment in the second half of 1992. Sanderson desperately wanted to keep all factions on board, but the Khmer Rouge's departure from the peace process was greeted with mixed feelings within UNTAC military headquarters. Those UNTAC officers aware of the implications and side effects of the cantonment of over 140,000 troops knew the whole military demobilization plan had probably been a fiction from the outset. Already in late 1991 Sanderson predicted after a UN survey was conducted amongst the factions that there were massive obstacles to the demobilization process. Two problems stood out. First, the Paris Agreement had made the provision of the demobilized soldiers' primary needs, such as food, shelter and medicine the responsibility of the four factions. They were clearly incapable of meeting these obligations. Second, there was much fear of a serious deterioration of public safety following the demobilization.[34]

An UNTAC pamphlet from June 1992 portraying the demobilization and reintegration process. In reality, hardly anything had been arranged for demilitarized Cambodian soldiers who had easy access to new weapons and often resorted to banditry and extortion.

Of those disarmed regular forces the vast majority was sent on so-called 'agricultural leave.' This was a yearly routine for every faction at the beginning of the wet season when fighting was not an option and when some of the troops needed to work their fields. The only difference this time was that the soldiers would not return to fight during the dry season. For the State of Cambodia and the two smaller factions, it was an elegant way of ridding themselves of troops they could not afford to keep on the payroll anyhow. However, the crucial question was how many of the unemployed war veterans were going to earn a living for themselves and their families. Banditry proved to be the easier option for many of the former soldiers.

In the northwestern corner of Cambodia, where a relatively large number of these troops had been demobilized due to KNLPF and Funcinpec cooperation, the Dutch battalion commander was convinced that the security situation in Cambodia in late 1992 would not have been fundamentally better, had the overall cantonment and disarmament process been successful. In fact, '[w]e would have been in serious trouble if the cantonment process had succeeded.'[35] As chief of plans, Huijssoon was put in charge of planning and finding sponsors for the retraining and reintegration

of these demobilized troops. He feared that the security situation would have even been notably worse had seventy percent of the forces been suddenly released from their faction's military control. The vast majority of the soldiers eligible for demobilization wanted to became farmers, but there was already a shortage of de-mined agricultural land. UNTAC leaflets and posters made many promises to demobilized soldiers, but by the summer of 1992, there was still no serious UN program for retraining and reintegration after cantonment. A program for 25,000 demobilized soldiers was hastily being prepared, but this was all UNTAC had the funds and organizational capacity to set up. Even this would have been phased in over many months. Releasing 140,000 unruly veterans into a thoroughly gutted and lawless Cambodian society was likely to have resulted in even more chaos. 'Add to that the planned withdrawal of half the UN forces by the end of 1992,' Huijssoon said, 'and we would have headed for outright disaster.'[36]

Segregated Missions

The success of UNTAC's civilian mission had been perceived to be dependent on the military's ability to demobilize the four factions. However, no reciprocal dependency between the two missions had been foreseen. The inseparability of the two missions became apparent as one of two key arguments used by the Khmer Rouge to refuse cooperation with UNTAC's military was the lack of UN control over SOC civil administration.[37] The Khmer Rouge was not prepared to lower its 'protective shield,' its armed forces, as long as the SOC was allowed to hold on to administrative power in close to ninety percent of Cambodia and thus survive the transitional period virtually intact. While the Khmer Rouge was generally seen as the prime 'spoiler' of the peace process, increasingly over the months both UNTAC officials and the Cambodian people came to regard the SOC as equally culpable. It could be argued that the Khmer Rouge was correct in estimating in the course of 1992 that UNTAC would never be capable of effectively controlling the State of Cambodia.[38]

Asserting control over the SOC government structures was far more complex than had been envisaged. Nothing of the sort had ever been attempted by the UN. At the central level in Phnom Penh, the SOC simply administered around UNTAC in the areas of policy making where its central administrative apparatus was still functioning.[39] UNTAC officers were kept busy watching an official without function while the real decisions were made out of UNTAC's sight in concealed parallel structures.[40] The political party representing the State of Cambodia at the elections, the Cambodian People's Party (CPP), was thus able to rely fully on service of officials on the public payroll and access to public assets while obtaining revenue from sales of those assets.[41] In the course of October, UNTAC attempted to strengthen its monitoring and supervision capacity, but its major weakness remained the civil administration component's inability to take corrective action.[42]

At the provincial level, UN civil administrative control was 'spotty at best and almost nonexistent in some places.' The Paris Accords had not paid any special attention to control at the sub-national level, an omission in the overall mandate that

would also hamper other operations such as that in Kosovo seven years later. In many provinces, UN officials arrived only in July 'because they said accommodations were not good enough,' journalist William Shawcross commented scathingly. When the administrative component was fully deployed, no more than 170 UN officials were assigned to control 21 provinces and a total SOC civil service numbering 200,000. This left no more than five to eight civil administration officials to be deployed in each province.[43] This was particularly harmful since much of the central SOC administration had collapsed and a large share of government control slipped to provincial governors and generals.

Once in place in the provinces, the envisaged role of the international officials towards the provincial administration was that of a shadow administration, monitoring and controlling the governor and his local government apparatus. However, two out of three UN civil servants found themselves 'powerless in the face of entrenched local officialdom backed by all the government's resources, including police and troops.'[44] The lack of UN civil administrative control over the provincial government was partly the result of the character and limitations of SOC administration. In Banteay Meanchey, the province where the Dutch headquarters was located, Woong Kaan was the governor. He controlled several provincial departments, but due to a lack of financial means these departments amounted to little. The governor's primary means of control were his provincial police and the provincial CPAF troops under his command, institutions over which the UN administrator and his five administrators had in practice little or no control.[45] The military component, on the other hand, was able to wield some influence in this field. A prerequisite to any effective UN control on the provincial level would therefore have been a strong mechanism of civil-military cooperation. This, however, turned out to be one of UNTAC's greatest deficiencies.

Limited coordination between civil and military components at the tactical or provincial level was the result of a mandate and planning process that foresaw very little contact between the two. While the military and civil aspects were supposed to be carried out under one UN umbrella, the Paris Accords were envisaged to be implemented by two parallel but separate organizations. In January 1993, Porcell reminded a room full of UNTAC officers of how the mission had originally been envisioned:

> If one makes a strict interpretation of the Paris Accords at first glance one realizes that the Military Component and the Civil Administration Component have little chance for contact, and the same conclusion can be drawn from a reading of the Report of the Secretary-General of the United Nations of 19 February 1992, which formed the basis of resolution 745 creating UNTAC. Therefore, according to the Accords as structured, the military personnel and the civilian administrators would not have had contacts other then those involving official ceremonies or mundane receptions.[46]

In Cambodia, both military and civilian components reported to the civilian UN Special Representative, but there was no joint military-civilian staff initially to help coordinate their activities. It was not appreciated that, as Sanderson rapidly came to realize, 'all operations are now a blend of military and civilian objectives.'[47] He much regretted the lack of integrated strategic planning within the UNTAC mission:

> From the very beginning each component conducted a separate survey mission and prepared a plan of sorts. Some component heads were not even appointed before the deployment commenced. Unfortunately, this planning shortfall was never corrected in Cambodia, except in the case of the military and electoral components which forged a necessary planning and control alliance to see the election through.[48]

Since the implementation plan viewed disarming and demobilizing the factions as quite distinct from much of the civilian activity, it initially called for a withdrawal of half of the military component from October 1992, months before much of the civilian activity was to take place. In case the soldiers were to run into their civilian counterparts, the Lieutenant Colonel Rakesh Malik, from India advised his fellow UNTAC peacekeepers in a document entitled 'Do's and Don'ts for the Peacekeeper in Cambodia' to 'limit your liaison with the NGOs/civ[ilian] departments UNTAC,' adding that 'there will be a few of them around.'[49]

The military and civilian components had no matching geographic zones of responsibility, which seriously hampered civil-military cooperation. Military contingents were deployed in twelve geographic zones based on areas controlled by each of Cambodia's four factions. The military sectors varied in size as they depended on the number of cantonments and therefore the concentration of Cambodian troops. This gave the Dutch a relatively small sector in the militarily contested west, while the Uruguayan contingent controlled an enormous sector in the more stable eastern part adjoining the Vietnamese border. The civilian component based its operations on the country's twenty-one provinces, with 21 civilian administration directors assigned to these provinces. For the Dutch this meant coordinating their efforts with three provincial governments and an equal number of UN provincial teams. This situation was revised in December 1992, when the second Dutch battalion led by Lieutenant Colonel Patrick Cammaert took control over the single province of Banteay Meanchey. Cooperation with the provincial UN civil administrator was reasonably good, but generally considered of little importance as his formal tasks of controlling the administration of the province amounted to little. Most of the dealings of the Dutch battalion with the provincial SOC governors would be direct instead of through the UN civil administrator.[50]

Coordination between the military and civil components was poor, but cooperation between the various civilian components was not much better overall. The director civil administration for Banteay Meanchey had a coordinating role towards CivPol, the human rights component, and the electoral officers, but these organizations with their own priorities and agendas, tended to be very independent minded.[51] Each reported to its own headquarters in Phnom Penh, where UNTAC's civilian and mil-

itary headquarters were initially deployed over 29 different locations throughout the city. Lack of integrated planning and poor communication in the initial phase hardly facilitated the integration of operations. Each organization operated in a stovepipe fashion, reporting and communicating only vertically. The 'managerial stovepipe' was a problem that would haunt UN operations throughout the 1990s. In Cambodia, the wheel had to be invented and it would be reinvented over and over again in future multi-dimensional peace operations. UNTAC's components did not even have joint coordination meetings until March 1993. When he finally called for them, Akashi regarded these meetings as opportunities for the components to 'harmonize' their various priorities 'rather than to engage in hard-headed strategic coordination under his leadership.'[52] The Japanese career UN official had a similar approach towards his own organization as he would display toward the Cambodian parties. He tended to rely on the art of persuasion and never probed for the outer boundaries of the powers vested in him as an interim administrator by the Security Council.[53]

In Banteay Meanchey the director of civil administration hosted a weekly coordinating meeting on Thursdays by January 1993. All four components, which he formally coordinated, as well as the UNHCR, UNDP and the few NGOs operating in the sector were usually present. 'Dutchbat' was also represented at these meetings by its 'civil-operations officer.' The staff officer in charge of personnel performed this newly created staff-function, for which no official name or separate position existed within the Dutch military. He became a 'double-hatted' battalion staff member simply because he happened to have most time on his hand – a relative luxury in a place where the military generally worked seven days a week for long hours. This ad hoc arrangement was the result of the unforeseen prominence of contacts with international and local civilian organizations. Laura McGrew, in charge of the human rights component in Banteay Meanchey, remembered the Dutch as 'great on a personal level and professional, polite and friendly. I remember one of them saved me once from an embarrassing situation in an official meeting, when the UNTAC director of civil administration asked me to sit on his lap.'[54] Few decisions were made in these meetings. However, as the elections approached and the security situation deteriorated rapidly in 1993, the role of the military sector commander, his staff and company commanders in coordinating the operation would increase to a point where the military was running a large part of the operation.

Winning the Hearts and Minds

Little remained of UNTAC's original military mission by August 1992. The 'pure military' tasks had dwindled down to 'stabilizing the military situation' by monitoring the factions and the cease-fire as far possible. Apart from monitoring a small number of demobilized forces and guarding the surrendered armaments, a remaining method of containing the sporadic but increased fighting from erupting in war was bringing the four factions in contact with each other in 'Mixed Military Working Groups.' In the Dutch sector it would take until October for the Khmer Rouge to show up. On the few occasions where the Khmer Rouge were present, some new

colonel would do little more than repeat the demands for UNTAC to evict the remaining Vietnamese forces and assure that the Hun Sen government transfer all powers to the Supreme National Council. Dukers wanted to stop the usually futile meetings, but he was not allowed to do so. In the course of time he saw the use of continuing the meetings, if only to keep a line open to the Khmer Rouge, most of all on the company level where his local units were in harms way. Sanderson's experiences in the Mixed Military Working Groups in Phnom Penh were no more encouraging at the time, but the meetings at the central level would also regain importance over time as the elections approached.[55]

In September, voices were raised in Dutch parliament to withdraw the Marines from Cambodia. It was an expensive and still dangerous mission, and the representatives were questioning the use of keeping their troops in the jungles of Cambodia after the collapse of the cantonment process.[56] Many were eager to contribute troops to the UN Protection Force (UNPROFOR) in Bosnia, in Europe's backyard, in a conflict that was receiving far more media attention. In August, the pictures of internment and refugee camps shook the world by evoking memories of Nazi concentration camps. They triggered an emotional outcry and a wide call for more forceful intervention.[57] However, with its Marines Corps fully committed in Cambodia, the Dutch had to wait until their new Airmobile Brigade was operational before their armed forces were able to contribute any combat troops for deployment on the Balkans.[58] This was not likely to happen before 1994, so in the meantime the Dutch government had to settle for a communication and a transport unit in Bosnia.

In early September the minister of defense, Relus ter Beek, accompanied by the minister of international development, Jan Pronk, visited the troops in Cambodia. For a brief period, UNTAC and the Marines made the headlines again. The Dutch public needed to be convinced that the Marines were not 'bumming around in the jungle.' Initially, there was some skepticism in the Dutch press, mainly as a result of complaints by Marines about not being able to perform the task they had come for. One Marine was quoted as saying the battalion performed 'primarily social work.'[59] This image was rapidly replaced by a certain amazement at what had been accomplished thus far. Soldiers could do more of a peacekeeping operation than separating, disarming and cantoning factions.

The battalion had started giving free medical care to Cambodians and despite UN policy guidelines from New York – which stated that medical treatment was to be confined to UNTAC personnel out of fear of medical supply shortages – in August the number of civilian visiting medical facilities increased sharply.[60] Eighty percent of the patients treated by the Dutch field dressing station and the two company medical facilities were Cambodians. At the company medical post in Phum Nimit alone, around one hundred locals were treated per week at what an UNTAC information officer called a 'very impressive medical facility.' The battalion commander was even convinced that his field dressing station was the best medical facility in Cambodia at the time. The information officer witnessed how medical treatment 'seriously contributed to the good relations between the company and the local population.'[61] In turn, these relations facilitated military operations and even the contacts with the

Khmer Rouge, as some of the families of its soldiers received medical care. Moreover, the experience for the medical staff was considered extremely useful, as the Dutch had never been confronted with real bullet wounds and mine-related amputations.

Medical aid was given with the battalion commander's explicit support as well as that of the Dutch authorities – once they became aware of its value. It did not hinder the treatment of its own personnel, since the battalion was amply supplied with medicine.[62] However, while there was an abundance of medicine for the general treatment of able-bodied men and women, there was a lack of medicine for the treatment of babies and elderly people. This was particularly painful for the medical staff, as some of those patients died under their care. Cooperation with other organizations was usually a way out of such problems. Under the supervision of a company doctor, a special facility run by three medics from former refugee camps was created 300 meters from the Dutch post. The supply of medicine and other equipment to this facility was provided by the UNHCR, which had been arranged through intervention by the members of the International Committee of the Red Cross (ICRC). The UNHCR would not always deliver on its promises and little support was forthcoming from the local authorities, but with help from UNICEF a borehole was created and the Dutch built a latrine for the medical post. It was planned that a local doctor would gradually take over the facility.[63] Helicopter support was also provided to the ICRC for emergency cases in the isolated post in Sok San.[64]

Compared to other regions, there were relatively few humanitarian organizations active in the Dutch area of operation. Apart from the international governmental organizations incorporated in UNTAC, the UNHCR and UNDP and the other UN subsidiary organizations Unicef and World Food Program, the ICRC and the non-governmental organizations Médecins Sans Frontières (MSF), Care, and Danish Cambodia Consultants (DCC) were operating in the area. Most organizations had their offices in Battambang or Phnom Penh, while only a few had field offices in Banteay Meanchey.[65] Cooperation with the humanitarians was fairly good. Some humanitarian organizations, such as MSF, harbored principle objections to cooperation with the military, although the Marines noticed that they tended to drop their inhibitions once the security situation worsened.[66] Cooperation with the UNHCR was essential as the Dutch and other contingents were providing military escort to refugee convoys. The Marines would also play a role in the protection of refugee reception centers in Sisophon. Escort jobs from the Thai refugee camps gave the Marines enormous satisfaction, and were a much sought after job.

Dutchbat was also supporting the work of UNTAC's information and education branch. The branch, largely staffed by Khmer-speaking academics, was tasked to spread UNTAC's message. It used various techniques, including videos and hired actors to explain the purpose of the massive international presence, but first and foremost to teach the public about the election and the merits of democracy. The Marines erected bulletin boards for UNTAC in the villages and distributed the printed material provided by information officers. For many Cambodians, especially those in distant locations and most of all for the Khmer Rouge rank and file, it was often

Dutch Lieutenant Colonel Patrick Cammaert officially opens a school in a Cambodian village. Later in the 1990s, pictures of projects aimed at 'winning the hearts and minds' came to dominate the perception of civil-military cooperation in peace operations.

still a mystery what those people in their big white terrain vehicles, soldiers and civilians, Europeans, Asians and Africans, had come to do in their country.[67] UNTAC's ability to communicate its message to the Cambodians was seriously impeded by Boutros-Ghali's decision to withhold funds for Radio UNTAC in the initial months.[68] The information component's director, Tim Carney, an American diplomat with long experience in Cambodia, failed to convince the secretary general that a radio station was the best way to spread the UN's message free of interference from the factions. Eventually the radio station was allowed, but the lack of this most effective means of providing information in a rural society with terribly poor communications was felt in the initial period and much enhanced the importance of rehabilitation projects by the military.

Various small projects were initiated spontaneously to bring immediate improvement to the living conditions of the people. The Dutch initially called them 'community relations projects,' a term taken from the British Army Field Manual that was circulating in the battalion staff. The manual from the 1980s was on 'Counter Revolutionary Warfare,' the term then in vogue for what had previously been known as counterinsurgency. Apart from medical aid, the Marines constructed small bridges

in order to make villages more easily accessible and created a small market place near their compound to stimulate local trade. Elsewhere in Cambodia, engineers built roads and constructed Bailey bridges. While this was often done for operational reasons, it worked both ways with the Cambodians profiting from the improvement of the country's devastated infrastructure.

For the Dutch a favorite 'civic action' activity, as the projects became known, was support to the resurrection of schools and medical clinics. The Indonesians had their particular way of 'nation building,' which they were used to performing in their own country. 'I would not argue that the Indonesians were spreading the word of democracy and freedom of speech,' UNTAC's chief of plans recalled, 'but they were doing a fine job lecturing on schools and giving physical education to school children, using funds and materials from Indonesia.'[69] Meanwhile, the French picked up where they left off after decolonization, and eagerly taught French to a generation of Cambodians that had no memory of French rule. Various UNTAC military units initiated similar projects elsewhere in Cambodia. Civic action was certainly not limited to the 'rich' contingents, with their lavish logistical means and funds. According to the journalist William Shawcross, the Uruguayans and Pakistanis were particularly praised 'for doing fine work in bringing public health and other services to villages.'[70]

As a major in the Royal Australian Engineers, Sanderson had commanded a construction squadron during the war in Vietnam. Experience here and in other counterinsurgency operations such as in Malaya had made the Australian military thoroughly aware of the importance of 'winning the hearts and minds of the people' when performing military operations in their midst.[71] The general had therefore proposed that the military component should have a mandated 'civilian side' with a specific budget. However, much to his regret, the UN secretariat did not provide him with a budget for civic action programs, arguing that this was the responsibility of other UN agencies and NGOs. Sanderson therefore heartily endorsed the local military initiatives and propagated the need to build 'an alliance with the people' as 'an essential part of the military component's method of operation.' In March 1993, headquarters in Phnom Penh tried to coordinate some of these initiatives by national contingents by creating a small civic action cell headed by a US Army officer experienced in civil affairs. Battalion commanders were instructed to set up a medical program, use engineering capacity if available for the benefit of the local population and appoint a staff officer as the coordinator for civic action. By then, UNTAC had already been under way for one year and most of the civic action continued to be local initiatives.[72]

Altogether, the UNTAC military was able to establish a reasonable program through the generosity of voluntary donations from individual countries, and according to Sanderson 'close co-operation with other UN agencies and effective use of the skills that many of the United Nations soldiers brought to Cambodia.'[73] Coordination between the civilian rehabilitation program and the military initiatives was not always flawless, and according to a US government report this resulted in a clash of interest at times.

> For example, UNTAC's civilian components planned several projects, such as road building and water sanitation, with private voluntary organizations working in Cambodia. Due to the lack of coordination, some of these projects, which were intended to provide income and skills to the local population, were pre-empted and completed by the military as part of its civic action campaign. According to the Force Commander, providing security and proceeding with the civic action campaign were crucial to the success of the mission and could not be delayed until the civilians were in place to begin planning and coordinating rehabilitation.[74]

Sanderson replied that '[o]n the question of military civic action versus rehabilitation, every effort was made to coordinate engineering tasking including with UNDP. The truth of the matter was that the military component had to get on with the task for operational reasons and could not wait.'[75]

Construction work performed by the military for operational needs was not to be confused with civic action. However, it was becoming increasingly difficult to draw the line as the military steadily advanced into the humanitarian and rehabilitation sphere during peace operations in the 1990s. The confusion over the purpose of civic action became widespread, simply because it was not always clear whether aid was an 'end' or used a 'means.' Was 'doing some good' a means of winning the hearts and minds and thus facilitating military operations, or was relief and reconstruction a military purpose of its own? Were the peacekeepers there to 'do good' or simply to provide a secure environment for others to work in, by engaging in humanitarian work, rehabilitation, peace building, institution building, state building, or 'nation building' – the most confusing as well as ambitious of all terms used for such activity?

These concerns were hardly raised at this point in time by the politicians visiting the Dutch sector in Cambodia. While civic action was a traditional and well-known recipe in military operations, especially low intensity conflict, and had been practiced by their own UN peacekeepers in Lebanon during the 1980s, the Dutch tended to treat it as a new magic potion. The two Dutch ministers were thoroughly impressed with what they saw the Marines were doing to benefit the Cambodians and set out to stimulate their efforts, while using the positive image it created. During his stay in Cambodia, the minister of development promised the Marines half a million guilders to use as they saw fit on reconstruction and rehabilitation projects. With the use of the so-called *Potje Pronk* (Pronk funds), the community relations projects thus became 'Dutch Development Projects.'[76] With this money at their disposal, the civic action campaign seriously got underway in the Dutch sector. The Marines were now able to take on larger projects such as building or renovating schools small medical facilities, erecting a new police station, drilling wells, digging shallow water reservoirs and establishing a malaria prevention program.[77] The civil-operations staff officer coordinated civic action, but much of the initiative for and execution of the projects was delegated to companies in the field. In 1993, the minister raised the total amount to be used by the Marines to one million guilders, the equivalent of over half a million dollars. 'You cannot underestimate the importance

of the *Potje Pronk* on the success of our mission as a whole,' the second battalion's operations officers would concede.[78]

Winning the heart and minds, it soon appeared, worked three ways. Not just the Cambodians had to be won over. Civic action seriously contributed to the improvement in troop morale, as it gave the Marines a sense of purpose in a country where they saw more extreme poverty and suffering than many had ever considered possible. Winning the hearts and minds back home turned out to be an unforeseen advantage, and allowed the ministers of defense and foreign affairs to trumpet the accomplishments of the Dutch troops in parliament. The visit and the sudden wide media coverage assured that those who had doubted the use of keeping the Marines in Asia were now overwhelmingly in favor. How the remainder of their eighteen-month mission would evolve, however, remained somewhat of a mystery.

4

The Slippery Slope toward Public Security: Soldiers and Policemen in Cambodia

The maxim goes that few plans ever survive the first shot fired on the battlefield. The same appears to be true for the murky area between war and peace as the military plan in Cambodia got bogged down almost as soon as UNTAC crossed the starting line.[1] Its leaders therefore had to either abandon the mission or improvise and change it drastically. However, a decision was postponed for several months. This left UNTAC's military to muddle through from August 1992 onwards, while hoping the Khmer Rouge would join the peace process after all. Parallel to the limited cantonment activities some of the peacekeepers had become involved in civic action, but when it came to 'winning the hearts and minds' of the people, no amount of humanitarianism by the soldiers would compensate for the lack of security that persisted for many Cambodians as a result of the surge in banditry and political violence. UNTAC's official approach to ending the violence in Cambodia was twofold. Violence resulting from military conflict was a matter for the military component to monitor and negotiate. Criminal violence was a matter for the UN Civilian Police (CivPol) under the Agreement. This model, based on the rigid distinction between 'military security' and 'public security,' did not match reality in Cambodia and certainly not in Banteay Meanchey province where the Dutch Marines went far in improvising ways to establish a secure environment. Their experience would prove to be an early indicator for the expanding role of peacekeepers in the field of public security during the 1990s.

Police Monitors

One of the most obvious problems related to the gap between police and military operations in peacekeeping proved to be that in areas ravaged by civil wars the local police were often hard to distinguish from military forces. The strict segregation of the two occupations, firmly established in Western democratic societies in the twentieth century, was not as clearly defined as the drafters of the Paris Peace Accords had envisioned. Although CivPol was tasked to monitor all four factions' police forces, the only distinguishable police apparatus was that of the State of Cambodia. The UN estimated SOC police at 47,000 in number, but this was a largely untrained and poorly equipped force that lacked standardized procedures and a functioning criminal code. Moreover, the police were seriously underpaid, if paid at all. It was not until October 1992 that a law was passed prohibiting Cambodian soldiers from arresting civilians. Although this represented a major change in the official powers of the Cambodian military, it was unlikely to have much influence over their behavior.[2]

The Khmer Rouge's police force had been estimated at nine thousand, but neither CivPol nor the UNTAC military were able to distinguish them from regular Khmer Rouge fighters. The other two factions' police forces were negligible in size.[3] The Khmer Rouge's unwillingness to disarm had also been linked to police matters, a causal connection related to its obstinacy and the failure to dismantle the SOC administrative structures. With the SOC police intact and still under party control, the Khmer Rouge could not allow itself to be disarmed by UNTAC without making themselves vulnerable. 'With the armed forces of the Parties cantoned, disarmed and largely demobilized as the Agreements required,' Sanderson concluded in retrospect, 'the relative power of the police would have been markedly increased.'[4]

In the course of the 1990s, monitoring and reform of local police became an ever more prominent element of peace operations. At the end of the Cold War, Namibia had been the testing ground for the use of a large force of UN civilian police monitors in a peace building operation in the wake of intra-state conflict.[5] In a rather benign environment with overall continued cooperation of the parties involved, it proved a relatively effective tool to control the factions' police forces, which tended to play a large role in civil wars. With 3,600 police officers, UNTAC's civil police component was the largest ever assembled by the UN. The force, led by the Dutch Namibia veteran Brigadier Klaas Roos, was charged with ensuring that law and order among the civilian population was maintained 'effectively and impartially and that human rights and fundamental freedoms were fully protected.' Although the executive responsibility for public security in Cambodia would continue to rest with the factions' police forces, these were envisaged to operate under UNTAC supervision during the transitional period. Like the UN mission as a whole, the responsibility given to the CivPol component was extremely ambitious.

The authority and means given to CivPol did not match its responsibilities. Conventional policing powers are reporting incidents, investigating violations, searching premises, seizing evidence and the arrest and detention of suspects. CivPol initially only had the first of these powers in order to control and help transform a police force that, rather than providing protection to civilian population, instead served to terrify inhabitants through intimidation and torture. For a large part, the Cambodian government police were not community police, but a politicized force designed to protect the interests of a one-party state.[6] The peace agreements had not specified any control measures, and a number of missions was not included in the mandate that would have given it more of an 'institution building' character. There was, for example, no provision for restructuring local police organisations or vetting personnel, and no program specifically focused on judicial reform. The UN police had no law enforcement responsibilities, was unarmed and was obliged to work with the existing police officers.[7] The police monitors had no method to follow through on their investigations into human rights abuses. They could transfer a case to the local police that was unlikely to do anything. In the likely event that the police themselves were involved in human rights abuses, the only method of ensuring compliance was to have UNTAC apply political pressure in response to CivPol investigations.

The overall poor quality of the international police force and its slow deployment

seriously hampered the UN's ability to control the Cambodian police forces. It had taken UNTAC's military contingent about five months to deploy, but the CivPol component was not fully fielded until November 1992. By then, the planned eighteen-month mission was half way to completion and the police force lost credibility from which it never satisfactorily recovered.[8] The problematic recruitment of international police personnel by the UN was one of the causes for its partial malfunctioning. During the hasty process, the UN had not exactly been choosy. What Cambodia required, according to UNTAC special prosecutor Marc Plunkett, was trained investigators 'who understood the apprehension of offenders, the collection of evidence and the preparation of prosecutions, and personnel who were experienced in community policing.'[9] Many of the CivPol were not police at all but border guards, security guards, anti-terrorist forces, paramilitary police and even civilian clerical staff redesignated as police, many of whom were not at all suited to the task and set very bad examples for the Khmers. A large number of police personnel were hardly able to drive a car while others did not speak an international language, which seriously limited interaction in the field, especially radio communications. The problems often originated in the contributing countries. Of the fourteen nations that sent over one hundred police monitors, thirteen were developing countries. Many of these had police forces that suffered from problems similar to that of the Cambodian police: lack of discipline, corruption and human rights abuses.[10] On the other hand, some police officers were of a very high standard and initiated valuable police training programs, as well as intervening at great personal risk to prevent violence and to bring offenders to justice.

While a minority of the military forces was ill disciplined, most notably the first Bulgarian battalion, it was the CivPol branch that gave UNTAC its worst public relations problems.[11] After several months, the mission was losing popular support, most of all in the capital where ten percent of the population lived. An internal UN report based on fifty interviews with the urban population concluded in October that the Cambodians had started blaming UNTAC for many wrongs, such as corruption, unsafe streets and the rapid rise in traffic accidents.[12] In the meantime, there were hardly any civic action programs initiated in and around the capital like those improvised by some battalions in the countryside. In Phnom Penh, but even more so in the rural areas, the rapid rise of crime and overall lack of security seriously undermined the people's trust in UNTAC as a whole.

Apart from the destruction and harm resulting from sporadic military confrontations between the two remaining military forces, the Cambodian population faced many types of threats related to public security. The most common problems were theft, robbery, extortion, kidnapping, assault and murder, commonly categorized as 'banditry.' These problems were closely entwined with illegal taxation, a common practice mostly ascribed to underpaid CPAF military as well as demobilized soldiers from the other three factions. The population hardly mentioned the Khmer Rouge in connection with banditry in the Dutch sector, although this proved hard to monitor.[13]

Overall, Khmer Rouge troops were better paid and not located close to the population centers. Another threat to law and order was political violence and intimidation, which rose sharply during the voter registration process in late 1992 and continued during the electoral process in the following year. This type of violence was ascribed to both SOC forces and the Khmer Rouge. Finally, there was a wave of serious ethnic violence directed at the Vietnamese minority by the Khmer Rouge in 1993 in the run up to the elections.

Government soldiers were responsible for a large portion of the illegal taxes raised throughout the countryside. These were either army units ordered to tax and extort by their superior officers, or renegade elements both in and out of uniform. As far as the first group was concerned, Sanderson wrote to Akashi in March 1993, '[t]he root cause of the problem is that there is a war going on out there and SOC cannot afford to maintain the military force to fight it. The local commanders are left to their own devices. They have to hold the force together without pay and continue to hold the NADK at bay. It is remarkable that some of them do as well as they do and it is not surprising that some of them resort to extortion and other illegal activities.'[14] The second group resulted from the partial and poorly prepared demobilization process. As described in the previous chapter, a substantial part of the now unemployed troops formed local criminal gangs and started roaming the countryside. In the Dutch sector, the surge in extortion and violence that plagued the Cambodians as well as the UN mission was largely ascribed to this group, which was joined by deserters and common criminals.[15]

Some of the factors contributing to the upsurge in serious crime were related to UNTAC's presence and even connected to some of its limited successes in 1992. Not only was banditry stimulated by the demobilization process as thousands of ill-disciplined veterans were released into society; local criminals also took advantage of the absence of state power caused by UNTAC's presence. Government officials and local police complained that they were unable to take more forceful measures due to the requirements imposed by UNTAC to respect human rights. Still another contributing factor to the rise in crime was the sudden sharp rise in Cambodia's population as a result of the successful repatriation of over 300,000 refugees under UNHCR control. Amongst those returning from the Thai border camps were both criminals as well as those who were easy prey for thieves.[16] On the local level, the presence of Dutch military posts and the resulting relative security attracted people and trade. In Phum Nimit, in a matter of months an entire new community grew up around the encampment of Charlie Company.

Banditry in Banteay Meanchey

Crime struck particularly hard in the northwestern part of Cambodia, where the Dutch were stationed. While the number of reported armed robberies had been relatively low in early 1992, their number in Banteay Meanchey rose more sharply than elsewhere in Cambodia.[17] This seemed to mirror the demobilization process in this part of the country that had been more successful than elsewhere in Cambodia. Ban-

teay Meanchey was the only province where all four parties had a military presence and the two smaller factions produced a relatively large share of the 40,000 demobilized troops nationwide. The high concentration of demobilized troops in Banteay Meanchey makes the province an interesting case in point for the argument by Dukers and Huijssoon that Cambodia was likely to have slipped into further anarchy had the poorly prepared demobilization proceeded as planned.

The presence of the important trading Route Five, linking Cambodia with Thailand, contributed heavily to the high crime rates in Banteay Meanchey. In the months following the arrival of Dutchbat there had been virtually no fighting between the factions as the 'frontline' had stabilized along Route Five between Sisophon and the border town Poipet. South of the highway was Khmer Rouge territory and the area north of the highway was controlled by government forces. The main threat for the Cambodian population in the sector was banditry and extortion. 'The important theme for this sector is not waging war,' a visiting team of Khmer-speaking UNTAC officials concluded, 'but earning profits.' Goods coming from Thailand were 'taxed' at various locations along the road, at the only two official government checkpoints at Poipet and the bridge in Sisophon and at multiple 'informal' checkpoints where soldiers stood by the road and demanded money. A one-way trip from Poipet to Sisophon became an expensive journey for the local population.[18] Of an even graver concern to personal security were armed bandits operating in mobile teams of up to fifteen persons, both active and demobilized soldiers, attacking civilians along the road.

Dutchbat started to improvise in order to quell the upsurge in crime and violence. The commander did not stop short of the tasks officially assigned to him after the demobilization process was derailed by August. Given the quest by the Marines for alternative ways of creating a secure environment, the strict segregation between military security and public security was discarded. However, this should not be confused with a conscious decision on the part of the Marines to take on a policing role in Cambodia. 'If you are unable to execute the mission you have come to perform, you use your common sense,' Dukers reasoned.[19] The Marines tried to halt crime and extortion at checkpoints in various ways. The operations officer, Major Gonzales, developed an elaborate and rigid 'patrol and presence plan' for his companies in order to create a maximum dispersal and visibility of UNTAC troops. Foot patrols and mounted patrols were conducted day and night and concentrated in and around Route Five and the most densely populated areas.[20] Although frequent patrols improved the situation along the roads, it proved beyond the capabilities of the battalion to totally disrupt extortion activity along the routes. After the Dutch removed checkpoints, the bandits merely reappeared after the patrols had passed. The measures along the roads were even reported to increase other forms of banditry as renegade soldiers moved activity from 'taxation' at checkpoint towards more violent form of robbery further away from the unpaved 'highway.'[21]

The possibilities for action were very limited since the peacekeepers were officially prohibited from using force, let alone detaining offenders. They would not pursue fleeing bandits or gangs and were not allowed to disarm the Cambodians on sight, even if they had directly threatened UNTAC. In UNTAC's standard operating

On their own initiative, Dutch Marines ran checkpoints with Cambodian police and organized joint patrols with all four military factions in order to improve public safety in their sector.

procedures, it was correctly anticipated in May that '[i]n an environment where decades of civil war had dislocated the fabric of society' the potential for criminal acts 'outside the spirit of the Paris Agreement' was very real. 'These could include actions by undisciplined or disenchanted members of the faction or by bandit groups.' However, the response to criminal activity was considered 'a matter for the civil police, monitored by the members of the UNTAC Police Component.'[22]

In order to 'retain credibility among the local population, but also to remain credible for the Khmer Rouge,' Dukers asked UNTAC in Phnom Penh to allow him to take stronger measures against banditry in late August. Force headquarters did not issue such instructions, as this would have meant a substantial broadening of the military mandate.[23] In order to find more structural ways to address the lawlessness, Dutchbat therefore increased its cooperation with the local provincial government and the local police forces. Such cooperation was most extensive with the provincial authorities of Banteay Meanchey, where the battalion headquarters was located in the town center. The provincial governor was in control of between 2,200 and 2,700 police officers, including border guards, and a further 2,000 provincial CPAF military forces. It was mostly in this capacity that Dutchbat coordinated its efforts and cooperated with the governor.[24]

One of the first joint actions occurred when the governor asked for Dutch support for his police force that planned to remove settlers illegally occupying ground and building houses in Sisophon. Apart from occupying ground owned by the municipality, these armed squatters, mostly government soldiers, had driven local inhabitants away from their houses and farms at gunpoint. For the most part, the soldiers were acting on their own, but they would also render services to local businessmen and developers for 'odd jobs.' Apart from occupying land, they would sell their services to protect valuable transports and for settling scores with adversaries or competitors. Construction was big business in Sisophon, a city that doubled in size during the first half year of UNTAC's presence, and several months after the arrival of the battalion, numerous stone houses were built in an area where an owner of a wooden house was considered a rich man.[25]

In coordination with the governor of Banteay Meanchey, who declared the occupation of property illegal, Dukers decided to have his troops support the provincial SOC police that would otherwise have been no match for the armed settlers. On 27 August, after the governor's ultimatum deadline had passed, a platoon was visibly present as backup during an operation that in total involved fifty Dutch troops. They were allowed to act in case local civil servants and armed police, sixty-five in total, were molested while 'upholding the law.' In order to protect them the platoon was authorized to use 'minimum force,' including the use of warning shots and possibly aimed fire. Troops were equipped with smoke grenades and tear gas, shields and batons, and prepared to detain 'amok-makers,' ringleaders pointed out by the platoon commander in charge. The detailed orders for these crowd and riot-control measures in a potentially hostile environment referred to UNTAC Standing Operating Procedures on the use of force, but it is unclear what section allowed such public security measures. More interestingly, the operations staff officer who drafted the plan referred to the British Army Field Manual on peacekeeping operations and his British manual, *Counter Revolutionary Operations*, with its elaboration on support to the civil power. The Marines – used to cooperating closely with the British Royal Marines within NATO – had brought both to Cambodia, and all the battalion's operational orders referred to these two volumes. The counterinsurgency manual was the most relevant for this particular operation as the orders specifically referred to its chapters dealing with 'arrest and evidence' and 'crowd dispersal'. The sections 'taking over from the police,' 'crowd dispersal without opening fire' and 'opening fire with small arms during crowd dispersal' were specifically referred to.[26]

Apparently the support operation was sufficiently successful for the Marines to report on their initiative to the Dutch minister of defense, Relus ter Beek, when he visited the troops two weeks later. Although Ter Beek had not been aware of the commander's intentions prior to the operation, the minister briefed parliament on the support action as one of the examples of the many activities in which the Marines were involved that justified them staying in Cambodia despite the failure of the primary military mission. Neither the minister nor parliament raised questions about this law and order mission in support of the Cambodian authorities, a task that went well beyond the UNTAC mandate. Although such measures did not become com-

Dutch Marines in crowd and riot control gear supported the local police in the provincial capital Sisophon in an effort to remove squatters.

mon practice in the Dutch area of responsibility, they did not stand alone. In Phum Nimit, Charlie Company faced related problems when CPAF soldiers forced local inhabitants to leave their houses. Apparently the company commander 'solved the issue' after receiving complaints from locals who could thereafter stay.[27]

Cooperation between Dutchbat and local authorities in order to increase the sense of security among the local population was expanded on an ad hoc basis. From early September on, Dutchbat frequently joined the local police on night patrols in Sisophon in order to protect them from local bandits and ill-disciplined government troops.[28] In early October, the Dutch operations officer Major Gonzales called for a meeting with the governor of Banteay Meanchey to discuss and possibly formalize further measures against banditry. The battalion's intelligence officer, the newly appointed civil-operations officer and two other officers joined him. UNTAC's civil component was represented only by the provincial deputy administrator, while CivPol sent no representative at all. The new Cambodian provincial governor, Morgne Kosal, used the occasion to announce his plan to create a new specialized 'mixed police military unit' in order to tackle the high incidence of banditry in Banteay Meanchey. This local initiative was part of a nationwide program developed by the Cambodian ministries of defense and interior affairs.[29] In Sisophon this unit would initially consist of 148 personnel, two-thirds of whom were provincial police and the rest provincial CPAF troops. Eventually the unit was to be over three hundred strong, the large majority of whom would be civilian police officers.[30] The unit was to report directly to the

newly created 'mixed group B,' chaired by the deputy governor, the former governor Woong Kaan, with whom the Dutch had established reasonably good relations.

The local SOC authorities were partially driven by the approaching elections, but the Dutch commander estimated that the governor was genuinely concerned about the steadily deteriorating law and order situation. He was therefore willing to have his battalion contribute to the training of the task force.[31] Gonzales made it very clear, however, that Dutchbat wanted something in return for the support given to the local police. He called on the military representatives to control their units that contributed much to the extortion and violence and reminded them that the Dutch military hospital was frequently treating the victims of this violence.

After the conference between Dutchbat the SOC authorities in Banteay Meanchey proved reasonably successful, it was decided to have a weekly meeting with the vice governor, police and provincial CPAF. It would take another six months and insistence from the Dutch before the local UN Civilian Police branch joined what became known as the 'anti-banditry committee.'[32] Most of the measures taken by the Marines in relation to public security continued to be directly coordinated and executed with local authorities and hardly involved the UN civilian police monitors or UN civil administration. The UN police, for instance, played no part during the action against illegal settlers.[33] The local CivPol commander had merely been informed of Dutchbat's intentions the day prior to the action. At the time, the police force was still in the process of deploying and the UN police had only just arrived in more distant locations such as Phum Nimit. Amongst the villagers they created a frightened impression as they limited their patrols to set hours, while returning to their headquarters in Sisophon during the night.[34]

Some cooperation between the Marines and CivPol did occur. Joint patrols with the UN police were started and the Dutch coordinated their efforts towards the training of the new SOC-police task force with the Swedish CivPol commander for Banteay Meanchey. The Dutch military police, the 'Koninklijke Marechaussee,' although officially only deployed to police the Marines, also played a small role in support of the training, which was divided into general street police duties and criminal investigations courses. Although it was only a two-week-long course, the training made a rather professional impression on the Dutch Military Police. In one other incident, the Dutch MPs also exceeded their mandate by 'arresting' eight suspected thieves in Sisophon and transferring them to the local police.[35] The joint training initiative in Banteay Meanchey was one of the makeshift training programs that emerged after the security sector gap within UNTAC's state-building program became painfully apparent. Some international police developed courses using training manuals they themselves had brought.[36] UNTAC had made no official effort to train a new police force and training of the existing force was low on UNTAC police's list of priorities. As in other regions, CivPol scrounged resources from military contingents such as the Dutch, who were willing to contribute to any task that might relieve them of activities related to public order in the hope of contributing to sustainable solutions for the law and order vacuum in northwestern Cambodia.

The fact that the Marines had something substantial to offer in return for good

behavior, often gave them more leverage over the local authorities than UNTAC civilian officers. CivPol, civil administration and the human rights component, all of whom had a role to play in public security matters, had little to offer but their advice, which did not always go down very well with the autocratic rulers. What the Dutch could provide most importantly was security. The local police force could hardly function, as they were often too terrified to patrol the streets, especially at night. SOC police often became the victims of attacks by both bandits and Khmer Rouge troops.[37] CivPol officers did not patrol at night and their presence during the day added little value in the eyes of local police. The Marines, on the other hand, liked to work at night as it was much cooler and the night-vision goggles they had brought gave them an edge over their possible opponents.[38] Apart from protection, the Marines provided transport during patrols. Moreover, the Marines had an additional incentive for the local government in the form of their civic action program. Gonzales was very direct when communicating to the local authorities that 'results' in anti-banditry measures would play a crucial role in allocation of these funds. In 1993, the so-called Dutch Development Funds were used to build a prison and a courthouse. The second Dutch battalion enhanced their leverage over the governor of Banteay Meanchey by providing his private house with electricity from one of their generators at battalion headquarters. Disconnecting the electric wire to the governor's house was a simple, yet effective way of showing the Dutch commander's discontent.[39]

Stretching the Mandate

In the course of September and October, activities in support of the civilian authorities were steadily increased. Dukers tended to regard this development as inevitable:

> As the only constant and well-organised unit in this area, we are confronted with and picking up tasks that would normally not belong to a Marine battalion. It should be obvious, however, that in many areas any form of organization is lacking and that we cannot accept more examples of anarchy and disorganization.[40]

The commander was aware of the dangers involved in extending his role into the civilian sphere as well as the legal minefield upon which he was treading. While UNTAC's civilian branches had a formal role in public security, the military officially had none. During their cooperation with local civilian authorities the battalion nevertheless faced many of the same problems as the civilian component. By cooperating with the local police the Marines were substituting for civilian police monitors, while there was no functioning justice system and no properly functioning criminal law to guide operations. UNTAC had no mandate to re-establish the rule of law in an anarchic country where local police and judiciary were under total political control. Throughout Cambodia there were no more than two to three judges per province, appointed by the governors and clearly serving party interests. On the measures taken and the limits to cooperation – set primarily by the limited local human rights standards – Dukers reported to The Hague:

> Contacts with local and provincial governments are generally good with a free and unconditional exchange of ideas aimed predominantly at ameliorating the general security situation and human rights in the province. As far as the Cambodian legislation does not provide appropriate directives or as far as local legislative and administrative practise does not match UNTAC measures or directives, or the norms and values prescribed by Dutch law, the battalion's personnel only cooperates with the local government if we can reach clear and acceptable agreement. Until now, this has worked well. We have agreed on tough measures to jointly combat banditry and reduce illegal taxation and tolls by CPAF military.[41]

The Marines could not rely on legal support when taking on these responsibilities. While negotiating a combined policy and deciding what was acceptable behavior, the commander had to rely on his own judgment. In order to address the lawlessness that reigned in Cambodia, he had to improvise, which usually meant sticking his neck out and hoping things would go right.

Apart from cooperation with local authorities, Dutchbat tried to improve security in their area of responsibility by disarming unruly elements. Just as there was no provision in the mandate for detention and arrest, UNTAC battalions could officially do nothing about civilians openly carrying weapons. Under the initial mandate and Rules of Engagement, UNTAC had no authority to take weapons from individuals other than through the cantonment process.[42] 'I created my own rules,' Dukers admitted. He regarded it 'our duty to do something about the illegal roadblocks where civilians were extorted.'[43] The commander claimed to have paid very little attention to UNTAC's Rules of Engagement, which had arrived only after the deployment in Cambodia.[44]

While UNTAC was deliberating in October on how to address arms control in a country ridden with small arms, Dukers instructed his troops to disarm all members of 'local militias' or other individuals not in uniform and not in possession of cards identifying them as on-duty faction members.[45] In the preceding three months, Dutchbat patrols had already confiscated several weapons from the unruly militias on sight, but it now became formal Dutchbat policy that only official faction military in uniform and SOC police were allowed to carry weapons. It was left up to the patrol commander to decide how far he would go in enforcing the directive, depending on his estimation of the dangers involved. Dukers expected that the disarmament measure would 'certainly ameliorate the local security situation and facilitate a return to normal, pre-war conditions.'[46] However, he was realistic and accepted that there was an almost unhampered flow of small arms and ammunition from large numbers of hidden arms caches to the bandits. Disarming Cambodia was clearly beyond the capabilities of UNTAC. The total amount of arms confiscated by the Dutch is more likely to have been in the high hundreds than in the thousands. A number of the weapons would be returned to those owners capable of demonstrating a weapons pass, which the Marines helped to introduce in cooperation with the local authorities. Another requirement the Marines introduced before handing back a weapon was that a faction member showed up in a correct uniform.[47] The crux

of the measure was that it gave Dutchbat a means of controlling and sanctioning, and thereby establishing their authority. Patrick Cammaert, the second Dutch battalion commander, recalled with a subtle grin: 'It was very frustrating for them when we took their weapon in the streets.' There appear to have been no similar measures in other sectors at the time, although some troops may have disarmed on an ad hoc basis.[48] It would take more than six months before UNTAC caught up with Dutchbat regarding the disarmament policy, as it had to wait for legislation on arms possession to be passed through the slowly turning bureaucratic wheels of UN civil administration and the malfunctioning Cambodian government departments.

The Dutch battalion commanders in Cambodia had a degree of autonomy that would make colleagues in later operations jealous. It was the first sizable deployments of Dutch troops overseas in some years and the Western military and political leaders had not yet suffered the traumatizing setbacks in places such as Srebrenica and Mogadishu. There was not yet a national contingent commander, who would operate as the Dutch minister of defense's watchdog in future operations. Moreover, there was little experience and therefore hardly any frame of reference while executing an often unclear mandate. Dukers reported first to the Royal Netherlands Navy Headquarters and subsequently to the Ministry of Defense operational center, both located in The Hague. The general tendency amongst all three subsequent Marine battalion commanders was to involve 'The Hague' as little as possible, as this 'would only lead to meddling by those incapable to properly estimate the local situation.' They would not report on every single firefight in which the Marines became involved, as they would only worry the authorities in The Hague and lead to increased interference.[49]

All three Dutch battalion commanders who served a tour of duty in Cambodia felt their primary allegiance was to Sanderson and not to The Hague. Even though Dukers had briefly clashed with Sanderson over the decision to halt the deployment in May, he developed a good relationship with the force commander. Within UNTAC, the lines of command were short for a division-size operation of some 16,000 troops. The force commander directly commanded his battalions, instead of having a brigade structure in between, as would be normal in combat operations. Sanderson delegated much responsibility and set the general outlines of the mission, the 'commander's intent,' in broad strokes. This was done in operational orders drafted by his chief planner, Huijssoon, when the mission was structurally altered. However, until December 1992, no changes in the overall mission were provided and UNTAC was left to muddle through. Sanderson gave most of his instructions verbally, either during the regular meetings of his battalion commanders at headquarters in Phnom Penh, or by telephone.[50] As one of the best-equipped units with its own logistical lines, and positioned in a distant corner of Cambodia, UNTAC headquarters left the battalion to fend for itself most of the time. Sanderson's energy was increasingly absorbed by political matters and by units in more urgent need of attention. All three Dutch battalion commanders liked this freedom to determine how they went about creating a 'safe and secure environment.' They admired Sanderson as a commander, but saw him grow older by the day as the mission progressed into 1993 and as

he took on ever more responsibility for the mission as a whole.[51]

Sanderson and Cammaert connected particularly well. Every six weeks the sector commanders would come to Phnom Penh. 'I would usually come in half an hour early on the general's request to discuss the situation,' Cammaert recalled. 'He seemed to enjoy that.'[52] They would call frequently on the phone and Huijssoon even suspected that Sanderson would call Cammaert to hear his perspective on problems that may have occurred for other battalions.[53] They were soldiers of a kind, combining the qualities of a field commander with that of a diplomat – a blend of skills that was in ever-greater need in military operations in the post-Cold War disorder. Sanderson probably spent more time on politics and diplomacy than he did on commanding his troops. Cammaert would have a similar experience after he worked his way up to the position of force commander of the UN mission in Ethiopia and Eritrea (UNMEE) in 2000. Two years later he became military advisor to Secretary General Kofi Annan. After completing his mission in Cambodia, Sanderson would serve as commander in chief of the Australian Army for a number of years, until he retired from the army and became the governor of Western Australia. The qualities of the diplomat-soldier, while a rare combination in the early 1990s, would become ever more important as the role of the military steadily expanded into the civilian sphere. Not only would this be the case for generals, but also for the military on the tactical level during the ever-more complex operations in areas ravaged by war.

The Dutch battalion commanders were overall quite comfortable with the leeway given to make many of their own decisions, but it placed them in a rather 'lonely' position, as Dukers warned his successor Cammaert. 'You take all these decisions all by yourself and you hope they work out well. You have neither backing from Sanderson, nor from The Hague. The Netherlands will probably cover for you when things go wrong, but what if you start taking casualties?'[54] Cammaert operated under his own rule, accepting that of the decisions a commander had to take – mostly under the pressure of time and without sufficient information or intelligence – eighty-five percent are good, ten percent are adequatte and the remaining five percent turn out to be the wrong decisions.[55] Dutchbat's disarmament policy was launched without asking permission from either Phnom Penh or The Hague. 'Every day we reported on our activities to Phnom Penh,' Dukers said, referring to his disarmament measures, 'so they were well aware of what we were doing.'[56] Headquarters never told him to stop, so he gathered that Sanderson agreed. Cammaert continued the policy and recalled that when he told Sanderson during a visit to the Dutch sector about these disarmament measures, the general started to laugh. Yet he left it at that.[57] The Hague was never formally notified of the weapons policy, however, both Naval Headquarters and the Ministry of Defense could have been aware if they read the weekly situation reports closely.

Sanderson never stopped the Dutch commanders from stretching their mandate to include disarmament and mixed police patrols. He nevertheless tried to resist the strong pressure of having his force become formally involved in what he called 'internal security operations.' Although it was not quite clear what his exact interpretation of internal security operations was at this point, the term rang bells of coun-

terinsurgency operations, military operations such those by the British in Northern Ireland, and even policing. In military circles it was also associated with colonial days and tasks performed by military forces in autocratic regimes, and it was clearly not what the force commander intended his troops to become involved in. Sanderson later placed the argument against internal security operations in the context of the debate about the virtues of 'neutral peacekeeping' versus enforcement.[58]

Sanderson dismissed an early draft proposal on mixed units against banditry in August 1992. The proposal from the UNTAC civil administration component irritated the general. Although it intended for military peacekeepers to contribute to these mixed military and police formations, it had been prepared without input from his headquarters. At the time he was still hoping for the Khmer Rouge to join the demobilization process and considered such mixed units 'not feasible until all military forces are cantoned and disarmed.' He argued that as the factions were de facto at war with each other despite their stated commitment to the Paris Agreement, 'what may be seen as banditry by one faction can be considered by another as a legitimate [act of war by the other].'[59] Huijssoon, as one of his principle deputies, also argued that UNTAC had succeeded in keeping a neutral posture, amongst other things because it had resisted becoming involved in public security.[60] It was never clarified how a certain military contribution to public order would impede the military force's neutrality. This assumption ran counter to Dukers' argument that he was driven towards measures against banditry and extortion – often against the CPAF but in cooperation with other SOC authorities – in order to maintain his credibility with the Khmer Rouge.

Not only was the Western military generally not enthusiastic about contributing to internal security and public security tasks, Sanderson also feared that this would overstretch his force. His concern that his means would not match his ends if he took on additional internal security tasks was very real. He had no more than ten thousand troops in infantry units at his disposal. Compared to much larger military operations in Somalia and the Balkans, his twelve infantry battalions were thin on the ground. In March 1993 he would repeat that '[t]he mission is not defending Cambodia. Therefore the UNTAC Military Components will not be drawn into internal security operations. Nor is the mission to defend the political process. We are in Cambodia to defend an electoral process.'[61] It would be hard to say where 'defending the electoral process' stopped and where defending Cambodia or the Cambodians started. Nevertheless, the force commander's decision to focus the efforts of his military force first and foremost on the elections proved to be sound.

Changing the Guard

The first Dutch battalion handed over responsibility to the second Marine battalion in a hectic period. The transfer took place in the middle of the voter registration process, which – although well organized by the electoral component – leaned heavily on military support. In November, Akashi and Sanderson had taken a bold step by pushing ahead with the elections. In doing so, they adopted Prince Sihanouk's proposal to go ahead with elections, despite the Khmer Rouge's refusal to cooper-

ate. This meant that at least eighty-five percent of the Cambodian population could vote. The electoral process started on 23 November and the elections were to take place in May 1993 as planned. The UN would thus organize elections, if need be amidst continued civil war, although it was seriously doubted at this point if the Khmer Rouge was still capable of mounting a large scale offensive.

Apart from containing the military violence, Sanderson now had to swing the full force of the military component behind the elections and all the civil components involved. In order to facilitate cooperation with the civilian components, the military deployment drastically changed by adjusting the military sectors to the provincial boundaries. Sanderson explained his move in an interview for UNTAC's newsletter, suggesting quite openly that the other aim was to seal off the Khmer Rouge as much as possible in their enclaves:

> Operationally, the redeployment involved a major clockwise rotation of troops. Within Cambodia's more unstable regions, for example, the Malaysian battalion moved westward into Battambang province, enabling its Dutch counterpart to consolidate positions to the north, in Banteay Meanchey, a strategically located province separating the two largest Khmer Rouge-controlled zones in the country. The Bangladeshi battalion, meanwhile, expanded eastward into Siem Reap, freeing up the Pakistani battalion to redeploy farther eastward, to accessible areas of Preah Vihear province. UNTAC carried out smaller-scale redeployments throughout Cambodia's southeasters areas, close to and around the Khmer Rouge's more dispersed 'leopard spot' operating areas.[62]

For the Dutch this meant a substantial increase of their area of operations. It now also came to include the districts of Tma Pok and Phum Ampil in the 'Free Liberated Zone' and all four factions were represented in their sector. Despite the alteration of the sectors, the force commander decided to keep one Dutch platoon in the distant KNLPF enclave of Sok San. From here they could more or less monitor the conduct of the Khmer Rouge around the area. In Banteay Meanchey, the new Dutch contingent took over areas from the Bangladeshi battalion, which was poorly equipped and short of logistical means and transport. Although the Bangladeshis had conducted many civic actions in the area, they had been unable to assert any form of control in most of the province. According to Cammaert, 'Bangabatt' had hardly left their compound, and in many of the more distant areas of the sector the locals had not seen a single UN soldier. 'Our aim was to get as many men and white vehicles out there, so that everyone could see what we were doing and that we would take care of security.'[63]

The decision to push ahead with the elections was daring since the security situation was still deteriorating nationwide. This was true for both public security and military security, although the distinction between the two was often quite hard to make in Cambodia. In November, the rainy season had come to an end, which led to a marked increase in military infiltrations and artillery exchanges between the Khmer Rouge and CPAF. Meanwhile, banditry was on the rise and political violence

surged as the parties started to manifest themselves in the run-up to the elections. The threats to UNTAC also sharply increased, as international personnel, both civilian and military, suddenly became targets for kidnappings by the Khmer Rouge. UN helicopters were being shot at more frequently from Khmer Rouge territory. Their failure to halt the peace process obviously frustrated the Khmer Rouge, but they were also reacting to economic pressure. The dry season always saw a surge in economic activity as loggers could once again use the jungle roads. However, on 30 November, the UN Security Council imposed economic sanctions in an effort to compel the faction to join the peace process. The imposed moratorium on the lucrative trade in logs and an oil boycott were to be monitored by the military component and UN Civilian Police. Although UNTAC had no means of enforcing these measures, monitoring economic activity in combination with diplomatic pressure on Thailand – the only direct buyer of Khmer Rouge products – appeared to frustrate their transactions to a certain degree.

After the hectic registration period, unit rotation and the change of sectors, the new Dutch battalion could finally settle down in January. In the course of November and December, at the time of the electoral registration the Marines had been dispersed over no less than thirty-nine locations throughout Banteay Meanchey. The static guard duties and logistical support to the electoral component had made intensive patrolling nearly impossible, which had resulted in an increase in banditry and the number of illegal tolls. There was also some political violence, such as an attack on a Funcinpec party office in Sisophon with a rocket-propelled grenade. Luckily, the grenade failed to explode. The battalion held daily morning security briefings for civilian organizations and the weekly coordination meeting with the UNTAC civil administrator, electoral and CivPol representatives were continued.[64]

After the electoral registration was successfully concluded, patrolling was stepped up with the emphasis on joint patrols and mobile checkpoints. Other than his predecessor Gonzales, who had created an extensive but rigid patrolling regime, the new operations officer Major Jaap Bijsterbosch delegated much of the responsibility, leaving the patrolling patterns to his company commanders. With the battalion still spread over twenty different locations and operating down to individual rifle groups in an even wider area, this decentralized approach appeared more practical. Rifle groups of about nine men were positioned at fixed locations in villages, at border locations and near arms caches of demobilized soldiers. The aim of the patrols was unchanged: 'We wanted to put as much "blue on the streets" as possible' – a term commonly used in the Netherlands for increasing the amount of 'beat cops.'[65] Meanwhile, the forty Haglund BV snow vehicles that had proven invaluable during the wet season were temporarily replaced by additional Land Rovers shipped over from the Netherlands. With their wide tracks, the vehicles created an intolerable amount of dust that would literally take half an hour to settle down. This was bound to strain relations between Dutchbat and the local population. Moreover, the rocky roads were eating away at their rubber tracks.

Apart from enhancing public security, the intense patrolling regime was essential for intelligence gathering and for force protection. As the UN peacekeeping force

was officially barred by UN rules from creating an intelligence-gathering organization – which was considered improper and conflicting with the UN's need to remain neutral – little useful information on the factions' intentions and actions was forthcoming from UNTAC headquarters. When Cammaert asked for intelligence from headquarters, he was usually given the reports he or his own intelligence officer had written.[66] The battalion thus had to rely on its own efforts coordinated by its staff officer, Andrew Blackhurst, a US Marine Corps captain who was on a regular exchange program with the Dutch Marine Corps. The lack of intelligence made the battalion vulnerable. Paradoxically, positioning large numbers of small units in populated areas was considered to enhance their security, although they would not set up camp in the most violently disputed areas. Their presence provided the local population with a reasonable degree of protection against attacks by the factions and banditry. This substantially improved community relations, which in turn increased the flow of information and thus security for the Marines.[67] To further relations with the villagers, platoon commanders were encouraged by battalion headquarters to adopt community projects.

Another informal method of gathering intelligence was through the use of the battalion's interpreters. The six former Cambodian refugees the Marines had brought from the Netherlands proved insufficient, so local interpreters were also recruited. The official interpreters would normally work in a Dutch military uniform, but when out of uniform they were sent into the streets and market squares to blend in and 'and keep their radars open.' Cammaert recalled how 'these people are able to create a local network,' which was much harder for the Marines.[68] Blackhurst reported that their reports were important in measuring the overall posture of the local population towards UNTAC:

> The translators have expressed that many Cambodians have trust and confidence in Dutchbat. There is the general feeling with many locals that Dutchbat takes its mission very seriously and is putting its heart into its work. The many aid projects that Dutchbat has completed, i.e. wells, schools etc., have helped foster these feelings of trust with the Cambodian people. This is a point which should not be considered trivial as it carries a great amount of weight with the people.[69]

The program of combined patrols with the SOC authorities started by the first battalion was extended to the new zones under Dutch control. Mixed patrols were now also extended into the Free Liberated Zone by creating special 'four-faction units' wearing special blue armbands. The reason for bringing in all of the factions on these patrols was related to the peculiar character of the zone. Its conquest by a tripartite anti-government coalition in the 1980s had resulted in a complicated patchwork of sectors. 'It was ideal to have all those guys with you on patrols,' Bijsterbosch recalled, 'as their presence in our Land Rovers allowed us to cross from one sector into the other without problems and even made it possible to enter disputed territory.'[70] Moreover, the Dutch preferred to have the local factions deal with the illegal roadblocks and bandits they encountered. The battalion's mediating role even result-

ed in a joint CPAF-Khmer Rouge patrol along their border and a UN checkpoint operated together with all four factions on the border of Khmer Rouge territory. The Khmer Rouge displayed their enthusiasm for the concept in the Mixed Military Working Group in Phnom Penh, where they proposed four-faction units in order to solve conflicts in Battambang and Kampong Thom.[71] It proved hard to measure the success of the patrols against banditry, but a televised BBC *Newsnight* item about UNTAC called the Marine-initiated mixed patrols 'a sign of hope' for the future of Cambodia and proof that reconciliation was possible despite the faltering peace process.[72]

The local SOC leaders were eager to step up joint patrols with the Dutch, especially at night. In Sisophon, night patrols were conducted by a rifle group of around thirteen Marines, including (when possible) one equipped with night-vision goggles and a translator to communicate with the local SOC police. There were signs that their joint presence was paying off in the towns and villages, but bandits increasingly targeted rural areas to compensate for their loss of income.[73] Cooperation with the local authorities nevertheless continued to be difficult. Whenever the local police and provincial CPAF troops were not paid by the governor, they refused to join the Dutch at checkpoints or on patrols. In Sisophon the Marines temporarily solved this by providing the Cambodians with their own combat rations.[74] They were also stimulated to cooperate by the fact that without the presence of the Marines the regular CPAF units tended to display little respect for the police and provincial army units. Nationwide, banditry appeared to be increasing and, after a short-lived decline in incidents in Banteay Meanchey, there was a sudden surge in serious crime. This rise in armed robbery was linked to the return of large numbers of unpaid CPAF soldiers from recent fighting with the Khmer Rouge around Battambang, south of the Dutch sector. Simultaneously a sudden influx of refugees in February 1993 contributed to a worsening security situation. According to Captain Blackhurst, banditry continued to be 'the area of most concern for Dutchbat.'[75]

While the second Dutch battalion was initially hopeful about coordination with the UN Civilian Police, cooperation turned out to be as erratic as in Cambodia's other provinces.[76] The relationship between the battalion and CivPol became more strained as police monitors failed to show up for planned combined patrols in some districts. In Sisophon some officers refused to assist the Dutch company in an investigation into a shooting incident in which a local citizen had died, arguing that according to the Dutch report it had been 'too late on a Sunday evening.' The provincial CivPol commander Herbertson promised to take disciplinary measures against the police monitors.[77] Although aware of some notable exceptions, Bijsterbosch was unforgiving in his overall judgment of the UN police in Banteay Meanchey: 'they were largely inactive.' Relations between the battalion and CivPol further deteriorated when a Dutch reporter quoted Cammaert as saying that UNTAC would be better off if two-thirds of its civilian police monitors were sent home. Although the commander claimed to have been blatantly misquoted, it is unlikely to have deviated much from his overall opinion at the time.[78]

In March 1993, the UN police in Banteay Meanchey finally joined the weekly 'anti-banditry committee' meetings. It had taken the Marines some serious effort to

get the CivPol district commanders to join the conference between Dutchbat and the local authorities.[79] The provincial authorities received a plan for increased cooperation between CivPol and SOC police on the district level with 'mixed feelings' and the next week the vice-governor failed to attend the meeting for the first time since October.[80] However, he returned the week thereafter and, by mid-April, Bijsterbosch was becoming more optimistic about the results coming out of the weekly meetings. Since March there had finally been a significant decline in the number of robberies and murders in the province, which the governor ascribed to the increased number of patrols, especially those with the Marines. The atmosphere during the meetings also improved. Bijsterbosch reported:

> The meetings are held in an increasingly relaxed atmosphere and 'doing business' is becoming an increasingly smooth process. Topics that initially would have been avoided out of courtesy are now openly addressed. Especially the way in which topics are addressed has been substantially 'westernized.' The vice-governor promised to put offenders on trial, combat illegal tolls and the use of weapon-licenses by SOC police and the CPAF. In return they asked for more combined night-patrols in order to combat banditry.[81]

However, the 'free expression of ideas' earlier mentioned by Dukers also unleashed the worst inclinations of the autocratic rulers of Cambodia. During the next meeting, the vice-governor not only suggested even more intense patrolling, but also the creation of a 'special force' in order to root out the remaining crime. The vice-governor enthusiastically suggested that this unit 'was to perform as few arrests as possible.' Instead, he argued, its members were to shoot the criminals on sight.[82] This tendency amongst the local forces to shoot first and ask questions later had already been a problem during joint patrols. 'They would sometimes startle us by running straight into the bush in pursuit of criminals, mines or no mines, and immediately open fire on fleeing bandits at a checkpoint.'[83] Dutch pressure on the local administration to put more offenders on trial was related to such incidents, but the Marines felt they had no choice but to continue cooperating with the local police as it was the only effective method of countering the high level of crime.[84]

On 17 March 1993, after legislation was finally adopted by the SOC, Funcinpec and KPNLF, Akashi issued a directive that made the possession of weapons illegal without a firearms license from the police force of the relevant Cambodian authority. Those found in possession of a firearm without a license could have their weapon confiscated according to the new legislation.[85] The next month, during a 'weapons amnesty,' the Cambodians could voluntarily hand in their arms or apply for a weapons license. In April the military and CivPol components, along with local police, began to enforce the directive at fourteen random weapons confiscation checkpoints. Since the Dutch had already applied similar rules since October, they did not implement the amnesty.[86] A dip in gun related crime was reported throughout Cambodia after March, but there was no proof of a direct cause and effect relationship. The measure proved hard for UNTAC to enforce and it would seem unlikely to have achieved

such results that quickly. Only fifteen weapons were confiscated per day.[87] Moreover, the Dutch weapons policy had been constant in Banteay Meanchey, where a similar drop in crime was detected.

The Marines extended their disarmament policy after February by introducing 'Operation Entrapment.' One company of Marines would close off all routes to Sisophon and confiscate all illegal arms going in and out of the city. The aim was to give the population and authorities in the city and its surrounding a clear signal that 'creating a secure environment could be optimally executed' by Dutchbat. The action raised confidence, 'both amongst the local population and within the battalion, about our ability to counter banditry and other irregularities.'[88] As it was a serious drain on the unit's manpower resources, the operation could only be executed a few times in the run-up to the elections, but it gave the Marines a great sense of accomplishment.[89]

Overall, there was a large disparity in the caliber of UNTAC troops. Partly, this could be expected given the different training levels and the quality of equipment. Some contingents, such as those arriving from Ghana, lacked the most basic equipment and had to be equipped by the UN on arrival. The first Bulgarian battalion even lacked basic military training and for the most part appeared to consist of ex-convicts. Many units completely lacked basic language skills in one of the mission's two official languages, English and French. The interpretation of the Rules of Engagement also differed substantially. Lieutenant Colonel Steve Ayling, the commander of the Australian communications battalion that operated throughout Cambodia in support of all infantry battalions, noticed that the French and the Dutch battalions used a more aggressive approach to the establishment of control in their sectors than most other battalions.[90] Both battalions were known to shoot back when fired upon. The French, although effective in their area of responsibility, were criticized for running their sector 'like a French fiefdom rather than as part of a multinational operation.'[91] In her book on the transition of peacekeeping in Cambodia, Janet Heininger, described the general impressions of the various contingents:

> The well-equipped and well-armed specialized Dutch battalion stationed in northwestern Cambodia had a reputation for rapid and decisive action in defense of its soldiers and civilians. The Malaysians, in western Cambodia, also had a tough reputation. Many of their soldiers learned the Khmer language and attempted to develop a working relationship with Khmer Rouge in the region. By contrast, the Indonesians and Uruguayans were more passive when threatened. In one incident, thirty Indonesians were asked by the Khmer Rouge to give up their weapons and to come to its provincial headquarters. They were then held prisoner for five days.[92]

Another interesting assessment of the overall caliber of UNTAC's national contingents was offered by General Thon Penh, the head of security for the royalist party Funcinpec:

> [S]ome of the UNTAC contingents had no teeth. Some military units simply camped out, did not protect Cambodians, and did not fire back even when the Khmer Rouge fired upon them... Some troops however, were to be respected. The Dutch and the Malaysians were to be feared. The Bulgarians he had no respect for. The Uruguayans were simply after money and artefacts. The Khmer Rouge and all forces knew which troops were weak and not to be respected, and which could be taken advantage of. All the factions also knew which troops to avoid and not to anger.[93]

The Cambodian general was specifically referring to his positive experiences with the first Dutch battalion. Army Colonel Huijssoon, who visited his compatriots in Banteay Meanchey in January, reported to Sanderson with a hint of national pride that in his opinion 'this [second] batt[alion] is even better than the first one and you have the best the Marine Corps can deliver during the most critical period in the peace process.' [94]

The standing of the Marines resulted from many months of intense and exhausting operations that were taking their toll on the troops. 'We literally reacted on every single report of banditry by local civilians,' Bijsterbosch said, 'which was a serious drain on manpower. The locals came to see us as the authorities, since there was no central authority, only the factions in control of their part of the patchwork.' Much of their authority was based on their overall appearance. 'A professional image, correct uniform, intense patrolling and always have someone looking backwards.'[95] Much of it may have been based on bluff, as there were no official measures to enforce law and order other than the self-styled disarmament policy.

One particular incident stood out that helped them earn them their 'tough' reputation. On 11 March, a combined patrol consisting of Marines, SOC police, provincial CPAF and CivPol were patrolling the streets of Sisophon when they encountered a CPAF soldier in civilian dress carrying an AK-47. In line with Dutchbat policy the patrol commander ordered him to hand in his weapon. According to a Dutch situation report 'he refused, and released the safety catch on his weapons. From experience, our personnel know that a Cambodian always had a bullet in the chamber.' He pointed his weapon toward the patrol and after he failed to react to a warning shot the patrol commander signaled one of his soldiers to take him out. Using 'minimum force,' this meant not shooting to kill, which the corporal did with a well-aimed shot in the upper leg.[96] The man fell to the ground and was taken to a medical post. The incident was widely broadcast throughout Cambodia, and even shown on UNTAC's new TV station. Bijsterbosch remembers elation at headquarters in Phnom Penh about 'UNTAC finally showing its teeth.'[97]

Sanderson considered his force lucky so far. Referring to the shooting incident, he wrote to Akashi that he formally considered 'this sort of activity' beyond the mandate. Nonetheless, he showed his support when he joined the Marines the next night on a patrol in Thmar Pok. His overall fear was that such actions could lead to reprisals on the vulnerable UN organization. After the Dutch shot the CPAF soldier, troops from the same CPAF unit fired at a UNHCR convoy in the area. There were no casualties but the convoy was held up for eight hours.[98] Similar problems, involv-

ing much higher levels of violence and with more dramatic consequences, also arose in Bosnia. The Danes, the only contingent equipped with tanks, fired 72 shells on Bosnian-Serb positions in retaliation for incoming artillery fire near Tuzla in 1994. They were lauded for their assertiveness within a mission that was criticized for its overall passive posture. As a retaliatory measure, however, the Dutch UN battalion and population in Srebrenica were cut off from military and humanitarian supplies for some time by the Bosnian-Serb troops besieging the enclave.[99] Dilemmas about the use of force in the rapidly changing concept of peace operations would haunt soldiers in the years to come.

The incident in Sisophon appeared to be relatively clear-cut as there had been an imminent threat. Cammaert saw a direct connection between the action by his Marines and the drop in crime thereafter.[100] There were no protests from the CPAF, who called the man a deserter, and local commanders even appeared to become somewhat more cooperative. However, the sharp but temporary decline in banditry and extortion seems to have been the result of a complex set of factors, some local and some nationwide. All developments in Cambodia in early 1993 were centered on the upcoming elections. Overall, despite their strenuous efforts, the long-term impact of the Marines on public safety in the northwestern corner of Cambodia should not be overexaggerated. However, their posture considerably augmented the UN's credibility in their sector. By doing so, Dutchbat enhanced UNTAC's ability to perform the combined civil-military operation in the period leading up to the crucial elections, when violence struck throughout Cambodia.

5
'Sanderson's Coup': Militarized Elections amidst Escalating Violence

In November 1992, UNTAC had been in a serious quandary about whether to abandon the mission, postpone it and hope for conditions in Cambodia to improve, or continue under the then-present reality. On 30 November, following the advice of the secretary general, the UN Security Council formally authorized UNTAC's military component to remain in Cambodia in full strength and help complete the civilian part of the mission.[1] The combined civil-military operation now centered on the organization of free and fair elections for more than four million Cambodians who had never had the right to vote and had to be convinced that their vote would be secret and would matter. However, security progressively broke down instead of improving during UNTAC's presence in Cambodia – obviously the envisaged pattern for peace operations. Holding elections amidst continued military confrontations and political violence, with overall public safety dramatically deteriorating as a result of banditry, demanded an unprecedented degree of cooperation and coordination between soldiers and civilians. Although the military role in support of the civilians in charge of the electoral process has been recognized in publications on UNTAC, there has been little appreciation of the extent to which the military component slowly but surely took over key civilian responsibilities amidst escalating violence in Cambodia during 1993.

Flexible Response

Many commentators had written off UNTAC by the end of 1992. The mission was criticized as being soft on the Khmer Rouge and for failing to control the State of Cambodia's government structures. With the two largest factions fully armed, and neither party's administrative structures in check, there was indeed little reason for optimism if the original plan was to be achieved.[2] The precondition for elections, the 'neutral political environment' was all but absent. The Khmer Rouge was eager to disrupt the elections, which it boycotted, and the State of Cambodia relied on the use of force to obstruct and intimidate its political adversaries. CivPol was nowhere near establishing control over the state police and, due to lack of administrative control of the government, state resources continued to flow freely to the Cambodia People's Party (CPP), which represented the State of Cambodia in the elections.

In order to save the mission, UNTAC had to rely on its ability to improvise and move forward, bypassing the obstacles raised by the factions. For this, UNTAC headquarters appeared to be better equipped. While there were many flaws in UNTAC's

mandate, means and command structure, a high degree of operational authority had been delegated to Akashi and Sanderson. This proved one of the few advantages of the virtual absence of a properly functioning strategic headquarters in New York. The UN's attention, as well as that of the world media, continued to be consumed by events in Somalia and Bosnia. This allowed the operational commanders to react flexibly within the parameters set by the Security Council and take key initiatives aimed at accomplishing the primary remaining goal of the mission – free and fair elections.

Pushing ahead with the elections amidst continued violence was a gamble. It broke with all the rules recently developed for complex peacekeeping, or what also became known as 'second generation peace operations.' Conventional wisdom held that peacekeepers first established military security, followed by the neutralization of political strife. Only then could elections be held and other more delicate state-building measures be implemented. Nevertheless, four factors gave the exercise some promise. First, elections were a clearly defined goal, which provided the entire UNTAC operation with a focal point. The peace process terminated when the Constituent Assembly, elected in conformity with the Paris Peace Agreements, approved the new Cambodian Constitution and transformed itself into a legislative assembly, and a new Cambodian government was created. It was a political 'end-state' that missions in Bosnia and Somalia lacked.

Second, the Khmer Rouge was not well positioned to disrupt the electoral process on a large scale as it controlled only five percent of the population. Its troops and party cadre were mostly located in remote jungle areas and were not well positioned to pose a threat to Phnom Penh or most other urban centers. Ninety percent of the country continued to be accessible to UNTAC since the ruling State of Cambodia, while notoriously corrupt and repressive, was supportive of the elections as it assumed it could win at the polls and legitimize its rule. Third, the Cambodian people, although disillusioned with many elements of UNTAC, continued to be eager to express their political will. The Khmer Rouge seemed to have lost touch with popular sentiments and seriously underestimated this force. Moreover, although they displayed repeated claims of prescience in their few available internal communications, the party cadre had in fact a poor record at anticipating the moves of their 'new enemy'. Just as the Khmer Rouge had miscalculated that UNTAC would not start the demobilization process without their participation, Pol Pot and his fellow leaders seem to have been caught off guard when it decided to hold elections with or without them. This was likely the result of what one UNTAC analyst called 'center of the world politics,' the Khmer Rouge's tendency to see itself at the heart of all developments.[3]

The wisdom of the path chosen by the United Nations was first tested during the electoral registration process that was to take three months, beginning in early October. Other than most of the civilian branches, the electoral component came well prepared and proved to be UNTAC's fourth strong point. It had started early 1992 to plan and prepare for the plebiscite, building on the experiences from the Zimbabwean and Namibian elections. In his analysis of the UN mission in Cambodia, Trevor Findlay called the electoral component 'one case where the UN learned from

A Dutch peacekeeper posts UN instructions on how to vote. UNTAC's military component supported the UN civilian effort to organize elections in many ways.

previous experience, something that cannot be said for other aspects of the Cambodian operation.'[4] During the registration process, over 450 United Nations volunteers acted as district electoral supervisors (DESs) and were put in charge of approximately four thousand local Cambodian electoral personnel. They worked in teams of five, covering the most distant corners of the country.

By late October, the military force was already protecting and supporting voter registration, even though it was not yet officially within their mission. In mid-November, Sanderson directed his troops to prepare for redeployment from the zones designed to accommodate cantonment, to their provincial sectors. This facilitated their new mission, laid down in Sanderson's second operational order, issued on 9 December, to 'create a secure environment conducive to the preparations for and later the conduct of an election in Cambodia.'[5] For this purpose he was allowed to keep his twelve infantry battalions and support troops in Cambodia instead of reducing his force by half as had originally been planned. From 23 November, Dutchbat supported 39 election registration teams throughout Banteay Meanchey province, their new sector. Nationwide, the military component supported 834 teams and by January, twenty political parties had officially registered. The Khmer Rouge's new party, the National Unitary Party of Cambodia (NUCP), was not among them.

As the number of eligible voters turned out to be much larger than expected the registration period was extended to 31 January. The registration of over 4.7 million Cambodians, then 95 percent of the estimated eligible voters, exceeded all expectations. In Banteay Meanchey alone, 225,630 voter registration cards were distributed instead of the intended 178,500. Under Dutchbat protection the registration teams were even allowed to do their work in some Khmer Rouge villages. It gave UNTAC the success it needed after the initial setbacks and was the immediate proof that it had done the right thing. Most of all, it showed the people's commitment to and belief in the elections, although the attraction of the laminated voter registration cards, complete with color photograph and fingerprint certainly contributed to the success of the registration. It was the most modern object ever in their possession, a 'portent of future national modernity, a harbinger of political change and a tangible sign of the UN's presence.'[6]

Despite its limited means, UNTAC's Information and Education Division played a key role in stirring the public conscience in Cambodia. Radio UNTAC was finally operational in late 1992 and became a sensation and household name in Cambodia.[7] In its civic education program, it taught 'the virtues of free speech and democratic behavior' and its programs played a pivotal role in convincing the electorate that 'your vote is secret.' The 'Equal Access, Equal Time' radio program was launched in early March and allowed five minutes of airtime to each party. As a result of the Hun Sen regime's objection, it took much effort to guarantee free and fair access to other media.[8] A Japanese donation of close to 349,000 radios and 830,000 batteries helped to make the UN radio station accessible to the vast majority of the people that had never had access to such luxuries.[9]

Another weapon in UNTAC's arsenal was its small human rights component. A staff of thirty-six led by Dennis McNamara, a New Zealander from the UNHCR, fought an uphill battle against the entrenched autocrats of the State of Cambodia. They successfully initiated judicial reviews of numerous cases in which prisoners were held without adequate evidence or charges, resulting in the release of 370 detainees. The human rights workers worked extremely hard and were most successful in stimulating new concepts of participatory democracy among the Cambodian population through the distribution of literature, the preparation of lectures and by fostering the growth of indigenous human rights organizations. Their effort contributed much to 'the ferment and enthusiasm' in Cambodia in 1992, which in some ways reminded William Shawcross of the Prague Spring of 1968. 'Here, too, people were finally being offered political freedom. But here, as in Prague, there was the threat that spring could be plunged into winter.'[10]

'Military Coup'

Since the civil war never entirely ended, despite the signing of the Paris Peace Agreement, Akashi was required to act more as a negotiator between the rival factions than as an international administrator. The continued non-compliance of the two larger parties consumed the Japanese diplomat, who avoided any form of confronta-

tion with the faction leaders and the unpredictable Prince Sihanouk. What his supporters saw as carefully considered tactics and awareness of Asian cultural sensitivities – such as the avoidance of loss of face and confrontation – his critics saw as chronic indecisiveness.[11] These distractions further hampered the smooth functioning of an extremely complex ad hoc organization that, apart from poor planning, suffered badly from a lack of leadership. Akashi failed to direct and integrate his subordinate staff to work toward a common goal. In short, he may have been an able diplomat, but he was a poor manager. Ideally, a special representative was both.

Meanwhile, the military role in the electoral process was slowly moving beyond the mere security and logistical support role stipulated in the new military mandate. In early December, the second operational order on the primacy of military support to the electoral process was launched in a meeting between Akashi and his component chiefs at UNTAC headquarters. Here, Sanderson made his move to increase his control in the field of planning. As the chief of military plans, Huijssoon had long been eager to formalize some form of authority over the civilian branches. While providing military support to the electoral registration process, it had become apparent that the military could not effectively perform its new job without information and prior arrangements with the civilian others. He prepared a presentation in which he proposed the elevation of his military planning staff to become the planning staff of the entire UN operation. To have his English corrected, he showed the text to his Australian deputy, Lieutenant Colonel Russel Stuart, one of the driving forces within the Plans Branch who had been handpicked by Sanderson in 1991. After a quick glance, Stuart told the Dutch colonel that he could not possibly present such a sweeping proposal himself. He needed to have the force commander to launch it. The general, who had become irritated with the ad hoc civilian planning, was more than happy to do so. He would later complain to Akashi that 'peacekeeping operations cannot be run as 'on the job' training exercises for inexperienced and unsuitable personnel who are simply looking for an adventure or a change of work environment.'[12] Sanderson did not inform Akashi of his intentions prior to the presentation.

The meeting was held within the Wat Phnom complex, the former working palace of the French governor during the colonial era that now served as UNTAC headquarters. For the occasion Stuart had refurbished the Plans Office in the hall of the majestic building into what resembled a frontline military command post. 'I don't know where he got it from,' Huijssoon recalled, 'but there were sandbags, camouflage nets and a huge map of Cambodia on the wall.' Here, in front of Akashi and the assembled component directors, Sanderson presented the plan that he later described as an integrated approach to the electoral process, which established a planning and control alliance between the electoral and the military components and information and education branch. 'Centred around Military Plans in Phnom Penh, and Sector Headquarters in the field, this also drew in the Civil Police Component with the other components being added in the wake of their operations.'[13] Huijssoon would later call it 'Sanderson's coup,' although he knew that, in practice, the arrangement only partially functioned. The other components were not eager to have the military take over. It was not mandated to do this and 'members of the other components

often resented the military's 'take-charge' attitude.'[14] Akashi and the civilian component directors did go along, however, and accepted a certain level of coordination and cooperation, which would make the military component the de facto integrator and driving force behind UNTAC as a whole.[15]

After the astounding success of the electoral registration, Porcell, the French director of civil administrations, admitted to his military colleagues that the civilian component had become thoroughly dependent on the military for more than security and logistics:

> From one viewpoint, this participation of military personnel in the realization of civilian objectives is, for us civilians, a veritable godsend: free of the constraints of the task which they were originally assigned, the Military Component can utilize its technical competence – which is large – its important materiél and personnel capabilities as well as its remarkable faculty for organization resulting from its own techniques of military command, which altogether act to enhance the control activities normally carried out by the Civil Administration Component. We cannot but wish that the aid of the Military Component, however unexpected, will allow our civilian activities to be more effectively carried out.[16]

According to the original plan, based on the assumption that the operation would develop along sequential military and civilian phases, Sanderson would only have a leading role under the Akashi's overall direction until the cantonment process was completed. Thereafter the special representative's civilian deputy, Behrooz Sadry, would assume a leading position for the civilian implementation of the peace plan. This in fact never happened. Sanderson would take on an ever more central coordinating role within UNTAC as a whole, to the point where he rivaled Akashi's influence on the overall mission. Sanderson, who had considerable international experience and was 'always a gentleman,' seemed to combine management skills with the qualities of a diplomat. Both were desperately needed to successfully integrate the military and civilian operations. 'Akashi may have had other qualities', Huijssoon recalled, 'but he was no match for Sanderson.' The general never played hardball, but according to the colonel, 'those who kept their eyes open could see the standoff between the two. In the end, Sanderson had far more influence, also on the civilian component directors.'[17]

The further breakdown of the overall security situation after January was a catalyst for the leading role of the military within UNTAC. Much of the violence resulted from 'the law of unintended consequences,' which tended to rule in the wake of foreign interventions. Already, the upsurge in banditry and extortion during UNTAC's presence were the result of the ill-prepared and limited demobilization and the influx of large numbers of refugees from Thailand. In addition, the high rate of inflation caused by the injection of hundreds of millions of UN dollars into the fragile Cambodian economy exacerbated the problem as the real wages of local security forces

dwindled. The emergence of several opposition parties and indigenous human rights organizations, another end product of the peace process, further contributed to the lawlessness by triggering an unanticipated wave of politically motivated violence.

In December, the Royalist Funcinpec and the KPNLF's Buddhist Democratic Liberal Party (BDLP) started opening party offices in areas controlled by the government, which reacted in a primitive and violent manner by unleashing a wave of political intimidation. Although the registration process proceeded smoothly, almost every day Cambodians lost their lives because of their commitments to opposing political beliefs. The principal target of the attacks by government officials and armed forces was the royalist party chaired by Prince Norodom Ranariddh, the son of Prince Norodom Sihanouk, whose party was rapidly gaining in the polls. In late December, after an upsurge in attacks on Funcinpec officials and party buildings throughout Cambodia, Sihanouk strongly denounced UNTAC for its failure to control the violence, while blaming the State of Cambodia for instigating the violence. The prince threatened that unless both of them acted vigorously 'against the poisoning of the political atmosphere [...] social injustice and political terrorism,' he would stop cooperating with both the State of Cambodia and UNTAC.[18]

Sihanouk's threat caused alarm bells to go off within UNTAC. His son's party was the UN's best hope for a pluralist political system, while he himself held a pivotal position as the head of state and symbol of national unity for the majority of the Khmers. Yasushi Akashi took a bold step in January that stretched the boundaries of the peacekeeping mandate beyond anything previously attempted by the UN. Mark Plunkett, an Australian human rights officer, was appointed as UN special prosecutor assigned to fight 'political terror' by initiating arrests. In cases of gross human rights abuses, UNTAC military forces and civilian police were granted the power of arrest. In addition, they were to protect opposition party offices. Sanderson had refused to assume responsibility for the protection of individual party candidates, as this would clearly overwhelm his limited forces.[19]

At first glance, UNTAC's powers to address the breakdown in law and order in Cambodia were impressive. Formally, UNTAC could issue binding directives to public security agencies and had unrestricted access to all administrative operations and information to supervise and control civil police forces in order to ensure that human rights and fundamental freedoms were fully protected. Throughout Cambodia it could supervise the judicial and prison systems processes. UNTAC was now also allowed to arrest, detain and prosecute offenders.

The problem was that arrest and prosecution were only two elements of the complete justice package that involved police, prosecutors, judges, a prison system and public administration. While UNTAC assumed direct policing and prosecuting responsibilities, it had to rely on the thoroughly dysfunctional judiciary system of the State of Cambodia. The country lacked properly trained judges, prosecutors and defenders. It proved impossible to find an independent judge as Cambodia's magistrates reported directly to the executive, in the form of the minister of justice. Given the terrible recent history of retribution in the country, the unwillingness of Cambodian judges to risk their lives in moving away from political direction was under-

standable.[20] The executive powers in the field of law and order put many additional demands on UNTAC as the fundaments of a 'justice triangle' of police, judiciary and prisons were lacking. It had to set up and run its own jail for those detained in order to grant them the basic conditions it had demanded for the Cambodians. After CivPol refused to guard this first-ever United Nations detention facility, military contingents had to guard the prisoners. Suspects were sometimes held captive for over three months without being brought before a judge, which obviously was in itself a significant human rights violation and led to allegations of abuse being brought against the United Nations.[21] UNTAC did not press its prosecutorial powers very far, fearing adverse reactions from SOC authorities, who frustrated the efforts to apprehend its officials accused of human rights violations.

For political-strategic purposes, Akashi had taken an exceptional measure that proved to be beyond anything with which the UN system was ready to cope. He delegated the powers of arrest and detention to the malfunctioning civilian police force, whose unarmed officers were often already frightened to perform their monitoring duties, and to the thinly stretched military component with no training in law and order measures. Although he had little appetite to become further embroiled in public security tasks, Sanderson was aware of the political importance of the measure and went along with it. However, it drew very close to granting his force the enforcement mandate for which he rightfully argued his troops were neither equipped, nor ready to take the consequences. Civil administration officials working with SOC officials on a daily basis shared the military's lack of enthusiasm for the idea.

Dennis McNamara was convinced that the prosecutor's office could have had a major deterrent effect on political violence if it had been used more extensively. But apart from the internal Cambodian obstruction, he witnessed continued resistance 'of a number of senior UNTAC officials to this innovation.'[22] A last and crucial obstacle was the disagreement on prosecution by the UN within the 'core group' of countries involved in the Paris Peace Agreement. While the British, Americans, Canadians and Australians supported the idea, France and Japan were against it.[23] With so little cooperation, UNTAC foundered when SOC-appointed judges refused to hear matters brought before them by the special prosecutor.[24] The UN balked at appointing an independent tribunal. Sanderson admitted the unprecedented directive 'degenerated into a farce.' According to the special prosecutor, Mark Plunkett, it was 'too little too late.'[25] In all, UNTAC successfully arrested no more than four persons. Prosecution was initiated for three of them, but none was ever brought to trial.[26]

There appears to have been little awareness of this revolutionary expansion of the peacekeeping mandate. For instance, no questions were raised in Dutch parliament on how these measures would affect their Marines, even though the Dutch press reported briefly on the new powers of the peacekeepers.[27] There is no trace of the measure in Dutchbat's reporting or orders. Ten years after completing his mission, Dutchbat commander Cammaert was not even aware of the powers of arrest once vested in him, although he once admitted he would have preferred having such powers to deal with banditry more effectively.[28] Overall, there was little the Marines could do about the politically motivated attacks, in which several Funcinpec party mem-

bers died in Banteay Meanchey. Cammaert had his men increase their patrols in the vicinity of party offices, but they were too few to provide around the clock static guard duties. Overall, there was little his men could do about a person on a motorcycle throwing a hand grenade or someone firing a rocket-propelled grenade towards a party office.[29]

Security in Cambodia further broke down after January 1993 when government forces launched an offensive on the Khmer Rouge in an effort to restore the situation as it existed in October 1991. This caused the insurgents to retaliate.[30] Although Akashi called them 'ritual dry-season offensives,' it was the largest series of cease-fire violations registered by the UN. Akashi suggested placing UN troops in a buffer zone between the factions – a classic peacekeeping task originally not envisioned for Cambodia – but Sanderson dismissed this role as impossible to fulfill in Cambodia.[31] There was hardly a fixed frontline to control and Khmer Rouge checkpoints usually popped up out of nowhere. There was little UNTAC could do but attempt to negotiate local cease-fires, while villagers and the rural population continued to be victims of indiscriminate shelling by the CPAF and Khmer Rouge forces in scattered fighting in provinces such as Kompong Thom, Siem Reap, Preah Vihear, and Banteay Meanchey. The faction also continued to lay unmarked minefields, which added to an already enormous problem. To protect themselves from bandits and faction forces, villagers in Banteay Meanchey also increased the use of readily available landmines as a form of 'village security.'[32]

Although the State of Cambodia was blatantly violating the peace agreements, the Khmer Rouge still posed the biggest threat to the overall peace process. After all, the government wanted elections while the insurgents wanted to prevent them from taking place. It was the viciousness of the Khmer Rouge assault on the ethnic Vietnamese minority and eventually also on UNTAC that made it the obviously culpable party for its possible failure of the peace process. Xenophobic and eager to exploit the lingering hatred of Khmers against the Vietnamese, they had frequently kidnapped and killed Vietnamese. In March, ethnic violence in Cambodia exploded, causing Cambodia to compete for the international headlines. On 10 March, a massacre of Vietnamese by Khmer Rouge troops took place at the floating village in Chong Kneas just south of the provincial town of Siem Reap, leaving 35 dead and 29 injured. Another attack two weeks later killed eight in Kampong Cham province. In Kampong Thom, Indobat was accused of failing to come to the defense of nearby villagers during an attack by ten Khmer Rouge soldiers on a video parlor in which 29 people were killed.[33] As a result, Vietnamese boat families fled to Vietnam by the thousands in March, letting themselves float down the Mekong River. UNTAC's naval component conducted 'Operation Safe Passage' and witnessed over twenty thousand ethnic Vietnamese crossing into Vietnam. Dennis McNamara admitted that the 'spiral of violence' overwhelmed his human rights workers and CivPol officers who supported him in examining the human rights investigations. UNTAC attributed the vast majority of over one hundred ethnically motivated killings to the Khmer Rouge. It attributed 46 of the politically motivated assassinations to the State of Cambodia and another 37 to the Khmer Rouge. Another 76 murders investigated by the UN remained unattributed.[34]

There were strong indications that Funcinpec had a large share of support amongst the Cambodians, but the government in Phnom Penh continued to believe that political intimidation could win them the elections. The Khmer Rouge apparently feared the elections would work to their disadvantage since its leaders where sure the SOC would rig the elections. The prime reason for them to boycott the elections seems to have been their fear that UNTAC would not deliver on its promise to provide the conditions for free and fair elections and that they would legitimize the rule of the 'contemptible Vietnamese puppet regime.' When UNTAC pushed on dispite their refusal to join the plebiscite, the Khmer Rouge set out to further undermine its capability to deliver the elections, accepting that they thereby made themselves the primarily culpable party.

The Khmer Rouge progressively stepped up the pressure on the UN. Military and civilian personnel had sporadically been kidnapped and shot at in the previous months, but from March onward, dozens of UNTAC staff became the target of kidnapping. Later that month, a Bangladeshi was the first soldier to die from enemy fire during a three-hour attack on his unit in Siem Reap province. In early April, the situation further deteriorated when the Khmer Rouge murdered three Bulgarian troops, wounding several others in Kampong Speu.[35] Another attack on a Bulgabat position that month killed yet another soldier. In the meantime, factional fighting continued, including a large-scale attack by several hundred Khmer Rouge troops on the city of Siem Reap.

Sanderson estimated that the aim of the Khmer Rouge attacks and intimidation was to disrupt UNTAC's cooperation with the population. He saw the attacks on UNTAC as a violent reaction to the 'shift in the balance of power to the Cambodian people' that he witnessed in January 1993. After the successful registration process it became ever more likely that the Cambodians would be able to express their will in the plebiscite. In order to keep the operation on track Sanderson had spoken of the need to forge an alliance with the people, which Michael Doyle called his 'grand strategy.'[36] This would allow UNTAC to bypass the obstructionist elements among and within the factions. Successful interaction with the people thereby became the crux, 'the center of gravity,' of the overall UN operation. However, it proved hard to maintain UNTAC's credibility.

Between March and the elections in May, the Khmer Rouge seemed to succeed in causing a rift by instilling fear into both the Cambodians and UNTAC civilian staff, which still had the primary responsibility for the bulk of the preparations and execution of the elections. The 450 district electoral supervisors (DESs) were charged with recruiting and coordinating the work of 48,000 Cambodian elections workers. One thousand international polling station officers would augment them during the actual elections. As violence struck in the countryside, the provincial electoral officer (PEO) for Kampong Thom province wrote at length to Austin about the fears amongst his personnel. They soon expected to be targeted by the Khmer Rouge, undisciplined CPAF soldiers, or groups of bandits. He gave a devastating account of the Indonesian battalion's inability to provide adequate security and also criticized

its officers for their apparent unwillingness to coordinate their efforts.[37] Two days later, the Khmer Rouge killed one of his electoral supervisors, a twenty-five-year-old Japanese UN volunteer, and his Cambodian interpreter. After the murder in Kampong Thom, dozens of UN electoral staff suspended their operations and several resigned.

There was also a visible decline in UNTAC's status among the Cambodian people, which was widely reported in the media.[38] For the average Cambodian, the overall security situation had deteriorated rather than improved over the previous months as the result of intimidation, harassment and political pressure. Although the UN electoral supervisors, who were out amongst the Cambodians in the provinces, believed that the bulk of the people still supported the overall peace process and continued to be eager to cast their votes, they could sense the deep disappointment of the people, 'now verging on despair.' Austin warned Akashi that respect for the blue caps and white vehicles had gone. According to the electoral component leader there was a serious morale problem among the electoral supervisors who, 'like the Cambodians, are being led on into a charade of an election' and were 'in danger of becoming cynical.'[39] While the official electoral campaign was to get underway after 7 April, the elections on which the peace plan as a whole hinged looked like an impending disaster.

Protecting the Elections

Even prior to the killing of the Japanese volunteer, since Sanderson had committed his 'coup,' the military were strengthening their coordination role towards the civilian components. Between 1 April and 7 June, military personnel and UN Civilian Police were assigned to assist the electoral component 'in every way possible' by increased patrolling, providing transport, escort and communications. To that end, military sector commanders were put in charge of the coordination of all security-related UNTAC operations, thereby wresting the last bit of coordinating authority from the civil administration component as security concerns penetrated every element of the operation. Sanderson explained the role he envisaged the sector commanders to perform:

> Sector Commanders have the responsibility for understanding their patch. Putting their people out everywhere, operating with the Cambodian people ... are all parts of this. They must know which places are dangerous to go, which are not. Part of that understanding involves cooperating with the Electoral Component to work out the best way to see this electoral process through, right down to the district level.[40]

Apart from gaining the final say on the locations and number of polling sites, the local military commanders were also given the final authority to decide whether a political rally could safely take place during the electoral campaign.[41] Taking on such public security duties continued to make Sanderson nervous. He was concerned that 'supervision and control' of local police operations during such electoral gatherings would make UNTAC responsible for their outcome. The general wondered who – if

things did get out of hand – would make 'the decision to open fire or launch the baton charge?'[42] Nevertheless, he directed his operations staff to take charge of coordination with UN Civilian Police and civil administration over these efforts. During the political campaign that lasted until 20 May, over fifteen hundred campaign rallies were held in which the political parties were able to reach over 800,000 Cambodians. The campaign was quite a remarkable feat in a totalitarian state and confirmed the enthusiasm of the people. Most importantly, no violent incidents took place during the rallies.

After panic struck over election security following the murder of the Japanese official and his interpreter in Kampong Thom, the military component had to step up security measures. Briefly, there had been talk within UNTAC headquarters about bringing in UN military reinforcements, but these would take too long to become operationally effective and be too costly – if available at all. As an alternative to the expansion of UNTAC peacekeeping force, the military Planning Branch came up with a scheme that would simultaneously clarify the distribution of responsibility between UNTAC and the three complying factions. Huijssoon advised Akashi that it was possible to 'hire' 145,000 local faction forces if, for reasons of legitimacy, the factions would put their troops at the disposal of the Supreme National Council.[43] This was, after all, still the legitimate authority during the transitional period during which UNTAC could cooperate without losing its neutrality. Since the Khmer Rouge walked out of Phnom Penh and left the Supreme National Council and the Mixed Military Working Group on 12 April, it was suddenly much easier to do business with the remaining three factions who all wanted the elections to succeed. The two smaller factions, who had their power base in the Dutch areas of control, gained in importance both as a counterweight to the SOC and by legitimizing the continuation of the peace process without the Khmer Rouge participating.

UNTAC formalized its security arrangements with the local military in late April and early May.[44] The complete plan for securing the elections was drawn up by the Mixed Military Working Group Secretariat, which formed part of the Plans Branch and appeared to have gained some policymaking powers as the military component became the driving force behind the electoral process. It was still the force commander's key instrument for doing business with the military factions and was run by another one of Sanderson's Australian trustees, Lieutenant Colonel Damien Healey. Along with Lieutenant Colonel Stuart, he had built up a great deal of experience in Cambodia by working there long before UNTAC's actual deployment. The plan, which Huijssoon called the 'Frog-Spawn Plan,' gave UNTAC the sole responsibility for security at the polling stations. In the two-hundred-meter zone around the polling sites, no local factions were allowed and nobody but the UN military could carry a weapon. The military and CivPol provided security within the perimeter around the site, and it was hoped that this would keep them out of range of most direct fire of weapons such as the popular rocket-propelled grenades – ideal for hit-and-run tactics. In the rest of the country, in between the polling zones, SOC police, CPAF and the other two military factions were left in charge of 'internal security.'[45] As had become common to Sanderson's decentralized style of command, the sector commanders were

left to work out the details of the Elections Security Plan with the local UNTAC branches and local authorities.

The CPAF was still thoroughly unreliable, which made the plan questionable. Electoral staff workers were skeptical, with some calling it a farce to have the local CPAF forces protecting polling sites when those same forces had recently instigated an attack on Funcinpec.[46] However, including the unruly CPAF troops in the process was deemed an effective way of channeling their energies in a positive way. It gave the military units a clear mission and was hoped to have the crucial side effect of curbing banditry in the run-up to the elections. Although politically motivated attacks made the headlines, banditry and extortion were still considered a serious threat to both civilian UNTAC teams traveling the country and to the Cambodian population.[47] Since the peacekeepers would have their hands full providing close protection to several thousand polling sites during the elections, formal cooperation with the CPAF seemed a chance worth taking.

The intrusion of the Plans Branch into electoral matters went as far as changing the existing schedule of the polling period. The original plan was to conduct two days of elections at two hundred mobile polling stations in the distant corners of the country. UNTAC would then proceed with the three-day main electoral operation in the more densely populated areas. From the military's perspective this would have made the electoral process particularly vulnerable to small-scale attacks that could impede the whole polling process. News about a single armed attack on a mobile polling site was likely to travel fast in Cambodia, which might cause the majority of the electorate to remain at home. Instead, the military proposed to Austin that he go all-out in the first three days. Huijssoon and his Australian deputies reasoned that if UNTAC could reach over sixty percent of the electorate as soon as possible, the elections would be valid even if some attacks took place during the first day. 'If I mow my lawn, I first do the large patches and then trim the corners,' the colonel reasoned. 'We all agreed on this within our branch, so I went to Austin's office. Austin asked for two days to contemplate, and in the meantime he would ask Sanderson – who had been fully briefed on the plan – for his opinion.'[48] There continued to be some grumbling within the electoral component about the domineering military, but the usual way of solving this was to have the ever more influential force commander take up the matter with Austin before it was sent to Akashi. The outcome was predictable. In the course of April, the military component 'pervaded almost every aspect of UNTAC's mandate.'[49]

By early May, attacks on UNTAC were taking place at an almost daily rate, killing and wounding ever more international personnel. However, the Khmer Rouge also started to reveal their limitations and weakness. Their offers to pay villagers for rocket or grenade attacks on UNTAC apparently failed to persuade the Cambodians. In Banteay Meanchey, local civilians reported such incidents to the peacekeepers. Although the Khmer Rouge continuously fed rumors of impending attacks on the northwestern cities of Sisophon, Siem Reap and Battambang, an ill-fated assault on Siem Reap by several hundred Khmer Rouge fighters showed their inability to conduct large-scale military offensives.

The increased determination of the peacekeepers also paid off at this point in the operation. Some of the battalions that had been previously criticized showed their worth during several confrontations with the Khmer Rouge. The Bangladeshi battalion beat off an attack in April.[50] The Pakistanis had been given the difficult task of containing the Khmer Rouge around Anlong Veng in the distant and thinly populated northern zone. When one of their platoon's position at Choam Khsan in Preah Vihear came under three consecutive attacks on the night of 8 April, they defended their positions vigorously. During the third wave, the Khmer Rouge troops drove buffaloes ahead of them for cover. The official body count by UNTAC reported two confirmed deaths among the attackers. However, within military headquarters the story went that the local Buddhist clergyman, who – despite the Khmer Rouge's official secularity – was asked to perform the burial service, claimed to have counted no less then fourteen bodies of Khmer Rouge fighters.[51] According to the Pakistani sector commander, their defensive actions earned the gratitude of the villages in their vicinity.[52] His troops seemed to function better at what the military called 'the higher end of spectrum of violence.' The Dutch had noticed earlier that the Pakistanis had not been particularly good in community relations. When they took over part of their sector in December, 'we were initially scowled at, which was something we had never experienced in our own sector.'[53]

Even the Indonesians, who had been notorious for their passive posture and cooperative stance toward the Khmer Rouge, struck back when they came under Khmer Rouge fire one week prior to the elections. They even pursued the fleeing guerrillas and occupied their small encampment, wounding two, according to local villagers. Trying to convey a more positive message to the Ministry of Defense in The Hague than the gloomy picture painted in the world media, Huijssoon reported that the series of daily incidents had come to an end. It showed that the Khmer Rouge could be deterred if UNTAC showed resolve in defending its positions. In late April, Sanderson reportedly had 'kicked' some of his commanders, including the Pakistanis and the Indonesians, in an unspecified place. Apparently, this paid off.[54] Despite some setbacks, the military peacekeepers seemed to be regaining their own confidence as well as that of others in the course of May.

Dutchbat needed no push as they appeared to have found the right balance between robust operations and the need for restraint. Cammaert and his company commanders also needed to rely on their diplomatic skills. Their task in Banteay Meanchey was comparatively complex, as they had to mediate between and cooperate with all four factions in the local Mixed Military Working Groups. In all other sectors the UNTAC commanders were dealing with just the CPAF or with two factions. Diplomacy combined with his Marines' firm stance toward the factions had resulted in the joint patrols which, in combination with their mobility, their equipment and their relatively small sector, enabled them to establish a strong presence and penetrate most of their province.

The first Dutch battalion had been left to improvise while performing its initial

mission to 'stabilize the security situation.'[55] The two principle tasks assigned to this battalion were the remainder of the demobilization effort and the less publicized mission to cordon and contain the Khmer Rouge in their western zone through presence patrols. Although Sanderson continuously warned against becoming embroiled in 'internal security operations,' Dukers' Marines had also become heavily involved in public security duties – although still mostly in a supporting role. The largest part of the battalion's energy went into providing direct security for the local population – originally not a military task. They did so by patrolling for bandits, dismantling illegal toll-points, disarming unruly troops, militia and civilians and by supporting local authorities in their policing role and CivPol in its monitoring function. These task were largely performed on the Marines' own initiative and had been executed as a reflexive response to the chaos they encountered rather than as part of a coherent plan. It was obvious, however, that the battalion could not provide blanket public safety in this small part of the dysfunctional Cambodian society and it remained unclear where this improvised mission would stop.

The focus which the first battalion had lacked after their original military mandate proved largely illusory, was provided to the second Dutch battalion. It took over all the above-mentioned missions in December, but with the registration process and the elections as a focal point for the UNTAC military component, the Marines were again provided with a center of gravity for their operations. Now focused on the elections in May, they started to describe their tour in Cambodia as their own *Tour de France*, the world's longest and most famous bicycle race. The first stretch of their course had been the registration process and now they were facing the last two *étappes*. First they had to get through the campaigning period, after which they faced the actual elections – the climbing the *Alpe d'Huez*, the longest and steepest of all climbs.[56] Although their sector was still relatively calm and relations with the Khmer Rouge in the Free Liberated Zone seemed reasonably good, the Marines remained vigilant as 'crashes of the cyclists' were not unlikely to occur during the remainder of their race. Cammaert nevertheless noticed that the local Khmer Rouge military leaders in his sector appeared somewhat embarrassed at having to break off their contact with the Dutch and their joint patrols just prior to the eruption of violence in March.[57] Contacts with the small local Funcinpec and KNLFP units remained good overall.

As indicated in the previous chapter, levels of regular crime and extortion appeared to be going down in April. Captain Blackhurst, the US Marine Corps officer in charge of intelligence gathering for the battalion, expected bandit activity to remain low until the elections.[58] This was partly due to the increasingly smooth cooperation with local SOC and other two faction authorities. The captain saw a clear relation to the upcoming elections, in which all parties wanted to be seen as 'tough on crime' – a political occurrence not uncommon in seasoned democracies in the Western world. This and the involvement by the Mixed Military Working Group in Phnom Penh caused local military leaders to tighten their grip over their forces, although recent payment of CPAF troops in Banteay Meanchey clearly facilitated the fight against crime.

Despite its relatively small population of 360,000, Banteay Meanchey was considered a crucial sector for the operation as a whole. Reginald Austin was amongst

those emphasizing that the elections in the province were 'extremely important,' most of all because the presence of the two non-SOC districts, Thma Pok and Banteay Ampil in the Liberated Zone, gave much greater validity to the UN-organized event.[59] Because the Khmer Rouge feared that elections manipulated by the Phnom Penh regime would legitimize its rule, they hoped that a serious disruption of the electoral process would raise doubts over its validity. To counter any argument by the Khmer Rouge that the whole electoral process was a sham organized by the State of Cambodia with UN cooperation, UNTAC needed unanimous agreement to the contrary by the three factions participating in the election, which made a representative election result for the two smaller factions in their own territory crucial. Elections in the Free Liberated Zone would take place under the very noses of the Khmer Rouge who, although sharing control of the area with Funcinpec and the KPNLF, were clearly still the strongest party in the zone. Apart from making the two electoral districts politically important, this obviously made the electoral process in Banteay Meanchey particularly vulnerable to attacks. In the last weeks prior to the elections all three military factions attacked Khmer Rouge positions to push them back to the positions held at the time of the Paris Peace Agreement. For this purpose, Funcinpec's armed forces even demanded from UNTAC the permission to retrieve some of its arms, most of all mortar and artillery munitions. The UN secretariat was strongly against the idea, while Sanderson and Akashi reportedly supported it. Dutchbat decided to look the other way while some of the depots were visited by the faction's troops.[60]

Sector One became Sanderson's showcase for the UNTAC military component. He would very often direct international visitors and press to Banteay Meanchey, where all four parties were represented and where the people had mostly positive things to say about UNTAC troops. Visitors included the Australian minister of foreign affairs, Gareth Evans, Undersecretary General for Peacekeeping Marrick Goulding, ambassadors and many other high-ranking officials. When Sanderson himself visited the battalion – directly after the Marines shot the off-duty CPAF soldier in the streets of Sisophon – he joined them on a night patrol in Thma Pok. The general and the other officers from headquarters that followed in his wake were impressed with the combined patrols and checkpoints ran with the SOC police and the CPAF, still the only such cooperation in Cambodia.[61] They also lauded the unique four faction patrols in the Liberated Zone – although reduced to three factions in April. Such visits cost time and energy, but the Marines were thoroughly aware of their importance for UNTAC's as well as the Marine Corps' public relations.

Another reason for Sanderson to put Banteay Meanchey in the spotlight was the relatively smooth civil-military coordination in the sector. The daily security briefings for UNTAC personnel and other civilian organizations held by its operations officer at eight in the morning became ever more crowded, to the point where he was addressing eighty people. In the course of April, no civilian organizations but the Red Cross entered the Free Liberated Zone unescorted by Dutchbat. During the crisis of confidence in UNTAC during March and April, when criticism from civilian officers in different sectors poured in at headquarters, there were no complaints com-

ing from Sisophon. Interdependency certainly helped forge the civil-military relationship, although the Marines – like many others within the military component – at times forgot how dependent they were on the effort and success of the 'civilian other.' There may have been some irritation in civilian circles about the pedantry of the Dutch, but they did not combine it with the overbearing quality that often annoyed humanitarian and other civilian workers confronted with, for instance, the US military. Moreover, there was always their willingness to provide escorts and their abundance of logistical means to compensate for their know-it-all attitude. A doctor from *Médecins Sans Frontières*, a humanitarian organization known for its policy on non-cooperation with the military, called the Marines 'arrogant and sober.' This he assured, was meant as a compliment. He was impressed with their willingness to cooperate and they were remarkably efficient in helping him build a small hospital.[62] Smooth civil-military cooperation was of course facilitated by their overall command of the English language down to the lowest ranks, which was lacked even by the officers of many of the other contingents.

The 'kick' Sanderson gave some battalions also improved overall cooperation between the various branches in some of the sectors. In order to command a sector, some contributing nations had appointed a full colonel to command a battalion instead of a lieutenant colonel, who they regarded as of insufficient weight to run the battalion while simultaneously coordinating the efforts of the electoral, CivPol and information components. Cammaert performed these tasks himself. Just prior to the elections, so-called UNTAC joint coordination centers were created on the sector level to manage the elections, adding to the number of coordinating meetings in which the commander and his subordinate officers found themselves during the first months of 1993.

Cammaert did most of his business in the three provincial Mixed Military Working Groups in order to minimize the effects of the continued low-level military struggle. Apart from this 'purely military' coordinating mechanism, all the other coordinating mechanisms were civil-military in nature. Here, the battalion was usually represented by one of its staff officers. There was also the weekly anti-banditry committee with the local governor, SOC police and the provincial CPAF. The weekly civil administration meeting with the various UNTAC components had initially been of some use, but no serious decisions would be made there in the course of 1993 as the civil administrator lost his coordinating influence – if he ever really had any. In March a more important meeting with the UN district electoral supervisors was added to the list. In the various districts, the Dutch company commanders had already established close relations with the DESs, who would be in charge of the hundreds of local electoral staff and who were living in the villages among the Cambodian people. In the weeks before and during the election, they as well as a group of 27 Dutch international polling station officers were stationed at the various Dutchbat military locations for security reasons.

In February, the Dutch had joined the weekly 'political party round table discussion meeting' with local politicians, organized by the UN electoral staff. Here the military representative and his CivPol colleague were frequently asked about the secu-

rity measures for Cambodian party officials. During one of these meetings in May, the Cambodian party representatives said they were more afraid of robberies by local bandits than of politically motivated attacks on the polling stations. Elsewhere in Cambodia, international electoral staff also mentioned banditry as equally or, at times, even more threatening than Khmer Rouge terror.[63] Politicians of various parties also brought up the desperate need for support of the judicial system after the elections. During the operation in Cambodia it indeed became clear that the UN had made a crucial mistake by not supporting the establishment of basic procedures for the rule of law. In February, Cammaert visited the local prison in Sisophon. Although the shackling of prisoners had been abandoned under pressure of the human rights component, 42 persons were still cramped into a small room and the commander knew there was little chance that they would ever see trial.[64] Meanwhile, Dutchbat would be faced with the moral dilemma created by its support to the local police work that probably helped bring some of those prisoners there. The battalion had helped to install a water pump to help improve the situation in the prison, but sanitary conditions remained extremely poor. In the northern part of their sector, where Funcinpec and KPNLF were known to rely primarily on summary justice, the Marines helped establish the facilities of the 'justice triangle' of a police station, courthouse and a prison.[65] The first two were built, but the cell blocks were never erected after disagreement emerged over the ground on which they were to be built.

Initially, cooperation between Dutchbat and the electoral component on the provincial level in Sisophon was far from smooth. Cammaert called the Egyptian provincial electoral officer in charge of elections in Banteay Meanchey 'a disaster.' After he left on a three-week holiday only four weeks prior to the elections, the Dutch commander called Reginald Austin to demand his replacement. The electoral officer's inertia was partly compensated for by his young British assistant who worked extremely long hours. He and the Dutch operations officer Bijsterbosch met on a daily basis to coordinate their efforts and prepare the polling stations. Although the actual electoral planning and the crucial training and coordination of the local staff continued to be a civilian matter, it was Dutchbat that ultimately decided on the number and location of the polling stations. Due to security concerns the number of polling sites was reduced sharply from over 144 planned in March to a mere 57 in May, which allowed protection by over a full rifle group at each site on average.[66] To the benefit of all involved, the Indian elections officer that was brought in to replace the Egyptian was an experienced professional. Cammaert called him 'a very arrogant and authoritarian man,' but he and the Marines praised him for getting the local organization up and running. Although he had just arrived in Sisophon and Cambodia, he instilled confidence in both his civilian staff and the military working with him and he was confident that the elections would go ahead as planned, which was doubted in many quarters at this time.[67]

For a long time, sector one was relatively quiet despite its explosive potential, especially compared to volatile provinces such as Siem Reap and Kampong Thom. In the preceding months, there had been incidents related to banditry and some shots were fired in anger at the Marines' positions, often by intoxicated CPAF troops.

The Khmer Rouge sometimes probed the Dutch, but there had been no attacks by them directly aimed at Dutchbat or the civilian component elements it protected. Nevertheless, the KPLNF enclave of Sok San near Pailin, which continued to be manned by a small Dutch unit, was at times cut off from supplies by the Khmer Rouge and at times the massive UN-chartered Soviet-built supply helicopters were used for target practice. By early April there was tension everywhere in Cambodia, but not until later that month did the Marines feel hostility directly aimed against them when Khmer Rouge troops at a checkpoint refused to let a marine patrol pass on account of 'not being able to guarantee their safety.'[68] There had been a recent influx of two hundred fresh, well-equipped and well-paid Khmer Rouge soldiers in the Thma Pok district. The appearance of three of their tanks in the northern part of the Liberated Zone, which had gone unnoticed by the Marines, indicated that they still had access to the area from Thailand. Thereafter the overall tension in and around the Liberated Zone rose sharply. The increase in hostilities was related to the efforts by the three compliant factions to contain and possibly push back the Khmer Rouge for electoral purposes.

The first serious 'crash' for Dutchbat occurred when the Khmer Rouge ambushed a combined patrol of Marines and Japanese CivPol officers. One Japanese police officer was killed and four Marines injured when their convoy was attacked with rocket propelled grenades and small arms. The Marines had fired back, but were hardly able to identify the enemy in the bush. Patrols were stopped in the area and all UNTAC movement now took place under Dutchbat escort. In this same period, some ten UN vehicles were stolen from unarmed UNTAC workers at gunpoint. Although several district electoral supervisors stopped working in the area, the majority stayed to finish the job.

Cammaert knew that the news also struck hard in Phnom Penh, 'where they had put their cards on the French and Dutch.' Even these battalions now seemed vulnerable.[69] Just before the ambush, Sanderson had raised the threat level for Cambodia as a whole to 'alpha,' which meant precautionary. After the assault he raised the security level for Banteay Ampil and Thma Pok from 'alpha' to 'bravo.' On 12 May, Cammaert joined the first patrol in Banteay Ampil since the ambush. It was at this point that it was most difficult for the Marines to show restraint. Cammaert admitted that his fingers itched when he saw a truck full of cheerful Khmer Rouge fighter pass by him close to the location of the ambush. 'You have the weapons,' he thought, but with their blue berets there was nothing to do but stick to the peacekeeping mandate. After the attack, the Khmer Rouge refrained from targeting Dutchbat directly, but another incident occurred two weeks later when a small Dutch patrol north of Sisophon ran into a unit of fifty troops. A standoff between the Marines and the insurgents ensued in which they were threatened and forced to hand in their radio equipment, but they refused to give up their weapons and vehicles. Apparently the Dutch had caught the Khmer Rouge in preparation for a military action that they did not want to be reported.[70] On 7 May, Pol Pot's forces once again showed their contempt and ruthlessness when they attacked a train near Battambang, killing thirteen civilians.

In Banteay Meanchey, the Khmer Rouge had tried to undermine the confidence of locals and civilian international staff in Dutchbat. They failed, but nevertheless the districts of Banteay Ampil and Thma Pok remained the only ones with 'security stage bravo' in Cambodia. The elections conducted in Khmer Rouge territory were considered a likely target for their nationwide effort to prevent elections from succeeding. During a visit by Sanderson and Austin it became clear that the electoral process in Banteay Meanchey and Siem Reap were considered the most probable targets for attacks. Right up to the elections there were doubts about the feasibility of elections in the two volatile districts. Battambang and Kampong Thom were the other two provinces likely to be targeted. The Khmer Rouge remained extremely unpredictable and it was hard to assess if its command and control structures were still functioning properly throughout the country. Within the military component there were increasing doubts about the strength and cohesion of the Khmer Rouge. However, the political rupture that was predicted at various stages in the peace process would never occur. After reading one of many such claims in an intelligence report one of Sanderson's close advisors scribbled in the margin for his boss to see: 'One dollar for every time I have heard this.'[71]

The force commander became crucial in steeling UNTAC's nerves during the stormy weeks prior to the elections. There had been talk amongst UNTAC civilians of canceling the elections, and Akashi openly said that the killing of one more electoral worker would lead to the withdrawal of all UN volunteers, raising questions about the feasibility of the elections. Sanderson was probably not particularly charmed that the special representative was giving away UNTAC's breaking point to the Khmer Rouge.[72] He visited all the sectors in mid-May and what he witnessed among the troops in the country was far more reassuring than during the gloomy senior board meetings with the other component directors in Phnom Penh. The security plans and the cooperation between the various components impressed him as good and all were determined to hold elections in the largest possible area.[73] Huijssoon was also surprised by what he witnessed as he inspected the provinces prior to the elections. He was particularly curious about the performance of CPAF troops in their new security role in concert with UNTAC. It taught him never to underestimate what a military force – even one for which he had had very little respect in the preceding year – could do once it was given a clear mission. Uniformed government troops showed up in incredibly large numbers and, despite some initial critique about the plan to involve them, the troops seemed to perform well. He was equally impressed with the performance of some of the much-criticized UNTAC battalions.[74]

In a country with little or no infrastructure, the logistical support operation for the elections by the military component was massive. In order to facilitate the elections, the military component provided logistical support to 1400 polling stations run by 6,500 electoral teams and was responsible for moving 2,500 generators, tens of thousands of tables and chairs, thousands of polling kits, camping kits and almost two million bottles of drinking water.[75] In addition, the military component protected and provided essential communications and engineers, reconstructed some large bridges and hundreds of small bridges to give the population of remote areas access to polling sites.

To report on the last irregularities in the electoral preparations, Sanderson sent out some of his special investigations teams to the provinces. After having spent three days inspecting the various districts of Banteay Meanchey, the inspectors shared Cammaert's optimism. The team had just visited the Malaysian battalion in Battambang, where there were surprisingly few security concerns and where civil-military cooperation was proceeding in 'extreme harmony.' Also, sector one was 'very well prepared for the elections' and Dutchbat was 'prepared even for a worst case scenario with the well laid out field defenses and obstacle systems which they have prepared in all their deployment areas.' The inspectors found it 'indeed a refreshing change to listen to the optimistic and pragmatic view' of the provincial electoral officer. The electoral supervisors in the district were 'quite optimistic and in good cheer.'[76] Despite some small incidents, the situation in Banteay Meanchey was described as 'relatively calm.' The Marines – who, apart from being bicycle enthusiasts, liked to talk in naval metaphors – had prepared their ship for 'heavy weather.' In Banteay Meanchey the Khmer Rouge had given clear signals that they still intended to disrupt the elections.[77] Yet, 'the mood amongst the cyclists was excellent while preparing for the climbing of the *Alpe d'Huez*. Everyone is determined to make it to the finish line.'

Despite continued artillery exchanges between the factions in Banteay Meanchey and the other front-line provinces, the expected explosion of violence did not occur in the two weeks prior to the elections. In Phnom Penh and various provinces, the electoral staff's morale continued to be shaken all the same by constant reporting on Khmer Rouge troops movements and preparations for attacks. After some electoral staff threatened to withdraw from the countryside, Cammaert promised Sanderson that he would take over the elections if necessary:

> The lieutenants, sergeants and corporals would have run the polling stations – it could not be that difficult. We had not been working those six months for nothing. We had come to hold elections, so we were going to hold elections.[78]

Sanderson was reassured by such optimism, although it was unlikely that the military could have pulled it off alone all over Cambodia. UN military observers did indeed step in as electoral staff in the two besieged districts in the Liberated Zone and in Kampong Thom. In a relatively small province where the amount of sites had been cut to less than half, it may have been an option, but managing 1400 sites and substituting for 48,000 strong local election workers would have been quite a challenge for the military.

The necessity and possibility of a complete military takeover of the elections, at least in some provinces, seems to have crossed the general's mind. Only once, a week before the elections, did Huijssoon see his boss abandon his role as the always calm and diplomatic leader. Or rather, the general admitted to almost having lost his temper during a senior board meeting. After being overwhelmed by the negativity

among the component directors, he came to the colonel's desk to blow off steam and admitted to having been on the verge of saying to the assembled staff 'why don't you all go back to Bangkok and we will run the elections!'[79] On 21 May, only two days prior to the first polling day, Akashi added fuel to the fire when it had become crucial to convince everyone of UNTAC's ability to hold elections. Despite Sanderson's attempts to head this off, the special representative gave a speech, based on a spurious analysis from someone in the general's own military information cell, 'thereby terrorizing the UN and all the non-military parts of the mission, and giving the media a field day in predicting disaster.'[80]

Peace at the Ballot

The contrast on the first day of the elections could not have been greater. Right up to the elections, the international and local media had generated fear, but a team of Khmer-speaking information officers sent into the country to move among the population was amazed by what they witnessed at the polling stations. The turnout for voting on the first day was well beyond expectations. In Kampong Cham, the country's most populous province, the voters were in high spirits.

> People want to vote [...] People walked long distances in the rain on the first day. People coming out of polling station are happy, even jubilant. People are laughing and joking outside of the sites. Crowds packed into the back of large trucks are singing and dancing.[81]

Even in one of the frontline districts in Battambang there were no disruptions and the atmosphere at the sites was friendly, even festive. There appeared to be no fear of imminent Khmer Rouge attacks amongst the population. The polling site was heavily defended by local security forces, who kept the required two-hundred-meter distance from the polling sites. Local electoral staff played a crucial role. Especially in areas where the electoral civic education program had been disrupted during the violence prior to the elections, some people did not know how to vote and marked their booths instead of their ballots or dropped their ballots into the booths instead of into the designated boxes.

There were some indications that SOC authorities tried to appear as the co-hosts or organizers of the event. In one place the CCP had put up flags at the main entrance to the polling site. The information officer who saw them also found fake opinion polls posted around the sites, forecasting a sweeping CCP victory and removed these as well as the flags. Local government officials would organize villagers into groups and escort them to the polls. In response, Radio UNTAC stressed that the people should not wait for orders from commune chiefs to go to vote and not let their vote depend on who transported them to the polling sites. The radio station did a great job covering the elections throughout the country, contributing much to the excitement among the Cambodians who keenly listened to its popular reporters, eager to know that the elections were proceeding just as peacefully elsewhere in the

Dutch Marines protecting a polling site during the Cambodian elections. The military component pervaded almost every aspect of UNTAC's mandate in 1993.

country. The most important message of all in a repressive communist society, 'your ballot is secret,' appeared to have taken hold. The first day at the polls was almost completely quiet and 42 percent of the electorate cast their ballot.[82]

During day two, some incidents of shelling and small arms fire did occur. Some small-scale Khmer Rouge attacks took place simultaneously at several locations in Kampong Cham. 'There was a great possibility for panic and mayhem,' reported a civilian information officer, but it did not happen. The response from the various UNTAC elements involved, the Indian and Indonesian battalions, the military observers, electoral and CivPol, 'were reasoned and coordinated.' The CPAF responded quickly and chased off the attackers. The Cambodians generally considered UNTAC overly cautious and spurred the foreigners on to reopen the polling sites.[83] In the first two days of the six-day-voting period, an incredible seventy percent of electorate had voted.

Although the elections were carried out like a military operation throughout Cambodia, the elections in Banteay Meanchey were more militarized than anywhere else. This was particularly true for the Free Liberated Zone.[84] The heavy reduction of the number of sites by Dutchbat enabled the Marines to turn them into defendable positions.[85] Moreover, the battalion had developed a plan to deceive the Khmer Rouge.

> In close consultation with the electoral staff we relocated a number of the polling sites to new locations thus preventing the Khmer Rouge from preparations aimed at creating havoc. Meanwhile, we had arranged for massive transport to get the voters from the old to the new locations. The voter turnout was extremely high.[86]

There was one incident in the Dutch sector at a polling site near Poipet on the second day. As elsewhere, the few incoming grenades one hour before closing time in the late afternoon appeared to alarm the international staff more than eager voters. The Cambodians stayed in line in front of the polling site while the Marines and the electoral officers took cover. It was not the first time the Dutch noticed that you only had to duck when the local Khmers braced themselves for impact. Over twenty years of war had made them specialists in the art of estimating point of impact of incoming projectiles by their sound. Dutchbat was very pleased with the cooperation from the local security forces. Even the CPAF turned out to be supportive.[87] The local Mixed Military Working Groups with the three factions again proved their worth as the primary tool for the Sector Commander to coordinate with and control the local factions.

Again, the Khmer Rouge displayed the most puzzling behavior. To everyone's surprise, some two hundred of their unarmed troops showed up at the polls in Poipet on the second polling day in Banteay Meanchey.[88] An unknown number of civilians from Khmer Rouge villages cast their ballots in Thma Pok and villagers from Khmer Rouge territory continued to show up on the fourth and fifth day. They even asked UNTAC for transport to the polling sites. In western Cambodia, Khmer Rouge cadre were apparently telling their villagers to vote for Funcinpec now that the elections appeared to be an irreversible success.[89] The Khmer Rouge was now hoping for a place in a government dominated by the Royalist party. If their leaders had had indeed planned to disrupt the elections, they had abandoned this goal after the second successful day at the polls. UNTAC had prepared for elections amidst civil war and had taken a calculated risk. Paradoxically, the election period in the frontline province of Banteay Meanchey had been one of the calmest weeks since the arrival of the Dutch second marine battalion in December.

After six days of polling, 89.5 percent of the Cambodian electorate had cast their vote in an election that turned out to be a sweeping success. In Banteay Meanchey, 91 percent of the registered voters turned up at the polls. The elections were not only an astounding success for their tranquility and the tremendous voter turnout; the outcome proved to be better than anything for which UNTAC could have hoped. Funcinpec, the most cooperative opposition party, won convincingly with over 45.5 percent of the votes. The CPP received 38.2 percent of the votes, which was a defeat, but not embarrassing enough for them to seriously denounce the results.[90] Close to 62 percent had voted for parties other than the then ruling CPP, which was sufficient proof that the vote had been secret and that intimidation had failed where UNTAC information and education had worked. The outcome was mirrored in Banteay Meanchey, although here the smaller BLDP gained eight percent in their stronghold, as opposed to 3.8 percent nationwide. This outcome, endorsed by the Securi-

ty Council, enabled Sihanouk, who would soon become the king in a new constitutional monarchy, to form a Funcinpec-CPP-BLDP coalition government under two prime ministers, Ranariddh and Hun Sen. The coalition would be in for a bumpy ride in the coming months and years.

Although only six out of 120 representatives to the new Cambodian parliament were elected in Banteay Meanchey, the polling in the province attracted much attention from all over the world. Dutchbat's essential credibility, which had been built over the previous year, was crucial to UNTAC's success in one of the most politically complex and volatile corners of Cambodia. The skepticism over the UN's performance perceived amongst both the Cambodians in predominantly urban centers and the electoral staff in many of the provinces failed to take hold in the areas controlled by the Marines. Apart from their ability to reconcile and temper the four unpredictable factions, much of their success depended on smooth cooperation with a significant number of local and international civilian partners. For a military unit basically trained to interact violently with a monolithic military adversary they performed remarkably well. Not only did they take civil-military cooperation beyond anything previously accomplished by peacekeepers, the Marines stretched their mandate to contribute substantially to public security in a province ridden with violent crime. On the streets they basically took over much of the role of the UN Civilian Police as they integrated a monitoring role towards local provincial CPAF and SOC police in their combined patrols and checkpoints. Their finest hour came when they were able to hold elections in territory partially controlled by the Khmer Rouge. During the last days at the poll, after the elections appeared safe, 'a colorful party of international observers,' including Austin, the Australian and American ambassadors and many staff members from UNTAC headquarters, visited Thma Pok. Prince Ranariddh also dropped by in his own power base and thanked UNTAC at the occasion. All wanted to be a witness to the miracle of how the elections were proceeding unhampered under the very noses of the notorious Khmer Rouge and to chuckle over the appearance of Khmer Rouge party members and soldiers at the polls.

The cause for the almost flawless elections has been a source of speculation ever since. The prevailing question was who had held the key to peaceful days at the polls. Had it been primarily UNTAC's performance that dissuaded the Khmer Rouge, or was it premeditated restraint on behalf of the insurgents? After their violent campaign of intimidation and attacks on Cambodians and the UN, why did the Khmer Rouge stop short of disrupting the elections? Although they were not at all well positioned to launch large-scale attacks, this did not sufficiently explain why, despite some isolated incidents of shelling, they refrained from attacking vulnerable civilian personnel.

Cammaert argued that the Khmer Rouge did intend to disrupt the elections, but did not get the chance in Banteay Meanchey. One of the local Funcinpec military leaders confirmed that the Khmer Rouge was apprehensive about conducting more attacks to disrupt the elections because of the heightened level of security around

the polling stations. Blackhurst believed that the use of three local factions alongside Dutchbat was likely to have 'contributed greatly' to the surprisingly calm situation. The Khmer Rouge was known to look for soft targets and, according to the US Marine, there were simply no easy targets in sector one. 'All polling stations and Dutchbat locations were 'hard' targets with a vigilant execution of the watch and good all-around defense.'[91] Even though the Dutch Marines were given many pats on the back for running the elections amidst the Khmer Rouge, it is important to acknowledge that the much-criticized Indonesian battalion and ill-equipped Bangladeshis pulled it off in their volatile sectors that also bordered Khmer Rouge territory. Raoul Jennar, a staunch critic of the UN mission in Cambodia, including its military component, acknowledged that the 'impressive security measures' taken by UNTAC throughout the country in cooperation with the three factions were critical. '[F]or the first time since the mission began, UNTAC showed determination and firmness' and '[a]s Khmer Rouge defectors related months later, the deterrent effect dissuaded them from trying to sabotage the electoral process.'[92]

In his analysis of the peace process in Cambodia, Trevor Findlay suggested that it was primarily a combination of Chinese diplomatic pressure and the lack of a plan or strategy that caused the Khmer Rouge to remain passive. He gives little credence to the idea that UNTAC dissuaded them from attacking. The Chinese had indeed been harsher towards the Khmer Rouge, even voting against them in the Security Council in April, and there are indications that they told their nominal leader Khieu Samphan not to disrupt the elections. However, a Chinese official denied having pressured the insurgents. Findlay also mentions Western pressure on Thailand to sever its remaining links with the Khmer Rouge as a likely determining factor. While diplomatic pressure and fear of further isolation are likely to have played a role, there had been few indications that either the Chinese or Thailand had been able to curb Khmer Rouge violence in the course of the previous year. If the Khmer Rouge expected the elections to turn into a success, they would have tried to disrupt them from day one, or in the days directly prior to that.[93] After all, successful elections resulting in an internationally recognized government dominated by the former State of Cambodia was their worst-case scenario.

The Khmer Rouge leadership seems to have had a plan, but it was based on the assumption that it would not be necessary to disrupt the elections. Although it is still hard to reconstruct their exact motives and plans, the crux of the matter was that the Khmer Rouge leadership had lost touch with both the Cambodian people and political developments in the country. At this crucial juncture, the Khmer Rouge expected a small portion of the eligible voters – probably no more than twenty-five to thirty percent – to turn up at the polls.[94] Had they been able to sense the mood of the people, their choices are likely to have been different. Khieu Samphan revealed both the surprise and the disbelief when he said '[h]ave these people no shame! Where in the world does ninety percent of the people vote in an election? In fact, I have proof that in a large number of the provinces ninety percent of the people did not vote.' Sanderson was initially puzzled by what he called 'a blatantly stupid statement' by someone who he considered 'far from being a stupid man.' The general

concluded that Khieu Samphan had said it because he believed it, because this was what he was told by the Khmer Rouge party cadre.[95]

The Khmer Rouge had led themselves to believe the ballot would turn into a fiasco. A low turnout of voters would be made up of predominantly CCP supporters and such results would be unacceptable to the UN. They therefore initially felt no real urge to create havoc at the polls on a serious scale, as this would unnecessarily incriminate and isolate them even further. Once the turnout was so overwhelming on the first day they were unable to react. The Khmer Rouge were poorly positioned and prepared and its organization had a time-consuming decision cycle. Meanwhile, the polling sites were well protected and it was particularly at this point that the close-knit civil-military collaboration under military leadership, the decisions to bring in the three local factions in on the security plan and the reversal of the polling schedule paid off. After some half-hearted attempts to disrupt the elections on day two, the Khmer Rouge leaders showed erratic behavior and started to send those voters it had allowed to be registered to the polling stations to vote for Funcinpec. The contradictory signals given by the Khmer Rouge directly after the elections showed how much its leadership was in disarray. Its radio station denounced the elections as a farce, while a Khmer Rouge official in Pailin was reported as saying that a government by the 'Sihanoukist Party' would be acceptable to them. In the end, after Funcinpec's victory, the Khmer Rouge announced that it accepted the results of the elections – a plebiscite their forces had tried to violently disturb in the previous months.[96]

Had the Khmer Rouge gone all-out to target the elections, it would almost certainly have found a soft spot in the security measures around the elections. But if UNTAC was indeed fortunate, it certainly was responsible for much of its own luck. Both the impressive security measures and the 'determination and firmness' mentioned by Jennar would have been impossible without the closely integrated military and civilian operations that centered on the Plans Branch and the military sector commanders in the provinces. 'Without them,' Sanderson knew, 'United Nations civilian casualties would have resulted and there could not have been an election.' To have the military assume such a dominant role without having a civilian rebellion within UNTAC on his hands was a diplomatic triumph. Although Sanderson did not immediately boast of his success, he suggested seven years later that where UNTAC military staff had not assumed the primary coordinating role 'the mission fell well short of its objectives.' He made a notable exception for the UNHCR refugee return program.[97]

The Khmer Rouge leaders also appear to have been contemplating their moves after the elections. In the chaos expected after the failed plebiscite, the Khmer Rouge hoped to reinvigorate the tri-partite coalition to once again counter 'the contemptible puppets.' For the aftermath of the elections the Khmer Rouge was planning to launch an offensive, hoping to deliver a serious blow to what they expected to be a feeble SOC government that ideally lacked international recognition after rigged elections. A speech delivered by what appears to be a senior Khmer Rouge official to the military cadre of the 519th Division in Banteay Meanchey in the direct aftermath of the

elections suggests that their armed forces were preparing for a large scale offensive in the months of June, July and August. The elections were implicitly accepted as a serious defeat, but the aim was now to join 'the north,' the provinces Banteay Meanchey, Siem Reap, Preah Vihear under Khmer Rouge control. This would create an enlarged Liberated Zone from south of Pailin to east of Anlong Veng.[98]

Even after the elections the possibility of a three-party coalition against the Khmer Rouge was clearly not contemplated. Moreover, there appeared to be no inkling in party circles of the approaching combined offensive of the SOC, Funcinpec and KPNLF armies after they officially joined their forces into the Royal Cambodian Armed Forces (RCAF). In this August offensive the new coalition that emerged after the *renversement des alliances* launched a series of attacks. They overran all Khmer Rouge's territory in Banteay Meanchey and conquered their Thai border hideout Phum Chat, which meant a serious blow to their plans to reunite the Free Liberated Zone from Pailin to Anlong Veng. When Sanderson visited Phum Chat after its conquest by the RCAF, he confirmed that the Khmer Rouge's construction of a command and logistical base in preparation for their offensive had been well under way.[99] In early 1994, the RCAF even occupied Anlong Veng, but the new armed forces clearly lacked the discipline, cohesion and staying power to occupy and defend their new positions and seemed distracted by the opportunities for pillaging. The Khmer Rouge would reverse many of their losses on the battlefield, reconquering Anlong Veng and even threatening Battambang, although this was the result of the RCAF's weakness rather than Khmer Rouge's strength. Over time, the insurgents were increasingly marginalized in their jungle hideouts and were finally defeated militarily in the course of the 1990s.

Successes, Failures and Lessons

If the elections had been run like a military operation, the battle was won, but the political outcome of the war was still undetermined. Although UNTAC's guarantee of a secret ballot in May 1993 rescued the entire peace process from failure, the mission had been more than elections alone. The 'comprehensive solution' to the conflict called for by the Paris Peace Agreements had not materialized. However, the transition to an internationally recognized constitutional government was completed and thus the mission of the transitional 'authority' ended. UNTAC was the midwife, Akashi had claimed, but it had helped to deliver an unhealthy child. In October 1993, two years after the signing of the Paris Peace Agreements, the international community walked away and largely left it to fend for itself. The shaky interim coalition government that now governed Cambodia was still facing an uncertain transition to the real constitutional democracy the country had never been.

Apart from the creation of a legitimate government, there were several successes to report. The UNHCR had returned over 360,000 refugees from Thai border camps and the Information and Education Division had done much to help create a free press. The small Human Rights component had sown the seeds that made people more assertive in demanding certain civil rights that helped to counter the

authoritarianism embedded in Cambodian political culture.[100] But UNTAC has been rightfully criticized for many of the things it did not accomplish. The 'transitional authority' had trusteeship-like pretenses, but never lived up to its name by failing to wield any real authority over the local civil administrative structures, thereby giving the Khmer Rouge its most viable argument for non-compliance. After the elections this was also felt by Funcinpec co-administrators, especially at the provincial level, where they were hardly able to govern alongside the firmly entrenched SOC autocrats. The problem of recruiting sufficient administrative personnel with the required qualities would haunt the UN in future missions.

Demilitarization, the primary military mission, had failed. A new, downsized national army was being forged, but the CPAF elements that clearly dominated it continued to terrorize the countryside while the threat of 10,000 well-armed Khmer Rouge troops remained. When the Dutchbat left as one of UNTAC's last contingents, Cambodia was once more at war with the Khmer Rouge. The poorly conceived plan for cantonment of 140,000 troops never functioned, but if it had, the consequences for public order are likely to have been even more devastating. It should have taught a valuable lesson to future intervention forces that the unorganized release of tens of thousands of war-hardened combatants into a dysfunctional society was a recipe for chaos.

UN operations in Cambodia should also have been an early indicator that the segregation of what was considered the 'purely military' security mission – the separation and demobilization of regular armed forces – and the responsibility for public security would be hard to maintain. The hugely expensive UN civilian police force never had a serious impact either on neutralization of or intimidation by factional police on regular crime. The law-and-order crisis was mainly the result of the unintended consequences of the peace process, but it seriously undermined the mission's overall credibility and particularly that of the military peacekeepers, even though public security was outside their official responsibility. Showing that UNTAC was willing to protect Cambodians proved crucial but difficult with a small number of troops and a low-quality police force. The peacekeepers obviously did have a positive impact in this respect anyhow. In February 1994, UN military liaison officers reported that 'internal security in Cambodia had become more precarious following the withdrawal of the military component of UNTAC.'[101] Bandits were still roaming the countryside and remained the largest threat to the average Cambodian. The successful elections also did not halt abuses such as political attacks or murders of ethnic Vietnamese. Only after 1994, after the economy grew and some discipline was slowly brought into Cambodia's armed forces, would public safety substantially improve.

Sanderson continuously warned against military involvement in what he called internal security. His troops were to protect the electoral process, not Cambodia. This did not answer the question of who would protect the Cambodians, whose 'hearts and minds' UNTAC had to win in order to forge that crucial alliance. The Force Commander made the realistic decision to curtail his troops, not only because of the few troops at his disposal, but also because soldiers were obviously not trained as

policemen. There was a large difference between improvised measures to counter banditry or political violence and the assumption of full responsibility for the outcome of public security operations. Fear of the loss of UNTAC's credibility had driven Akashi to grant the force the unprecedented power to arrest and detain in special human rights violations, but the process was unsuccessful. The lack of guidance on how to deal with regular crime left a wide gap in which soldiers either chose to do nothing or decided to experiment with no legal guidance. In the crime-infested northwestern corner of the country, banditry forced the Dutch Marines to push their mandate to the outer limits and, at times, beyond that.

Rather than being an aberration in peace operations, the weakness or absence of local police or UN CivPol – and the resulting pulling power of the public security vacuum on intervening military forces – proved to be a recurring problem. It would become one of the main characteristics of peace operations and other military interventions throughout the 1990s and thereafter. Nevertheless, the inevitability of a military role in tasks bordering on policing after their injection into a society ruled by violence instead of law was largely ignored. Even though the Dutch Marines appear to have gone further in performing a public security role than any other contingent, and found the right balance between action and restraint, their experiences never made it to the internal 73-page mission evaluation by the Royal Netherlands Navy. The problems of banditry, political intimidation and the measures taken by the Marines were not amongst their official 'lessons learned.' There were no references to public security, disarmament, mixed-patrols or other forms of support to or cooperation with local or international police and administration. Similarly, there were no explicit references to the integrated civil-military operations or planning on the tactical level that proved critical for the election's success. There was only one reference to the need for dedicated personnel for civic action, since this had consumed much time and the Marines thought they might have done a better job. Nevertheless, it contained some prophetic words: 'Under different circumstances the coordination and direction of activities in support of the local population could be crucial and even become the primary goal of a mission.' However, it placed this under the heading 'personnel,' and far way from lessons on operations.[102]

There are three likely reasons for the neglect of relevant codified learning on the tactical level. Although they applied specifically to the Netherlands in the early nineties, these explanations probably hold some universal truths. First of all, within the military there was an overall tendency to leave matters on, or just outside, the parameters of the mandate out of such assessments. Military involvement, especially in public security on the tactical level, involved measures that Huijssoon had called 'balancing on the border of the abyss.'[103] In the official evaluation, this murky business was clearly ignored rather than presented for others to see and use. The example of the off-duty CPAF soldier shot by a Marine in March is an interesting case in point. According to the Dutch situation report, the man in civilian dress was asked to hand over his AK-47 by the patrol commander. Only then, after his refusal, did the standoff emerge. When the local apparently threatened to shoot, he was taken out by a shot in the leg. The difficulty was not the handling of the standoff, which was done

in an exemplary fashion, but its cause. Although the regular situation report to the Ministry of Defense held that the commander had acted 'in line with the relevant UNTAC instructions' by demanding him to disarm, these were in fact Dutchbat's own instructions. The Marines were not yet officially allowed to disarm at this point. Akashi's official instructions on disarmament would only be implemented weeks thereafter. While their self-styled disarmament policy, mostly in cooperation with local authorities, had a very positive effect on security and was condoned by the force commander, it could have resulted in a row if anyone had decided to make one or go strictly by the book. Lucky for the Marines, nobody did. The Marines and the Dutch ministries of defense and foreign affairs, including that of international development, rather publicized civic action, or the 'Dutch Development Projects' that had proven to be such a key ingredient for establishing close relations with the local population.

The second reason for ignoring public security and integrated civil-military planning and operations, or civil-military cooperation, was that it did not fit the format used in official evaluations. Such reports tended to be elaborate on logistics, communications, personnel and materiél in operations and paid little or no attention to the unique and original methods and measures developed in Cambodia. Although the Marines' Cambodia experience, with many examples of successful improvisation and correct reflexes, lived on within this small and close-knit group of soldiers, little was done to codify and analyze this experience.[104] The Dutch armed forces lacked an organization that could codify experiences and draw the relevant lessons. During his last year in service before retirement, Colonel Huijssoon helped set up a small 'Section Lessons Learned' within the Royal Netherlands Army, but as in most military establishments in the following years, there appeared to be a large difference between 'lessons learned' and 'lessons applied.' Moreover, the Marines were not Army and their self-claimed 'different blood groups' allowed for very little transfer of knowledge. The Navy evaluation was classified and written primarily for internal use.

A third, closely related reason for neglect of many relevant lessons, is the tendency in most armed forces to return to what they considered 'business as usual.' The Marines were eager to trade in their light-blue UN berets for their original navy blue ones and return to their original trade and prepare to be warriors. In the early 1990s, when peace operations were often still treated as an abnormality rather than as the military's new core business, such measures bordering on or penetrating the civilian sphere were seen as an aberration, even a perversion, of the military trade. The Dutch Marine Corps was eager to return its men to their training schedules within the Anglo-Dutch NATO Amphibious Force, which had become thoroughly disrupted during the previous two years that saw its entire force deployed in Northern Iraq and Cambodia.

There were many other obstacles to a successful transfer of knowledge both on the tactical, operational and strategic levels within the international military and political establishment. Few Western nations had contributed substantially to UNTAC – only the French, Australians and Dutch – but even in these countries, its influence was limited. Moreover, many experiences and lessons went overboard once skepticism of UN peacekeeping took hold after Somalia, Rwanda and Bosnia. This caused

the military side of the larger interventions to be regionalized. When NATO took over in Bosnia, the military and civil lines of command and control were rudely separated. Sanderson repeatedly preached the importance of the integration of military and civil operations on the operational level and this particular message ended up in the many evaluations of the mission as a whole. But the UN's failure in Bosnia and their own experiences in Somalia would teach the Americans the opposite lesson and drove them to segregate the two spheres once they became a embroiled in peace operations.

Peace Operations after UNTAC

It is impossible to judge UNTAC's accomplishments without putting its performance in the context of later operations. In the direct aftermath of the UN mission in Cambodia, when the vast majority of analyses of the mission were written, most commentators correctly called it a qualified success.[105] Before the end of 1995, when compared to the unfolding disasters in Somalia, Bosnia and the even larger tragedy in Rwanda, UNTAC stood out as a beacon of light in spite of its many flaws. More revealing than measuring UNTAC's performance against these costly failures, however, is to compare it to the interventions on the Balkans during the latter half of the 1990s. With the benefit of hindsight, the mission in Cambodia was a success most of all for what it accomplished in a mere eighteen months with limited means. Though the cost of the mission, over two billion dollars spent in two years, was considered ludicrously expensive at the time, the primary mission was accomplished at a bargain price compared to the costly open-ended commitments and half-baked successes of NATO and the UN in Bosnia and Kosovo.[106]

If a military force the relative size of those in Bosnia and Kosovo, 60,000 and 45,000 respectively, were to be projected on a country with the proportions, population and complexity of Cambodia, it would have consisted of well over 100,000 troops compared to the 16,000 actually on the ground. Unlike UNTAC's battalions, the forces deployed in the Balkans were not lightly equipped units, but NATO-standard forces equipped with tanks, artillery and backed up by massive air support. With such massive military power, the enforcement option called for by some in the latter half of 1992 might have stood a chance. Still, it is most unlikely to have resulted in the 'quick fix' they had hoped for. In case the insurgents had not backed down at the sight of such overwhelming force, the jungle terrain, poor infrastructure and the Khmer Rouge's insurgency style of operations would not have suited a Western-style conventional military force.

The ability to use force, either in self-defense or to enforce an agreement, was the prime reason to inject soldiers into a conflict zone. The use or non-use of force continued to be the main topic surrounding peace operations, especially after the operations in Somalia and Bosnia slowly went down the road to 'enforcement.' In March 1995, as the UN was withdrawing from Somalia and muddling through Bosnia, Sanderson argued:

> Force creates its own dynamics and has to be controlled. Unlike the law of physics, in which every action had an equal opposite reaction, actions in war are likely to be magnified several-fold as passions are compounded by the fatal consequences of conflict. In these circumstances, an escape route from the vicious cycle of violence is likely to remain distant until one or all sides bleed themselves to exhaustion. This terrible reality seems to be little understood in many quarters.[107]

Sanderson made the right decision in adhering to the traditional peacekeeping ethos in Cambodia. Nevertheless, the assertiveness of some units, the long period of passiveness of many others, and the vigor with which some of those executed their right of self-defense in the run-up to the elections, all proved that a broad interpretation of self-defense had a deterrent effect. Sanderson's correct estimations also did not automatically imply that the strict adherence to the use of force for self-defense was applicable to 'new' conflicts. It is important to realize that despite the violence in Cambodia, the conflict was a Cold War relic close to running out of steam. The civil war was dissimilar from those fueled by the emerging forces of ethnic-nationalism or religious fundamentalism. In Bosnia and Kosovo, as well as East Timor and military ground operations thereafter, the ability to use force in order to accomplish the mission rather than merely in self-defense would prove crucial. However, its discriminate use – absolute adherence to the principle of minimum use of force similar to that incorporated in British counterinsurgency doctrine – would prove quintessential. Mostly, the possible use of force combined with a strict set of military rules laid down in a peace agreement proved to be a sufficient deterrent for the warring parties to back down.

Throughout the decade there continued to be a certain fixation on the dilemma surrounding the use of force, or on 'peacekeeping versus peace enforcing.' This would distract military and political leaders, as well as their military forces, from contemplating the next move of the obstructionist forces – often called the 'spoilers' in the aftermath of a military intervention. In the Balkans, it would emerge after 1995 that, faced with such a massive military intervention force, the former belligerents would abide by the military rules imposed by the peacekeepers. However, they would redirect their obstructionist effort into the civilian sphere. They would do so mainly through the use of the police and the administrative apparatus that tended to be entwined with their military forces in order to prevent international civilian administrative control, to further terrorize their opponents and to try to accomplish their original war aims. The signs had been there for UNTAC. As in Cambodia, the civilian side of the mission would prove to be the soft underbelly of 'peace building' operations.

International civil administrative staff and police were called upon to counter this problem, but little or nothing was done in the coming years to substantially improve their abilities. Since the inevitability of a large military responsibility for certain civilian tasks was not recognized, and treated as an aberration rather than a pattern in peace operations, NATO's military establishment would be caught off guard. When it entered Bosnia it would fail to learn most of the lessons on public security and

the need for closely integrated military and civilian operations. However, the true test of military ingenuity and flexibility was already taking place simultaneously with the operations in Cambodia. In Somalia, soldiers found themselves in an altogether different situation, namely a country in total anarchy with no international civil administration or civil police force to speak of.

PART III

American Interventions: Segregating the Civil and Military Spheres

6

‘Peacekeeping’ in a Power Vacuum: The Reluctant American Occupation of Somalia

In Cambodia, soldiers had gone beyond any role previously performed in a peace operation. They had extended their activities far into the civilian sphere in order to save the UN mission from imminent failure. Parallel developments were taking place in Somalia, but under very different circumstances and with different results. Between December 1992 and May 1993, a powerful intervention force under United States command was given a much narrower mission to secure the delivery of food aid to a starving population amidst the reigning anarchy in Somalia. Confusion over the mission soon arose as there was no agreement to uphold – and therefore no peace to keep – and most of all, because no clear distinction was made between security for humanitarian goods and security for Somali people. The crucial question that emerged was how far a military intervention force should go in assuming the prerogatives of the state and help rebuild it, even if this was not part of the explicitly assigned mission.

As will be argued in the next chapter, those contingents interpreting their mandate broadly proved to be most successful. However, whatever positive experiences came from the intervention in Somalia in the first half of 1993 would be overshadowed by the death of eighteen American soldiers in Mogadishu in October 1993, leading to the withdrawal of US troops and the eventual embarrassing evacuation of all UN personnel in March 1995. These events have labeled the Somalia intervention as an outright failure. This triggered a revisionist version of events stimulated by the US government, portraying the first, American-led phase of the operation as an overwhelming military success – because it stuck to its narrow humanitarian mission – while passing all the blame for the failure onto the UN because it chose to do ‘nation building.’ This distorted version of events obscured the ability to see both the missed opportunities and the relative successes during the early phase of the intervention. As a result, the lessons learned from Somalia were often the wrong ones.

Hobbesian Anarchy

On the night of December 9, 1992, heavily armed US Marines landed on the Somali coast near Mogadishu. To their initial bewilderment and eventual outrage, they were greeted by TV floodlights on the beach in what became a historic scene. The media’s cameras played a crucial role in getting these warriors to this distant corner of the world in the first place. Pictures of starving Somali children had been broad-

A US Navy helicopter delivers food aid to the starving Somali population in the early phase of 'Operation Restore Hope.'

cast around the world throughout the previous months. The Marines were the spearhead of the Unified Task Force, or UNITAF, a force given what appeared to be a straightforward task of securing the delivery of relief supplies that failed to reach the hungry Somali population. The pocked and shattered buildings told of the ferocity of the battles waged in the capital by the warring militias.

In the absence of a functioning Somali government, there was no formal peace agreement, but the population appeared to accept the presence of the foreign troops. They even applauded them at the Mogadishu airfield as they disarmed some of the marauding gunmen that had terrorized a large part of the population and prevented the food from reaching those in need. As the Marines expanded their control over the city in the next days, they came under incidental fire, ranging from sniping at patrols by bandits to deliberate attacks by militia. Such attacks on the peacekeepers continued in the months to come, but operating under a mandate that allowed 'all necessary means' to accomplish their mission, the Marines fired back, even engaging when they felt directly threatened.[1] They tended to rely on a heavy show of force, which mostly proved successful in discouraging the militias from seriously opposing them.[2] On 11 December, two Marine Corps Cobra attack helicopters fired their rockets and destroyed two militia vehicles whose crew members had been unwise enough to take a shot at them.[3]

By accepting Washington's offer to send in troops – strictly under US command – the United Nations was confronted with the best and the worst that the United States had to offer. On the one hand, the array of options presented to an international intervention force was expanded by the incredible speed of their deployment, the massive display of firepower, the great US military logistical machinery and overall military professionalism. An Australian officer who arrived two weeks into the operation was overwhelmed by its size: 'It was like being plonked into the middle of a movie set: CH-53 helicopters went past us... Tents, Marines, bulldozers, trucks, aircraft of every type. It was big! A dozen ships offshore. The airport was a hive of activity.'[4] On the other hand, the United Nations was faced with the narrow view of American military and political leaders of the role of their armed forces. Conditioned by both the negative memory of the Vietnam War as well as their recent success in the Gulf War, the reigning military and foreign policy inclinations in the United States proved woefully inadequate when confronted with the erratic dynamics caused by the injection of a 38,000-strong military force into a complete power vacuum.

The process of state collapse in Somalia has been explained from different perspectives, emphasizing sources of conflict inherent in Somali society as well as external factors. Domestic explanations emphasized the continuity of the 'primordial social-cultural idiosyncrasies' inherent in a society dominated by intense rivalry between large family-oriented clans. The Somalis are a culturally, linguistically and religiously similar people, but the country is populated by six large clans and over twenty sub-clans. Somali people tended to identify with their clan rather than the state, especially in times when the state has shown weakness. Those emphasizing external

intervention, mainly the proponents of the dependency theory, point to the change brought about by foreign intervention as the prime source of political upheaval in modern Somalia. As usual, it was the explosive combination of both that created the conditions for anarchy.

A long legacy of colonial and post-colonial interventions hampered the development of Somalia as a nation-state. Until its independence in 1960, the Italians ruled in the south and the British in the north. After the unified state of Somalia was created, an all-too-familiar post-colonial African pattern unfolded. In the next nine years, parliamentary democracy of sorts stumbled on, until a military coup established the head of the armed forces, General Siad Barre, as president. His Marxist system initially attracted the Soviet Union as an ally, but in the course of the late 1970s and early 1980s, Moscow switched sides. The Soviets teamed up with Barre's more powerful archenemy, Ethiopia, after its new regime under Mengistu embraced communism, thereby losing traditional US support. After the Somali forces were routed in the 1977-78 war with Mengistu, the state began losing its internal monopoly control over violence and the clans increasingly started to arm themselves against each other.

Geopolitical concerns inspired the United States to step into the void in the early 1980s as the prime sponsor of the thoroughly repressive and corrupt government in Mogadishu. A plethora of political and mostly militarized opposition groups emerged over the decade to challenge the reign of Barre, who increasingly fell back on his own Darood-Marehan clan. In order to 'divide and rule,' the dictator had fed much of the hostility between the clans in this period by distributing weapons he obtained with foreign support. Towards the end of the decade the warlords (*warranleh*) gained control over the mediators (*wadaads*), the traditional local clan elders who played a crucial role in administration and conflict resolution.[5] Ever more terrible human rights abuses by the dictator combined with the thaw in the Cold War made Washington withdraw military and financial support. As a result, Barre's regime crumbled. The civil war in Somalia, unleashed partly by the end of superpower rivalry, was unlike the Cold War relics that dried up in the late 1980s and which proved relatively easy to resolve by adapting traditional UN peacekeeping from inter-state wars to internal conflict.

While the world's attention was firmly focused on events in the Gulf, an alliance of rival clans defeated Barre militarily in January 1991 after a long and bitter civil war. The dictator was deposed when the two largest armed opposition groups under Aideed and Ali Mahdi, under the umbrella of the United Somali Congress (USC), entered Mogadishu. With alliances between clans being merely temporary conveniences in Somali clan-based culture, the factions, which had joined forces for the sole purpose of overthrowing the regime, started to fight among themselves over the spoils of victory. Although Aideed's Somali National Alliance (USC-SNA, hereafter referred to as SNA) bore the brunt of the last offensive before entering Mogadishu, his attention was diverted to pursuing the remnants of Barre's forces in the South. This allowed forces loyal to Ali Mahdi to capture the presidential palace in 1991. The leader of the USC declared himself interim president in the hope of gaining international recognition. Support only came from the Italian and Egyptian governments, both of whom

had backed Barre to the bitter end, making them even more suspect in the eyes of the other factions refusing to recognize Ali Mahdi's interim rule. It would seriously hamper former Egyptian foreign minister Boutros-Ghali in his attempts to mediate between the warring parties when serving as the UN secretary general.

Ali Mahdi's militia, based on his Abghal sub-clan, found a formidable opponent in Aideed's Somali National Alliance (SNA) that centered on the Habir Gedir sub-clan. Ali Mahdi had 5,000 to 6,000 troops at his disposal, while Aideed controlled an estimated 5,000 to 10,000 militia that were better equipped with former Somali Army weapons. Some 1,500 of his troops were in control of most of the capital, while Ali Mahdi's USC had its power base in the northern part of the city.[6] Confident of his ability to position himself as the dominant leader in Somalia, Aideed clearly had the most to lose from outside intervention. He opposed UN intervention because he feared it would ratify his opponents' questionable election in a UN-sponsored conference in Djibouti in 1991.[7]

The civil war broke down roughly along clan lines. However, while no warlord could have maintained power without crucial support from his own clan, the source of conflict has often been oversimplified. It has often been attributed entirely to traditional feuds and rivalry caused by genealogical affiliations, or the problems with authority inherent in a largely nomadic society that made up fifty percent of the population. One Somali proverb encapsulated this schismatic view of Somali society: 'Me and my clan against the world. Me and my brother against my clan. Me against my brother.'[8] The saying was endlessly reproduced throughout the 1990s to emphasize the tribal roots of the conflict. It was often used to underline the hopelessness of solving Somalia's problems through outside intervention. The same theories were used on both sides of the Atlantic by those opposing forceful intervention in the Balkans, arguing that Yugoslavia was being torn apart by age-old feuds between ethnic groups rather than a political power struggle by elites in the aftermath of the disappearance of the old communist order. As in Yugoslavia, Somali elites chose to mercilessly exploit clan or ethnic affiliation to further their own interest. The war was first and foremost a power struggle for control over the state, in which the warlords manipulated the clan structure in order to recruit the force necessary to seize territory and resources.[9]

Social scientist David Laitin posits an explanation for how clan warfare spiraled out of control in 1991 and 1992. The normal prize after a coup in Africa, he argued, was control over the state apparatus and the subsequent access to state wealth. What caused the costly war of attrition, Laitin argues, was that it was fought over the declining resources made available to coup winners after the end of the Cold War. The Somali state had lived on foreign aid handouts from its inception until its implosion. After this support was withheld, the meager national resources, already diminished by the militarization of the state, proved insufficient for a new leader to establish control and redistribute the state wealth amongst his former allies or rivals in order to negotiate a peace.[10]

As if the political landscape was not complicated enough for the contesting clans and intervening forces, much of the fighting took place between members of the

same clan. Although from different sub-clans, Ali Mahdi and Aideed were both from the Hawiye clan and were fighting for control over Mogadishu. They formed ad hoc alliances with members of other clans and sub-clans based on the level of rewards these expected to receive by joining. Before American forces arrived in Kismayo, Omar Jess, the leader of the faction in the South closely aligned to Aideed, killed some one hundred elders within his own sub-clan in order to tighten his grip on society in his struggle for control of southern Somalia. His long-time rival was Mohammed Siad Heris, alias 'Morgan,' the former dictator's son-in-law. Morgan was in control of one thousand well-organized troops from the former state army.[11] What further blurred the picture was the warlords' frequent failure to effectively control their own subordinates or affiliated groups, while gangs of unaffiliated armed bandits also terrorized the weakest in Somali society.

The prolonged civil war caused the already faltering state, civil society and thus basic services, to collapse and Somalia to sink into what has been called a 'Hobbesian anarchy.' The army, the administration and the regular Somali police force, the latter being one of the few institutions not founded on a clan basis, had all melted away. Meanwhile, traditional modes of mediation by elders completely failed amidst the chaos. The Somali people suffered the horrible brutality of living 'without law or institutions to regulate relations among groups or to protect the most vulnerable from the most vicious.'[12] Somalia became the archetype of what in the 1990s commonly became referred to as 'the failed state.'

At the outset of the international intervention, the underlying dynamics of the civil war in southern Somalia were not sufficiently recognized. The drought that had plagued East Africa for most of the previous decade had been particularly severe in Somalia, increasing competition for access to wells and crops. Much of the incomprehensible warfare in the South was a struggle for productive farmland, or rather, a land grab by clan-based nomadic groups, primarily the two Hawiye militias. The nomadic clans, traditionally cattle herders with a strong warrior cult, regarded themselves as more noble than the farmers and tended to see themselves as the 'real Somalis.' Their victims were primarily the southern agricultural peoples in the Lower Shabelle, Lower Jubba and Bay regions. These so-called 'minority groups' were the largely unarmed Ranhanweyn, numbering over a million people centered on the Bay region, and the smaller African Negroid Bantu and Benadir tribes. The victimized, non-belligerent parties in Somalia were also the most productive, mostly in agriculture. The breakdown of political order brought about a total disruption of agricultural production and in 1991 and 1992, and displaced the farmers to relief centers in Mogadishu, provincial cities and Kenya.[13] In two years of civil war, hundreds of thousands Somalis were driven from their homes and perished from malnutrition. Millions were threatened by disease and violence.

In the course of 1992, the attention of the Western world, solidly focused on the Balkans, was slowly drawn to the unfolding human catastrophe in the Horn of Africa. What has been called a famine of 'biblical proportions' would never have occurred

if the available relief goods had reached the needy. However, humanitarian aid was preyed upon by a mixture of the warring factions and unaffiliated bandits. The militia leaders used food to pay their fighters and buy weapons that allowed them to extend their control and subsequently their access to wealth. The young men who were drawn to the warlords, most of whom had been simple herdsmen, lived better lives than ever before. Food aid was the primary source of income and replaced Soviet and US financial support to the former government to keep the system afloat. It became the main basis of power and General Aideed proved most successful in siphoning off his share of the loot. He was firmly in control of most of Mogadishu after conquering much of the city from the south in the course of 1991, including strategic locations such as the port and airfield, through which the bulk of food aid arrived. In this environment, humanitarian organizations, the UN organizations, the International Red Cross and dozens of NGOs, had an increasingly difficult time getting the food out to the most needy, who were located mostly in the hinterland. Khalil Dale, a British Red Cross worker, recalled:

> I've been to Afghanistan, two or three times. I've been to Sudan, I've been to a lot of war zones and famine camps and cholera camps. But I've never ever seen anything like Somalia was at that time. And it was certainly the most frightening place for me, it was the most insecure, unpredictable. You just didn't know what was going to happen next.[14]

In order to protect themselves from looters, aid organizations were compelled to hire local armed guards, who were often affiliated with the armed militia. They accounted for the funds expended for this purpose as 'technical support,' and so gave rise to the name 'technicals' for the jeeps and pickup trucks mounted with heavy machine guns driven by the gunmen. Much of the military capacity and organization of the militias and bandits was centered on these armed vehicles. They were also referred to as 'Mad Maxes' by Western troops, as the technicals roaming the barren landscape reminded young soldiers of vehicles used by bandits in the post-nuclear anarchic society portrayed in the popular Mad Max movie trilogy from 1980s.[15]

While saving lives and performing courageous work, the aid organizations had become part of the problem in Somalia. Reliable sources say that the ICRC alone employed between 15,000 to 20,000 armed guards and it was diverting one third of its worldwide budget to Somalia.[16] The relief agencies indirectly fuelled the appetite for arms, while simultaneously becoming hostages of their own guards, who started demanding exorbitant wages for their services. Apart from direct payments for security, the humanitarian aid organizations provided the warlords with substantial funds for transportation, housing, and food storage.[17] Aid organizations indirectly helped to finance the militias and arguably prolonged the civil war.

In mid-1992, a cease-fire was negotiated and the Security Council authorized the deployment of a small peacekeeping force to supervise it and help protect food stores from looters. Operating under Chapter VI of the UN Charter, the United Nations Operation in Somalia (UNOSOM) was provided with very limited self-defense Rules

of Engagement that proved woefully inadequate after the cease-fire rapidly broke down. The force, consisting of less than five hundred Pakistani troops and some observers, bunkered down at the airport and spent most of their energy defending themselves from attackers. After Aideed obstructed the UN operations, nations that had indicated their willingness to contribute troops withheld their units. Meanwhile, the media attention given to the plight of the Somalis caused international pressure to rise rapidly. Boutros-Ghali accused the Security Council of 'fighting a rich man's war' in Yugoslavia while not lifting a finger for Somalia. By November 1992, CNN was broadcasting starving Somalis for a few minutes every hour of the day.[18]

Limits of US Military Intervention

It was against this background that President George H.W. Bush initiated the intervention in Somalia. He had just lost the 1992 election to Bill Clinton who, riding the 'wave of optimism surrounding the future role of the United Nations in the post-Cold War era' had vigorously criticized him for failing to intervene in either Bosnia or Somalia.[19] Bush had indeed done nothing to transform his vague vision of the 'New World Order' into policy. Although Clinton had won the White House on a domestic agenda, he gave early indications of what was to turn into his new foreign policy 'assertive multilateralism.' The parting president was eager to leave office on a high note, so when chairman of the Joint Chiefs of Staff, General Colin Powell, recommended that a mission led by the United States under UN auspices could make a difference in Somalia, Bush gave the go-ahead for an intervention that would fundamentally alter the practice and perception of peace operations.[20] Surprisingly, the recommendation to intervene thus came from the military – not from the State Department – which, according to one diplomat, 'was absolutely dumbfounded when the military made the offer.'[21]

On 25 November 1992, the Bush administration informed Boutros-Ghali of the willingness to lead in organizing and commanding an international intervention. On 3 December, the Security Council unanimously adopted a resolution declaring the situation 'intolerable' and authorizing a US-led force to use 'all necessary means, to establish as soon as possible a secure environment for humanitarian relief operations in Somalia' and prepare the way for a UN-led force.[22] It did not specifically authorize the rebuilding of the political, institutional and economic order in Somalia, or what the Americans commonly referred to as 'nation building.' It was widely known, however, that Boutros-Ghali sought to include 'peace building,' the UN term referring to the establishment of civil institutions and structures enhancing a society's capacity to deal with conflicts peacefully.

No formal deadline was set for the commitment, but it was hoped within the White House that the force would be out by 20 January 1993, just before the Clinton's presidential inauguration. This would have allowed for a mere six-week time span for military operations. When Bush made his 'Thanksgiving decision' to intervene in Somalia militarily, he was advised of the impossibility to have the troops out that soon and military planning was more realistically based on at least a three-month

UNITAF 'Psychological Operations' leaflets were dropped by the millions across southern Somalia. The message read that UNITAF had come to help, but that all opposition would be met by overwhelming force.

deployment.[23] However, the message that the Americans wanted to leave as soon as possible was loud and clear – and certainly not lost on the Somali warlords.

The intervention, designated *Operation Restore Hope* by the US government, was authorized under Chapter VII of the UN Charter, which meant that consent and agreement of the parties to the conflict was not necessary. In principle, force could be used to accomplish the mission – not merely self-defense, as was the case in consent-based Chapter VI operations.

Compared to the UN mission in Cambodia, Bosnia, or the UN follow-up force in Somalia, UNITAF was blessed with a homogeneous staff and 'Unity of Command.' As the force commander, US Marine Corps Lieutenant General Johnston would lead 38,000 troops centered around 24,000 American forces.[24] While almost half of the American troops were US Army, the operation was clearly dominated by the Marine Corps. The force commander reported straight up to his fellow Marine Corps General Joseph Hoar, commander in chief at Central Command, one of four regional strategic headquarters whose theater included the Horn of Africa. On the tactical level, with the exception of the Moroccan sector, all sectors were controlled by American forces or their close allies with whom they had a long working relationship. On the military side of the spectrum, many of the ingredients for success were present.

On 5 December, the president's special envoy, Ambassador Robert B. Oakley, arrived in Mogadishu ahead of the troops.[25] Oakley, who had served as the ambassador to Somalia between 1983 and 1984, would lead the United States' Liaison Office, the diplomatic presence in Somalia. The former ambassador basically performed the role of a special representative as Akashi did in Cambodia. The Chapter VII mandate and the military power of the forces he indirectly controlled allowed

Somalia December 1992 – May 1993: UNITAF devided Southern Somalia in nine 'Humanitarian Relief Sectors.'

him to take a far more forceful posture towards the local parties, but his role was intended to be much smaller, in line with the mission's narrow security objectives. There was no parallel civilian mission to oversee. He and his small State Department staff were to provide political advice to the military forces, establish political relations with Somali leaders and liaise with the humanitarian community and the remainder of UNOSOM.

No formal guidelines were given for the relationship between Oakley and Johnston, but they would establish a close working relationship and seldom disagreed on the scope of the mission.[26] The ambassador was liked by the military. In the eyes of one officer, the imposing and straightforward Southerner compared favorably to the State Department's other 'immaculately suited, yuppie-preppie types named Kent or Chip or Buffy who had majored in condescension at some Ivy League school.'[27] Oakley's office in the Cocono oil company compound was located one mile from UNITAF headquarter and down the street from Aideed's residence. Johnston's staff was located in the US Embassy compound, which had been thoroughly gutted after it had been evacuated in January 1991 after the marauding militias took over the capital.

In the two days before the Marines landed, Oakley met separately with the two dominant factional leaders in Mogadishu in order to prepare a smooth landing for the Marines. He assured Aideed and Ali Mahdi that the forces arriving in Somalia had no intention of interfering in Somali politics or in disarming the factions. The intervention had the sole purpose of ending the famine, and the foreign troops would only fight if attacked. In return, the warlords agreed not to resist the intervention force.[28] On 9 December, just before the troops arrived, an Air Force C-130 aircraft dropped millions of leaflets over Mogadishu in what was part of what the American military called 'psychological operations.'[29] The message read that UNITAF had come to help, but repeated for a broader audience that all opposition would be met by force. This pattern would be used throughout the operation as the troops fanned out into the countryside, guaranteeing their arrival was unchallenged.

South central Somalia was divided into nine humanitarian relief sectors. After Mogadishu and the strategic airport at Bale Dogle, the Marines moved on to the towns of Baidoa and Bardera, where famine had struck hardest. Meanwhile, other contingents started arriving. The French Foreign Legion based in Djibouti soon joined the Marines and helped secure Baidoa before they took control of Oddur near the Ethiopian border. A battalion group from the Canadian Airborne Regiment occupied Belet Huen and a Belgian parachute battalion, together with a US Army task force from the 10th Mountain Division, soon took control of Kismayo after the Marines secured the local airport. In January, the Australians would take control of Baidoa. Between December 9 and the end of the year, all geographic objectives were secured for the purpose of humanitarian relief.

Providing security to relief operations was obviously a success. By late December and early January there was consensus worldwide that the US-led intervention enabled the relief organization to deliver much-needed supplies much more effectively. As a result, many thousands of lives were saved.[30] However, escorting convoys and feed-

ing the people was not a strategy for solving Somalia's problems, it was merely a task. According the official US Army After Action Report of the Somalia mission, the Bush administration recognized that lasting peace in Somalia could only be achieved by disarming the warlords, reconciliation and assisting in the restoration of law and order and societal infrastructure. However, these goals exceeded the president's intent for US participation in the intervention.[31]

Rapidly handing over to a UN peace-building mission was considered the 'exit strategy' for US forces. This was unlikely to materialize in the proposed time span, given the world organization's extremely inefficient planning process and the dramatic shortage of troops. By the middle of 1993, the UN had 80,000 peacekeeping personnel deployed in seventeen different missions, consuming a budget that totaled nearly three billion dollars. The United Nations follow-up force, United Nations Operations in Somalia II (UNOSOM II), hoped to be able to assume responsibility in the second half of January. More realistic estimates held that it would take three months, but UNOSOM was barely ready to do so when command was transferred on 4 May 1993, with only 16,000 UN troops on the ground.

The limits of the American plan for the intervention in Somalia were dictated by a combination of political naivety and certain inhibitions that pervaded American military culture. Bush jumped into the power vacuum in Somalia with the stated intention of not affecting Somalia politically. In his television address on 4 December he had said: 'To the people of Somalia I promise this: We do not plan to dictate political outcomes. We respect your sovereignty and independence ... We come to your country for one reason only, to enable the starving to be fed.'[32] The assumption that a large military force could be apolitical in an intervention, hand out the food and retreat 'without at least attempting to deal with the primary source of hunger – which was political, not meteorological or logistical' appears to have been genuine. Although such naiveté was widespread in the early 1990s, it was somewhat surprising for the pool of skilled and conservative foreign policymakers in the Bush administration who had only recently intervened militarily in Panama, the Gulf, and northern Iraq.[33]

The underestimation of the mission's implications can also be traced back to the government's recent success in northern Iraq. The assignment in Somalia reminded General Hoar and his staff at Central Command of *Operation Provide Comfort*, when in the aftermath of the Gulf War, a major humanitarian success was achieved in only a few months.[34] However, returning hundreds of thousands of refugees to a Kurdish US protectorate outside the reach of Saddam Hussein was a highly political goal. It was partly driven by geopolitical concerns that were lacking in Somalia – arguably to the disadvantage of the Somalis. The strict limitations set on UNITAF's goals were primarily dictated by the fundamental preoccupations, frustrations and fears of the US military that were intricately linked to Vietnam. The 'Vietnam syndrome' had only recently, but still only partially, been vindicated by the preponderant military victory in the war against Iraq, a success that had given Colin Powell an almost heroic status amongst US military personnel.

Powell's plan for the Somali intervention was based on the doctrine that carried his own name. What by the late 1990s was commonly known as the Powell Doctrine was in fact the Weinberger-Powell Doctrine from 1984. According to Powell, the doctrine was drawn up in the direct aftermath of the suicide bombing that resulted in the killing of 241 servicemen in Beirut in October 1983. At the time he was serving as national security advisor alongside Secretary of Defense Casper Weinberger. It was first and foremost designed to avoid 'another Vietnam,' or as Powell once put it, 'half-hearted warfare for half-baked reasons that the American people could not understand or support.' The Weinberger-Powell Doctrine held that military force should only be used if there was a clear risk to US national security; that the objective should be unambiguous; that the force used should be overwhelming; and that the operation must have strong public support and a clear exit strategy. It had become Holy Scripture to a generation of military leaders that, like Powell, had served in Southeast Asia and had been severely scarred by this humiliating experience.

Powell agreed to the operation because he recognized that public and political pressure on the administration to intervene in Bosnia and Somalia was rising. Of the two he regarded Somalia as the easier option.[35] By taking the initiative, he sought to dictate the conditions under which the armed forces were used. His opposition to US military involvement in the ethnic conflict in Bosnia in the early days of the Clinton presidency brought the general into a head-on collision with Madeleine Albright. In her capacity as the US ambassador to the United Nations, and as a strong advocate of using force to end ethnic slaughter, she once stared at Powell and asked: 'What's the point in having this superb military you are always talking about if we can't use it?' In his memoirs, Powell wrote about the incident: 'I thought I would have an aneurysm. American GIs were not toy soldiers to be moved around on some sort of global game board.'[36]

The confrontation between Powell and Albright was an early manifestation of the growing tendency within the US military elite to prescribe and circumscribe what wars it would fight and not fight.[37] The mainstream view of the purpose of the armed forces was only to 'fight and win America's wars.' These were perceived to be a form of symmetric warfare prepared for against the Soviet Union and finally fought against a less formidable opponent in the Iraqi desert. In the years following the Gulf War, the US armed forces would grudgingly and half-heartedly make the operational shift from preparing solely for all-out conventional warfare, to the murky and rapidly evolving concept of peace operations. As if Beirut, Panama and northern Iraq and a host of other 'small wars' in the more distant past had not occurred, the US armed forces tended to regard anything other than their preferred line of business as an aberration.

In the case of Somalia, the threat to national security was clearly lacking from the list of Powell's preconditions. However, if he could not dictate to what end the military would be employed, then at least he would determine how. Parallel to the Doctrine's advocacy of overwhelming force and limited and rigid objectives as the US administration's main policy guideline on military intervention, a powerful new term entered the American military lexicon during the early 1990s. 'Mission creep'

The official mission of these US forces was strictly limited to protecting the humanitarian relief effort, but in a lawless society they reluctantly became involved in internal security operations.

became a code word for describing the incremental expansion of tasks beyond the parameters set by the originally assigned mission. Although this often-used term was highly influential in approaches to military operations there existed no common understanding or definition of what 'mission creep' was.[38] It failed to distinguish between venturing beyond the parameters set by a mandate, broadening the interpretation of an often vaguely defined mission, or a conscious policy decision to alter or expand the mission. Generally, it was used in conjunction with the need to avoid 'nation building,' another poorly defined notion, which, from an ideal in the Kennedy era, had become a term laden with negative emotive impact in the aftermath of Vietnam. Those continuously raising the flags on 'mission creep' assumed that a large military presence in itself would not affect the operational environment – and demand the mission to be adapted to new challenges and threats. Somalia proved them wrong.

Cosmetic Success

As soon as the Marines had hit the beaches in December 1992, they were confronted by ambiguities caused by the narrow interpretation given to 'creating a secure environment.' Colonel Gregory Newbold, the commander of the first Marine detach-

ment in Somalia, instructed his troops to confiscate every weapon they saw around the airfield they had secured. He was convinced that the most effective way to end the violence was disarmament and every weapon taken by his Marines earned them a standing ovation from the crowd that had gathered.[39] French Legionnaires, assuming the systematic confiscation of weapons was UNITAF policy, even started taking small arms they found in vehicles. However, when Force Commander General Johnston arrived in Mogadishu to assume command he ordered Marines and French Legionnaires to stop confiscating all visible weapons. He reminded his forces that they were not actually there to disarm the Somalis, but were told to take only technicals and 'crew-served weapons,' which are defined as any weapons system that requires more than one individual to operate, such as machine guns, mortars, tanks and artillery pieces.[40] As long as they made no hostile gestures, Somalis were allowed to retain their AK-47's and other small arms.[41]

At this point it became apparent that no clear distinction had been made between security for the delivery of humanitarian goods and security for the Somali people. US political and military leaders, although in control of the largest and most muscular 'peacekeeping' force in history, initially chose to disarm only when the action directly assisted in the restoration of humanitarian relief.[42] This meant that initially only heavy weapons were removed from the immediate vicinity of the areas where UNITAF operated – not confiscated or destroyed – while the militias' arms caches were left alone.[43] Technicals were stored at designated sites, but continued to belong to their previous owners. Paradoxically, most Somalis – including the faction leaders themselves – seem to have expected to be disarmed, as witnessed by the dramatic drop in the price of an AK-47 just prior to the arrival of UNITAF.

The strict limitations on disarmament signaled the factions to simply hide their battlewagons and other heavy equipment in urban areas or move them into the countryside.[44] Combined with massive US firepower and the obvious eagerness of American forces to leave Somalia quickly, this initially led to a policy of 'respectful coexistence' between UNITAF and militia leaders. On the ground this translated as 'don't bother us in getting the food out and we won't bother you.'[45] From the very beginning of the troubled US-UN cooperative effort, Boutros-Ghali wanted the Americans to give a much broader interpretation to 'creating a secure environment' and follow through with a comprehensive disarmament program. He knew that a follow-up force under his direction would not have the same military capacities and feared that Somalia would plunge back into anarchy unless the clan armies were disarmed. On Christmas Day he harshly criticized Bush's minimalist policy. It was an early sign of the animosity between the US government and the secretary general that would escalate in the years to come.

The conflict over structural disarmament touched on the very heart of the mission and was entwined with the crucial matter of with whom UNITAF was going to work – and therefore empower. The policy that assured the safe arrival of the troops as negotiated by Oakley had a dangerous long-term side effect. The United States did not seriously attempt to establish a transitional political authority, but by reaching an agreement with the two high-profile faction leaders the Americans gave them

unwarranted legitimacy and further raised their political profile in Somalia and internationally. All Somali faction leaders were keen on promoting the impression that they were receiving foreign, and preferably US, backing. Especially Aideed always made sure his cameras were present when he met with American dignitaries.

UNITAF's initial superficial and short-term success in stabilizing the security situation therefore depended primarily on what critics of this policy have referred to as 'waltzing with warlords.'[46] According to David Laitin, Oakley presented an 'unconvincing strategic calculus' for his actions in retrospect. The ambassador argued that accommodating the warlords was a first step to seriously involving civil society in the reconstruction of the country.[47] For the moment, this option was chosen as there were realistic fears that the warlords, faced with the possibility of losing the military capacity on which their power was based, would resist forcefully and cause significant UNITAF and Somali casualties. The ambassador's initial decision to accommodate the warlords was the result of orders from Washington to get food as quickly as possible to the starving population in the countryside, and not to get involved in reconstituting Somali society.

While many commentators agree that Oakley sided too closely with the warlords, it was undeniable that the quick opening-up of the routes for humanitarian aid saved many lives. The initial military plan foresaw the creation of rudimentary security to most of Mogadishu and a large build-up of troops before moving out into the hinterland. It anticipated the possible resistance of at least one of the factions. Impatient aid agencies, whose complaints were widely covered in the media, demanded that the Marines moved inland more quickly. 'The delay in sending troops to Baidoa, where up to one hundred bodies are being picked up from the streets every day, is criminal' said Russ Kerr, the vice-president of the NGO World Vision.[48] Gun battles between the clans were raging in the streets and aid workers, many of whom were receiving death threats, were unable to perform their job in what the media had dubbed 'The City of Death.'

When 'Task Force Hope,' consisting of 700 Marines and 142 French Legionnaires under Colonel Newbold, finally arrived on 16 December they received a liberators' welcome. Oakley, and what an Army major called 'the State Department and CIA emissaries' had visited local leaders the preceding day and impressed upon them not to resist. The troops, who made it a habit to have aid organization bring relief supplies on the day of their arrival, were met by cheering and waving crowds and a banner saying 'We Are Happy For The Intervension' (*sic*) suspended across the street.[49] This was what a humanitarian intervention was supposed to look like, and the massive numbers of reporters at the scene made sure the world saw it.

In early January, US Army Major Martin Stanton had a similar joyful experience when he escorted a food convoy to Quorleey, a village in the fertile Lower Shabelle Valley seventy kilometers west of Mogadishu. On the way he and his colleagues were surprised to see how 'cornfields and banana plantations abounded as far as the eye could see,' but when the convoy reached Quorleey, his vehicles were swarmed by a massive crowd of cheering, jumping and hungry people. It was a reminder of the true causes of the famine. The spectacle reminded Stanton of a *Rama of the Jungle*

movie. 'We were the first UNITAF soldiers these people had seen, and they were coming out to see their "benefactors." The major remembered that day as a 'strange but happy mission,' and actually one of the few times during his deployment when he thought 'we actually might have helped a few people.'[50] More of these scenes would unfold elsewhere as the Marines escorted food trucks to some of the villages worst hit by the famine in the coming days and weeks, but it was probably at this point when most spectators in the Western world switched their TV sets to another channel. Most Americans would only tune back in ten months later, when the bodies of their dead soldiers were being dragged down the streets of Mogadishu by an angry Somali mob, making them wonder what could possibly have gone so wrong.[51]

While the Western public was rapidly losing interest in Somalia after the initial humanitarian success, this was only the beginning of an exhausting and often frustrating experience for the troops on the ground. Just hours after their arrival in Baidoa, the Marines and their French colleagues started patrolling the city day and night. They also set up checkpoints in and around the city and confiscated every openly displayed weapon they encountered. Newbold's weapons policy was far more restrictive than that in Mogadishu and elsewhere in the country, and soon helped curb banditry and extortion.[52] In Baidoa, the security the troops provided to the people soon proved far more important than the food they helped deliver. The locals 'repeatedly emphasized that Americans will be respected as long as they appear strong and unafraid.' Newbold continued to translate this into displays of overwhelming force. Days after their arrival, American and French patrols received sniper fire from a compound belonging to one of Aideed's allies in the region. The Colonel surrounded the site with a large force and ordered them to come out. The thirty gunmen that emerged were disarmed and sent off and six confiscated technicals were dragged behind US armored vehicles for an overall enthusiastic population to see.[53]

Meanwhile an uneasy peace had descended over Mogadishu by late December. Boutros-Ghali initiated a preparatory meeting for a peace conference to be held between fourteen political factions in Addis Ababa in early January. In order to find a third way between appeasing the faction leaders and disarming them forcefully, the UN helped broker an accord that would lead to voluntary disarmament and national reconciliation and prepare a framework for the formation of a Somali government. On 29 December, there were signs of reconciliation when Aideed and Ali Mahdi embraced in front of thousands of Somalis and the reporters' cameras on Mogadishu's 'green line' that divided their zones of influence. The carefully orchestrated peace rally was meant to reassure President Bush during his New Year's visit to Somalia. However, while the president spent New Year's night onboard one of the many US military vessels offshore, Aideed called UNITAF headquarters to claim he was under heavy mortar fire. An analysis of the shell craters showed that it had in fact been Aideed who was firing at his enemies, but was trying to manipulate the events to his advantage.[54]

In Oakley's recollection, Mogadishu was calm after ten days, with no shootings

and no arms being carried in the streets.[55] Although the situation in the capital had indeed hugely improved, Mogadishu seemed anything but peaceful to the Australian officers from the advance party tasked to prepare the way for the Australian troops that were to take over Baidoa in mid-January. They still had to get adjusted to the nightly 'crack and thump' of rounds hitting the US embassy compound building where they were staying and where UNITAF headquarters was located.[56] Sniper fire continued to harass US troops and convoys. Around Christmas, the commanders were actually short of troops to implement plans for increased security in the streets. Towards New Year's, the Marines stepped up their patrols in Mogadishu and Johnston introduced a more aggressive arms control program aimed at confiscating all visible weapons in the streets, a policy copied from the apparently successful methods used by Newbold's Marines in Baidoa.[57]

In conjunction with this new 'no visible weapons policy' on the street, UNITAF embarked on a more serious endeavor to control the warlords and their arms caches. Oakley and UNITAF's operations officer Brigadier Anthony Zinni, one of the rising stars within the US military establishment, had gotten Aideed and Ali Mahdi to place a portion of their arsenals in designated weapons storage sites by late December. Expecting to gain from this cooperation, Ali Mahdi seemed to be in overall compliance and would continue to be in the coming months. Soon, however, the refusal of Aideed's forces to allow Marine patrols to enter his sites to verify his compliance with the agreement, combined with an increasing number of attacks and even ambushes on US troops by the warlord's militia from such compounds, caused an escalation of violence. On the evening of 6 January, Johnston decided to answer these provocations and ordered his troops to confiscate, with force if necessary, the weapons in two storage sites after Oakley had revoked the weapons permissions earlier given. The commander of the Marine Division in Somalia, Major General Charles Wilhelm, knew he was probably 'stirring up a hornet's nest,' but regarded this necessary to 'clean this city up.' On a political level, Oakley considered the timing of the operation to be opportune, because Aideed, after continuously appearing with US military and State Department personnel in front of his own media's cameras, 'had convinced the Somali people that he was the hero of the United States.'[58] Early the next morning, after their demands were apparently ignored, Marines supported by tanks and rocket firing Cobra attack helicopters raided Aideed's armory, reportedly killing thirty gunmen.[59] The following week, the Marines conducted large-scale raids on two arms markets, one in Aideed's and one in Ali Mahdi's area. They found some arms and substantial amounts of ordnance, but the best equipment was apparently removed as the word of the operation had preceded the Marines.[60]

On the one hand, UNITAF was getting tougher with Aideed, but on the other hand the Bush administration openly displayed its eagerness to withdraw. Only two days before raiding the warlord's arms warehouse, Johnston had publicly announced a plan for the handover of command to UNOSOM II on 20 January, the day before Clinton's inauguration. The Force Commander was under considerable political pressure to turn over the mission as soon as possible, even though at Central Command in Florida it was widely believed at the time that the factions would simply await the

departure of the bulk of UNITAF and subsequently return to the status quo.[61] While there was little confidence in political reconciliation or success for the UN force, American troops were planned to be progressively withdrawn over the following two to three months.

Then, on 11 January, there appeared to be a breakthrough when 14 clan leaders reached an agreement in Addis Ababa. They agreed to a cease-fire and a voluntary disarmament program to be monitored by the intervention force. These efforts were seriously undermined by a quarrel between UNITAF and the UN over the responsibility for the eventual disarmament and cantonment plan. Again, Boutros-Ghali wanted to hold the powerful US-led force in Somalia as long as possible and hoped it would assume responsibility for the disarmament process that would probably take a year or more to execute. The UN refused to accept responsibility for the process at this point. The pledges for disarmament and demobilization would be repeated in March during a follow-up conference in Ethiopia, but this led to no tangible result.

In mid-January the security situation in Mogadishu improved, but only temporarily. According to the Marines, the weapons sweeps and an intensified patrolling regime, did the job, but an uneasy and ill-defined peace persisted between UNITAF and the warlords. In fact, 'respectful coexistence' was rapidly unraveling between January and March. Large-scale confrontations were postponed primarily because those who expected to gain from a continuation of the armed struggle for power – most of all Aideed and those affiliated with him – were waiting for the Americans to leave. For the time being, most security problems appeared to be coming from 'bandits,' the generic term used for unidentified thugs and thieves. Nevertheless, Aideed's radio station started to incite violence towards the intervening forces. Occasional clashes between the intervention force and militia elements persisted through January and February.

There were a number of reasons for Aideed and other warlords to increase their opposition towards UNITAF. First of all, the international force began pushing into the countryside in order to 'pacify' the provinces in January. Although not all contingents pursued this with equal vigor, by moving into the interior, the force started to disrupt the hideouts in which the factions and bandits had stashed their weapons or to which they had withdrawn. The second reason for the unraveling of the uneasy peace was UNITAF's increased weapons searches, with sweeps in Mogadishu and into provincial towns such as Afgoye, Jowhar, Baidoa and Kismayo.[62] This was done, however, at a point when the limits of what UNITAF actually could and would do were becoming more obvious to the warlords and bandits. The intervention force initially overwhelmed and intimidated the Somalis. This situation was best exploited by the French in Oddur and the Marines in Baidoa. However, this momentum seemed to be lost.

The weapons policy was still half-hearted and complex in most places. Although the 'Four No's – no technicals, no roadblocks, no visible weapons, and no banditry – were praised in the US military evaluations for their 'admirable simplicity,' the latter two were far from simple to apply.[63] Major Stanton, from what he witnessed on the tactical level in his sector around the coastal city Marka, would have preferred

large-scale disarmament, even though he recognized this would have taken months and possibly a year. This, in his opinion, would have firmly established the international intervention forces as the ultimate (albeit temporary) authority in Somalia. 'As it was,' he complained, 'we didn't confiscate their weapons, but set out a series of confusing restrictions on the major groups. For example, you may not have a 'technical' unless it's parked here in this collection yard, or you cannot be showing any visible weapons. This conveyed to the Somalis that we were afraid of (or at least concerned about) their power.'[64]

At the time, many considered Boutros-Ghali's ideas of total disarmament overambitious. To make their case, skeptics such as Oakley referred to the unlikeliness of clearing all illegal arms out of Washington or New York.[65] Although ridding Somalia of all its small arms would have been impossible, few doubted that reducing the factions' ability to resume their large-scale war of attrition was a prerequisite for any long-term success. More important in the short term, was an effective weapons policy in the streets. As the Dutch Marines had discovered by refusing to go strictly by the book in Cambodia, controlling small arms on the streets had the positive effect of enhancing the intervention force's authority and credibility in the eyes of the local population. Banditry instead of faction-warfare was the biggest immediate threat to their lives. However, no more than 4,621 rifles were confiscated by UNITAF nationwide between 10 December 1992 and 3 April 1993. Of those arms, 710 had to be returned to guards hired by the relief organization. This was a meager harvest for a force numbering 38,000 troops and probably even somewhat below the ratio of weapons confiscated by the Marine battalion in Cambodia outside their UN mandate.[66]

A third fundamental problem facing UNITAF in its relationship towards the warlords was it relationship with the attitude of the Somali population. There was a danger of losing popular support of those who welcomed the troops, as well as failing to win the 'hearts and minds' of the Somalis who were more apprehensive about the outside military presence. The warlords capitalized on any form of resentment amongst the population in order to oppose the intervention force by using and manipulating civilians to cause incidents that embarrassed UNITAF. This was revealed in February when large-scale riots broke out in Kismayo and Mogadishu.

Attitude Adjustment

Obviously, the posture and attitude of the troops on the ground towards the people they had come to help was critical, but their patience and restraint was being thoroughly tested. Being in Somalia certainly did not earn them the gratitude many soldiers had expected before setting out on their humanitarian mission. Young GI's had a hard time identifying with anything they witnessed around them. It was obvious that there were many 'bad guys' around, but it was still hard to pick them out of an urban crowd or even in a rural village. When able to identify them, they were often frustrated with the limitations set on their ability to engage. Meanwhile the 'good guys' were not unconditionally pleased with the foreigners' actions and presence.

African-American troops – many of whom had been especially keen on helping the Somalis – were taken aback when the Arabic population looked down on them, feeling infinitely superior to black persons with their predominantly West African features.[67]

Many of the foreign troops were surprised when they failed to witness the pitiful scenes of starvation they had seen on their television screens earlier. Although there was clearly deprivation, the real famine had taken place in the interior, where a minority of the soldiers operated. Some units deliberately rotated troops through the countryside to make them aware of the purpose of their presence. Meanwhile, relations between the US Marines and the relief workers in the southern part of Mogadishu steadily deteriorated.[68] The killing of relief workers by armed Somalis in Mogadishu, Kismayo, and Baidoa in January and February contributed to a more strained relationship between UNITAF and the humanitarian community.[69] These attacks were triggered by the NGOs laying off some of their unreliable, but extremely expensive guards, who were often regarded as redundant now that UNITAF provided security for relief convoys. However, the Marines in Mogadishu were reluctant to provide close protection to the relief workers in their compounds, arguing that they were overstretched already. Most of the other contingents were more forthcoming and developed better relations.[70] Some of the resentment could also be traced back to a fundamental culture-clash between the 'warriors' and the 'humanitarians.'

With children stealing anything they could grab from military vehicles and compounds, with troops often being 'needled' by male teenagers throwing stones and spitting at patrols, and while there was always the risk of bandits or militia taking pot shots at the soldiers, many lost their patience and some their restraint. In order to keep people away from their vehicles in Mogadishu many Marines started carrying tent stakes or baseball bats, also knows as 'Somali-be-good sticks.'[71] Crowd and riot control situations, either around food distribution points or in response to politically motivated rallies, were amongst the most depressing for all international forces in Somalia. Most Western troops lacked any form of training for such public security duties and US forces were initially prohibited from using non-lethal weapons such as cayenne pepper spray. This forced them to do riot control the 'old-fashioned way,' with rifle butts and bayonets.[72]

In the course of December and early January, General Wilhelm saw his Marines as well as soldiers 'lose their discipline and, he thought, their humanity. The anarchy in the place was like a relentless sun beating down on their sunburned foreheads day after day. Somali crowds pushed the troops to their limits. The Americans reacted harshly, shouting back and brandishing their weapons. They hated everything about Somalia.'[73] After a month in the country General Wilhelm called for a 'thirty-day attitude adjustment.' The order was reiterated to 'smile and wave' to Somalis and he conveyed to the troops that 'if you can't still wave at kids, or are trying to hit people, [you] are losing the bubble... It doesn't make a damn bit of difference how many weapons we confiscate if we lose the allegiance and support of the ninety-five percent of really good people... This country doesn't need a bunch of new oppressors wearing brown uniforms.'[74]

Three weeks later, a Marine sergeant driving a Humvee on the streets of Mogadishu saw a young Somali boy reach into his moving vehicle and snatch his expensive sunglasses. The Marine leaned out the window and discharged his M-79 grenade launcher, loaded with a canister of buckshot over and behind his right shoulder. Fragments from the canister wounded two Somali boys, one of whom was standing nearby sipping grapefruit juice. A panel of officers and enlisted men, after hearing numerous witnesses and examining the evidence, determined that the Marine had used excessive force.[75] On 14 February, an Army platoon was conducting a weapons sweep through a village. As in many earlier sweeps, only a few small arms and some ammunition were found, but no armed Somalis. Then two Somali men suddenly ran away and some of the troops gave chase, firing warning shots into the air and yelling at them to stop. One soldier pursued one of the men into a bushy area away from the buildings and, after shouting 'there he is,' fired what he said was 'a warning shot in the dirt' in order to convince the Somali to stop running away. After examining ballistics and medical evidence and hearing testimony from a colleague who heard the soldier admit to killing the man, a court-martial panel convicted him of 'negligent homicide.' However, the convening authority later set aside the conviction. Aside from the question of his criminal innocence or guilt, the panel found that the warning shots fired in and around the village were excessive under the circumstances. His platoon leader, Lieutenant Brian Mangus, later argued that the Rules of Engagement were vague and that he had received no in-depth briefing: 'I'm sure if I don't understand the rules of engagement my soldiers don't either.'[76]

Australian Major Michael Kelly, who often saw the Marines work in Mogadishu, argued that the US Marine Corps possessed 'the power and credibility that often obviates the need to resort to that power through intimidation.' However, the Marines tended to be somewhat indiscriminate in their reliance on their intimidating posture. Although he had worked in anarchic Somalia in the previous months, the British International Red Cross worker Khalil Dale described his first encounter with the Marines as still somewhat of a shock:

> They stopped us [at a road block], pointed their guns at us, and I remember one of them shouting to me, 'Hey, mother fucker, get your arse over here' – very aggressive, rude, and I was just amazed, I thought well surely they can tell the difference between a European Red Cross worker and a local Somali militia, but obviously it wasn't so.... [I]t was fairly obvious to me and my colleagues that they had n't been briefed and they certainly had no cultural briefing.[77]

He had better experiences with the Belgian forces in Kismayo, who also built a good rapport with the local people.[78] However, while the Marines may have lacked the subtlety for this type of operation and Belgian Paratroopers – with their wide African experience – were somewhat more culturally aware and diplomatic in their approach to civilians, the Belgians, like the Canadians and the Italians, were involved in some serious incidents of undisciplined fire and even torture of young Somalis. Most of these excesses were related to infiltrations in compounds and other forms of theft.

A US Marine at a checkpoint in Mogadishu. US forces, 'overequipped, security conscious, and psychologically tense,' were criticized for inspiring fear, while also being perceived as fearful by the Somali population.

They caused serious embarrassment for UNITAF and their respective governments. The torture and murder of a sixteen-year-old Somali prisoner by a Canadian corporal even triggered the disbandment of the entire Canadian Airborne Regiment several years later.

These and the other incidents gave rise to the notion of the 'strategic corporal.' In peace operations, the tactical, operational and strategic levels were drawn ever closer together, causing a single unwise tactical move by a corporal or soldier on patrol to instantly change the character of an entire operation and, when broadcast by the ever-present media pool, possibly affect strategic considerations.[79]

Although some of the incidents involving American troops were broadly reported in the press, in relation to the number of US forces on the ground, they had an overall good disciplinary record. Two Somalis were reportedly killed because of excessive force by US troops between December 1992 and May 1993.[80] There are abundant examples of soldiers and Marines showing admirable restraint, given that the Rules of Engagement were very lenient on self-protection – mostly giving the soldiers the benefit of the doubt. Many US combat troops regarded their treatment of Somalis better than that of the Belgians and Italians, and especially Nigerians and Tunisians. One

soldier said, 'we treated the Somalis better than any other nation and they treated us worse.'[81] Resentment against US forces, the Marines in Mogadishu in particular, were caused by their general mode of operations, rather than by excesses.

The highly complex and unpredictable environment in which troops were injected exacerbated certain traits in US military culture, and particularly in Marine culture. Even more so than the Army, the Marines – a highly professional force trained as shock-troops – saw themselves primarily as a combat force and tended to treat all other tasks but 'to fight and win America's wars,' with a certain disdain. The 'jarheads,' as the Marines called themselves, proudly carry their unit's nicknames such as 'Hammerheads' and 'Suicide Charley' Company.[82] Marine culture, with its extreme emphasis on discipline and the need to break down the individual civilian in order to rebuild him as a Marine, created good war fighters, but often troops that lacked the ability to interpret rules flexibly. This was considered not particularly desirable in all-out conventional warfare waged by large combat units that had shown their military effectiveness in the recent war against the Iraqi army by relying on their devastating firepower, technology and discipline.

The effects of this cultivated warrior ethos were exacerbated by an excessive American focus on force protection. The preoccupation with avoiding casualties arose after the Vietnam War, but was strengthened in the wake of the suicide bombing in Beirut. It would eventually lead to a 'no casualty' edict from the White House after the operation in Somalia had gone awry. During the 1990s, force protection became a mission in itself, listed above all other goals and prevailing to the level where some considered it to be an endstate.[83] Gérard Prunier, a French commentator witnessed how the 'overequipped, security conscious, and psychologically tense US forces' inspired fear, while also being perceived as fearful in their flak jackets and helmets. They created a distance between themselves and the population by relying on mounted patrols and heavy displays of force. Their large convoys were often protected by helicopters, whose rotor-wash had a devastating effect on the cardboard roofs of Somali houses when hovering low over built-up areas. Prunier contrasted the American 'human tanks,' as Somalis jokingly called them, with the French troops who seemed more at ease with their environment, always wearing berets or desert-hats and flak jackets only when they were about to go into combat. They tended to be more friendly and open to verbal contact, but ready to instantly switch to a fighting mode. The French, one third of whose 2,100 troops in Somalia had served in nearby Djibouti, often wore the native *futah*, a wide, dress-like garment well adapted to the hot weather when off-duty. Officers tended to mingle with the population and relief workers when 'off-duty,' and earned a reputation for excellent human intelligence gathering. At the same time, they engaged in long and intense patrolling, sometimes marching for days on end, and cleared much of Oddur of its arms.[84] The French were generally regarded as highly successful, but their sector was known to be relatively tranquil upon their arrival while they had a relatively large force at their disposal.

Kelly argued that the role of the Marines might have been limited to securing points of entry and 'the territory to be occupied and establish credibility.'[85] A different type of force would then be needed for the next phase of operations. The prob-

lem was that the replacement of one type of unit with the other proved impossible, since throughout the 1990s high-quality and sufficiently equipped troops were in short supply. Soldiers were going to have to be everything at once, performing the role of the combatant, 'beat cop' and humanitarian worker and constantly adjusting to the changing environment and a wide variety of players in the field. In order to capture the complexities of a new type of operation, Marine Corps General Charles Krulak, developed the influential notion of the 'Three Block War' in the aftermath of the intervention in Somalia. He described how,

> in one moment in time, our service members will be feeding and clothing displaced refugees – providing humanitarian assistance. In the next moment, they will be holding two warring tribes apart – conducting peacekeeping operations. Finally, they will be fighting a highly lethal mid-intensity battle. All on the same day, all within three city blocks. It will be what we call the three-block war.[86]

Strong resistance to this new reality persisted within the US armed forces that tended to rely heavily on specialized forces for all other functions than conventional combat. Such opposition, although present in all Western military establishments, was clearly stronger throughout the US military ranks than among Europeans, Canadians and Australians.

As if not enough distance had been created between US troops and the local population, 'winning the hearts and minds' of the Somalis was further complicated by the severe restriction set on civic action. Despite the inclinations of US military personnel to provide direct aid to the population, medical units were initially even barred from providing basic public health services such as inoculations.[87] Officers on the tactical level were angered by the strict limitations set on the use of US medical and logistical means by Central Command and by UNITAF headquarters' failure to press for the necessary approval with the State Department. Colonel Frederick Lorenz, UNITAF's senior legal advisor, was given the unpleasant task of reigning in the tendencies to engage in civic action, which was limited to unofficial, voluntary work. Knowing that fears of 'mission creep' reigned supreme amongst US military and political leadership, and 'force protection' had become their prime concern, the engineers justified their efforts to repair and improve 1800 kilometers of roads as crucial for the security of the troops, rather than support of the humanitarian work of the NGOs. 'If the roads are so potholed that you can't drive down the road,' Lorenz conveyed to Washington and Tampa, 'it makes you vulnerable to banditry.'[88]

In fact, attacks on relief convoys had already decreased dramatically despite continued inter-clan and factional conflict in the interior. Unhampered by looting, most of the food was getting through to those in need and the death rate in Somalia was reportedly down to one third of what it had been prior to December. However, banditry against civilians seemed to be increasing with criminals and militia redirecting their efforts towards 'soft targets.'[89] As had become apparent in Cambodia, there was no substitute for safety and order when it came to winning over the people, but the mandate regarding public security was all but clear.

The Public Security Vacuum

The broadly worded mandate confronted the troops on the ground with the public security dilemma of whether and how to enforce the law – and if so, what law to enforce. UNITAF did not officially accept responsibility for internal security, or public security in Somalia, but there was a lot of ambivalence in the language used to describe 'a secure environment.' In his address to the nation, Bush directly addressed the thugs that were ruling Somalia at gunpoint when he said:

> Let me be very clear: our mission is humanitarian, but we will not tolerate armed gangs ripping off their own people, condemning them to death by starvation. General Hoar and his troops have the authority to take whatever military action is necessary to safeguard the lives of our troops and the lives of Somalia's people... the outlaw elements in Somalia must understand this is serious business.[90]

The president's tough talk did not correspond with the instructions to the troops patrolling Somalia's violent and unpredictable streets. In the first days of the intervention, the dilemma was illustrated when the media described how a Somali woman was being attacked in the streets of Mogadishu while hesitant Marines and Legionnaires looked on.[91] This incident caused UNITAF substantial embarrassment and raised the very basic question of whether the intervention force was there to prevent 'Somali-on-Somali violence.' Responsibility for public security proved to be a perennial problem in the future of peace operations, but was not solved in Somalia and would not be solved in the years to come.

Fifty kilometers south of Mogadishu, in Marka and the Shabelle Valley, Major Stanton considered his American battalion 'the only law west of the Pecos.' While this was translated primarily into an active program to suppress bandit activity in the city and countryside, the troops he sent out on patrols would only intervene in 'violent scenes of Somalis beating up Somalis' if it looked like someone might get killed. 'Otherwise the smartest thing was to let them fight it out.'[92] A Marine officer in the more turbulent capital, however, did not regard it his duty at all to stop Somali-on-Somali violence in the neighborhood he was supposed to control.

There is a common misunderstanding that UNITAF's Rules of Engagement forbade any interference with Somali-on-Somali violence.[93] The Rules of Engagement have been called 'one of the bright spots' of the mission in Somalia and to some extent, they were.[94] In the official Marine Corps history of the mission, field historian Captain Dawson argued that the Rules of Engagement, those printed on the pocket-sized card issued to all troops, were sound and clear in the head of each Marine as he hit the beaches. A Marine could 'shoot anyone who posed a threat' and did not have to wait to be shot at first.[95] However, the reason why Lieutenant Brian Mangus, Stanton, and many troops on the ground challenged the clarity of the rules was exactly this preoccupation within the Rules of Engagement – especially the condensed version they carried in their breast pocket – with opening fire for self-protection.

While the Rules of Engagement were initially occupied with possible hostile action

directed against the force, engagement revolved around a far broader set of issues. A reoccurring problem concerning Rules of Engagement was that while simplicity was the key, since their applications fell to eighteen-year-olds rather than lawyers, they revolved around complicated matters at the heart of the mission.[96] First, as mentioned above, there was the proper use of force, or 'orders for opening fire' (OFOF). It can be argued that these were a huge improvement over the restrictions set on for instance UNTAC soldiers operating under a peacekeeping mandate that allowed them to fire only when attacked – although even these rules could be broadly interpreted as the Dutch and French had shown. Second, although not widely publicized, deadly force could be used in Somalia against 'armed elements, mobs and rioters' threatening 'human life.' Third, there was the question of the use of force in relation to the confiscation of weapons. Dawson praised the confiscation of crew-served weapons as another example of the clarity of the rules before landing. Without prior clarification, however, the commanders were authorized to use 'all necessary force' to seize technicals. This left it up to the commander to determine whether to shoot such a vehicle on sight. Johnston decided to have his subordinates challenge and approach technicals, only to use all necessary force if these weapons were not voluntarily surrendered.[97] It did not take long for other shortcomings of UNITAF's weapons policy to surface – as witnessed by the confusion and rapid evolution, and widely different interpretations of the rules in that field.

Fourth, there was the problem of the apprehension or arrest of Somalis and the subsequent handling of these detainees by military forces, which proved one of the thorniest problems throughout the operation. Woven through all three issues was the notion that the minimum amount of force should be applied whenever possible. The detention of Somalis had been anticipated by US military legal staff and was described in the Rules of Engagement, but it was largely ignored by the higher echelons and therefore poorly thought through.[98] Moreover, all these rules were written with self-protection, disarmament of crew-served weapons, and the delivery of relief goods at their foundation. Since the troops had no formal policing role, the act of arrest was usually left out of the procedures. The Rules of Engagement on the pocket-sized card described how the detention of civilians was allowed 'for security reasons or in self defense.' However, on top of self-defensive motives, the comprehensive version of UNITAF Rules of Engagement clearly authorized the detention of civilians interfering with the accomplishment of the mission. This brought the issue back to the fundamental question of whether the mission was to take 'whatever military action' to safeguard the lives of Somali people as Bush in his capacity of the Supreme Commander of the United States armed forces had said – or simply protect the delivery of food.

There were two clauses in the Rules of Engagement that seemed to take away any doubt on the issue of detention. One said that an armed individual or crew committing a criminal act short of threatening UNITAF was to be detained by US forces by applying the minimum amount of force. Another one allowed the detention of persons who committed a criminal act 'in areas under control of US forces.'[99] Definitions of criminal acts and areas under UNITAF control were not provided and

there was no specific reference to public safety. Nevertheless, there were ample legal grounds to intervene in Somali-on-Somali violence. It was all up to the commander, whose interpretation of the rules was determined by the strategic guidance he received from his superiors. Since the goal of the intervention was unclear and evolving, public security involuntarily became a part of the mission

Once a Somali was detained, new problems obviously arose. With the absence of a functioning local police force or justice system, the options to soldiers witnessing a crime in progress were very limited. They either had to ignore violence or theft, or intervene and be confronted with the absence of a follow-up procedure. When an American patrol came across a gang rape being committed in broad daylight, soldiers intervened and held the offenders captive on the spot, only to be confronted with the extreme embarrassment of having to let them go.[100] The Rules of Engagement said that detainees were to be handed over to US military police (MP) and afforded the same rights and treated as prisoners of war under the Geneva and The Hague Conventions. But military police officers were in very short supply. Early plans for the deployment of three MP battalions were changed and US forces were initially only allocated three MP companies.[101]

Like UNITAF's disarmament policy, detainee policy would evolve. In spite of the military leadership's resistance to 'mission creep,' it was recognized that at least a minimal level of law enforcement would have to be allowed so commanders and their legal advisors made the rules up as they went along. The US military's legal advisors, Staff Judge Advocates (SJAs), played an important role in adjusting and reinterpreting the Rules en Engagement, walking the streets of Mogadishu and securing the 'feedback loop' from the grass-roots level through UNITAF headquarters up to Central Command.[102] On 24 December it was reconfirmed that the detention of civilians was allowed 'under exceptional circumstances.' Detention by UNITAF was limited to those suspected of 'crimes of a serious nature,' in cases where 'the failure to detain would be an embarrassment to the US' This meant soldiers could act when they witnessed a murder, torture or inhumane treatment, rape, and assault resulting in serious injuries. Although not specified in the instructions, catching an offender in the act remained the sole basis for detention. There would generally be no investigations into tip-offs or other indications of crimes.

With military police officers in desperately short supply and a lack of prison facilities, in most cases a Somali caught committing a crime either against UNITAF or the local population would be held for a couple of hours and then released. The futility of apprehending Somalis became apparent and was a source of much frustration for the troops who risked their lives pursuing and capturing criminals. By 9 February, Johnston established a formal detainee policy. Detainees could be held on a local military contingent's facility for a maximum of 48 hours. If there was sufficient evidence, a detainee was to be moved to the UNITAF detention facility at Mogadishu University. There he could be held up to 72 hours for a probable cause hearing. The probable cause determination was made by either the UNITAF chief of staff or the operations officer in consultation with the UNITAF staff judge advocate, Colonel Lorenz.[103]

Within the first two months, UNITAF's mission thus had expanded or had 'creeped' substantially, but this is where the Force Commander drew the line for the use of military assets to fill in the law-and-order vacuum. Although the matter of military tribunals had been raised prior to deployment by judge advocates, this was done only in the context of detainees who had threatened the force or the relief effort. This matter was also ignored by the higher echelons.[104] The lack of any follow-on legal procedure for those Somalis against whom probable cause was made out continued to plague the troops on the ground. In some cases, such frustration manifested itself in harsh treatment and even summary justice, incidents that could alienate the local population. No solution to the follow-up procedures in criminal cases was possible until some form of local police organizations and court system was resurrected.

According to the Australian contingent's legal advisor, Major Michael Kelly, the source of UNITAF's lingering problems surrounding the public security vacuum was the lack of a sound legal framework for the operation. The absence of civil government and functioning institutions prevented Somali civil law from being applied. The absence of a host nation state also precluded a treaty to regulate UNITAF's assumption of certain sovereign rights for an interim period. This form of pacific or non-belligerent occupation was applied in Cambodia and would be the framework during peace operations in Haiti, in the Balkans after 1995 and in East Timor in 1999. Kelly argued that in the absence of a government in Somalia, the laws of occupation as laid down in the Fourth Geneva Convention of 1949, the one 'Relative to the Protection of Civilian Persons in Time of War' could and should have been used as a legal basis and guideline. Kelly considered the idea after he arrived in Mogadishu in early January and would influence the Australian commanders' approach toward the law-and-order vacuum in Baidoa.

Kelly's American colleagues, responding to the limits set on Operation Restore Hope by their political and military superiors, had come to a different legal interpretation. Johnston's principle legal advisor, Colonel Lorenz, and Central Command legal advisor Colonel Walt Huffman did discuss the application of the Fourth Geneva Convention, but the Americans determined that UN Security Council Resolution 794 under Chapter VII of the UN Charter – authorizing 'all necessary means' to provide security for the delivery of relief supplies – provided adequate legitimacy. They and US political and military leaders argued that, since there had been no international armed conflict over Somalia, and they were not an invading force displacing a local government, the laws of occupation as set forth in the Fourth Geneva Convention did not apply. They were clearly apprehensive about the legal requirements on the 'occupation force' to provide for the civilian population as laid down in the Geneva Convention.[105] On 1 December, a week prior to the intervention Lorenz had advised his commander:

> Although we do not seek to enter as an occupation force, recent experience in Iraq demonstrates that [when] we establish control over an area with no government

> infrastructure, we may be held to occupation force standards. Under international law an occupying force is responsible for the public welfare, to include safety, sanitation and a whole host of other requirements. We have to make every effort to limit our responsibility in these areas, to ensure we act within our capabilities, and be sure that the primary mission is still accomplished.[106]

For a number of valid reasons, the most obvious being public relations, it clearly made more sense for the Bush administration to hand out the food under the guise of UN 'peacekeeping' than by invoking the image of military occupation. For reasons of legitimacy, this was unnecessary, and the practical implications were dreaded. Moreover, it was expected that any reference to occupation would have a stifling effect on international contributions to UNITAF and its UN successor.[107]

Nevertheless, Kelly convincingly argued in the aftermath of the operation that even in the absence of a state of war or armed resistance, UNITAF's presence satisfied all the criteria for the laws of occupation to apply.[108] He regarded the failure to take the law of occupation as a guideline for operations in Somalia a missed opportunity first and foremost, because of its practical use in dealing with the public security vacuum. It provided for the temporary administration of justice and guidelines for dealing with and local law, including departing from it when necessary. It also gave guidelines for the reconstruction of a judicial capability where there was no local capability. Moreover, he countered US fears of being overwhelmed by obligations towards the civilian population by pointing out an important caveat in international law. An occupation force was only obliged to meet the needs of the population in the field of health, sustenance, and welfare to the extent of its spare capabilities. Precedence could always be given to operational demands.[109]

Primarily as a result of the exclusion of any form of 'nation building,' a conscious decision was made at Central Command and the Joint Chiefs of Staff prior to deployment in Somalia not to deploy major civil affairs assets in Somalia. Early plans, based on recent experiences in Kuwait and Northern Iraq, where one thousand civil affairs and three hundred specialists had been deployed respectively, had called for the inclusion of a downsized civil affairs brigade of an estimated two to three hundred personnel in the force structure. In Kuwait, these specialists had helped reconstruct government services, while in Kurdish Iraq they were deployed primarily as an interface with the humanitarian organizations. However, sizable civil affairs units as well as a larger military police detachment were 'carefully removed' from the force package.[110]

Regardless of how the mission in Somalia was interpreted, the large humanitarian dimension would have required a large civil-military interface. However, there was an additional reason for the objections within the senior-command level within the US military to injecting these specialist forces. Almost the entire five thousand strong civil affairs capacity consisted of US Army Reserves. The only active-duty unit was the 212-member strong 96th Civil Affairs Battalion. According to Ann Wright,

an American diplomat, both the Bureau of Political and Military Affairs at State Department and the Special Operations Division at the Pentagon 'tried desperately' to convince the Joint Chiefs of Staff to activate these reserves. But to no avail.[111] Apparently the senior military leadership was well aware that the president would not consider calling up the reserves – a move that was traditionally politically sensitive.[112]

In the end, only a maximum of thirty-six civil affairs personnel from the 96th Civil Affairs Battalion were deployed in Somalia.[113] Six four-man tactical teams joined the Marine and Army battalions in the provinces. The rest, augmented by regular military personnel and civilian personnel from USAID's Disaster Assistance Response Team (DART), manned the Civil-Military Operations Center (CMOC) at UNITAF headquarters. Requests for additional civil affairs personnel were denied. The CMOC, a concept developed in northern Iraq to coordinate military and humanitarian efforts, was headed by US Marine Corps Colonel Kevin Kennedy, who reported straight to Zinni. Kennedy, who was experienced in working with relief organizations and familiar in the region, treated relief organizations as the CMOC's 'customers.'[114] He performed very well in cooperation with and support of Phillip Johnston who ran the UN Humanitarian Operation Center (HOC) that was eventually co-located with the CMOC. Through this novel UN coordinating mechanism, Johnston was given the challenging task of coordinating all humanitarian operations, executed by a wide range of aid organizations that traditionally cherished their independence. According to Johnston, Kennedy took over much of the coordination within the HOC when illness forced him to leave Somalia and did much to streamline the organization. Although the degree of coordination varied from one sector to the other, depending on the strategy and attitude of the local commander, relations between the military force and the humanitarian community were reasonably good. Kennedy argued that the poor relations between the Marines and relief organization in southern Mogadishu were the exception, rather than the rule in Somalia.

The success of the CMOC concept in northern Iraq and Somalia, with its predominantly humanitarian focus, caused civil affairs, and its reemerging NATO equivalent, Civil-Military Cooperation (CIMIC), to be approached predominantly as a tool dealing with the military-humanitarian interface. In practice more than in theory, both civil affairs and CIMIC would also concentrate on civic action – humanitarian projects of an ostensibly non-political nature that contributed to the well being of the local population as well as enhancing the profile and acceptance of the military force. For the future development of both concepts this narrow view tended to obscure the traditional roles played by civil affairs personnel in running a military government in occupied territory and reconstructing or supporting local administrative capabilities.

Benevolent 'Mission Creep'

It remains speculative to what extent the decision not to apply the laws of occupation and the reluctance to include a robust civil affairs and military police capacity

hampered UNITAF in its ability to seize and exploit the opportunities that were emerging in the field. Faced with chaos and anarchy before them, tactical commanders were forced to fill the administrative and public security vacuum haphazardly. This was usually done by the commanders, ad-hoc Civil Military Operations Teams (CMOT), MPs and legal advisors. On the motives for taking on additional tasks, Stanton said that 'it was instinctive to try to impose order, to re-establish services and some kind of authority' in the coastal town Marka.[115] His motivation did not differ much from that of the Dutch Marines in Cambodia, who were simultaneously crossing the boundaries of their mandate halfway across the globe. Commanders wanted the results of their strenuous efforts to create some security to somehow stick, instead of being merely cosmetic. Compared to Cambodia, where some form of local government and UN civil administrative capacity were present, the tactical commanders in Somalia faced an even broader challenge in the civilian sphere. With their security mission even more poorly defined, local military commanders constantly felt the pull of the power vacuum. It was at this point that 'mission creep' was coined by those eager to stick to the narrowly defined parameters of the humanitarian mission. The term 'mission creep' also found its way toward America's coalition partners in Somalia, although they were overall less apprehensive about the assumption of additional responsibilities.

As noted before, Oakley has often been criticized for his fixation on the battle for turf in Mogadishu and his 'top-down' approach that seemed to legitimize the status of the warlords on a national level. In defiance of such criticism he has argued in retrospect that he stimulated a reverse 'bottom-up' development at the provincial level. During his visits to the provinces ahead of the troops, he first explained the objectives of the force and told the local warlords not to oppose UNITAF – or face the risk of being annihilated. The ambassador also set a pattern by meeting with other local leaders, 'a broad cross-section of the local population' in order to convey that the Marines were coming to 'help Somalia save itself' and not to impose any particular settlement. He or one of his deputies leading the advance team of 'CIA and State Department types,' as one military officer described them, stimulated the local communities to come forward with some kind of representative body.[116] The selection of this group, usually consisting of fifteen to twenty persons including clan-elders, religious figures, political leaders and women, would be left to the communities themselves:

> We said: you decide. You can pick your representatives any way you want. You can do it on the basis of local custom, clan custom that is, you can do it on a religious basis, you can pick straws, roll dice... just give us something to work with.[117]

Although the intentions of these meetings were likely to have been limited and in support of the humanitarian effort, Oakley claimed in 1996 that his objective had been to 'lay the groundwork for the revival of local political institutions.'[118] On another occasion, however, he also acknowledged, 'we were not thinking far ahead. We were not thinking about rebuilding the country or what the power structures should be.'[119]

If there was any political guidance for the local UNITAF commanders in the course of December and January, it was to restore the authority of the clan elders and preferably avoid cooperation with the local warlords. Oakley's State Department officials were in desperately short supply and mostly appeared only at the initial meetings directly following the arrival of units in their sectors. Much of the politically sensitive decisions on who to work with – and thus strengthen – had to be made by the commanders on the ground. The battalion commanders clearly had received no training or instructions for this role. Having to rely on gut feelings, political tact and improvisation in absence of a prescribed political-military strategy and advice in the field, some were more successful than others. They were always at risk of empowering certain undesirable local leaders by legitimizing their position.

Two six-person Army civil affairs teams supported the Marines in Baidoa and one was deployed with Colonel Bedard's Marines in Bardera. Their preparation and focus was initially narrow.[121] Colonel Werner Hellmer, a Marine Corps lawyer, was in charge of the Civil-Military Operations Team to which the scarce civil affairs assets were allocated in this area. His primary concern was coordinating the humanitarian effort with the relief agencies and – rather surprisingly for a civil-military operations officer – initially commented that 'dealing with the Somalis was well beyond his charter.' After it became clear that State Department support in working with the locals was extremely limited, Bedard accepted that he and his men 'were stuck with it.'[120] Although many commanders improvised well, this tendency within the US armed forces to initially treat anything outside combat or security operations with a certain disdain is likely to have been a greater obstacle to their ability to fill the vacuum than the lack of sufficient numbers of civil affairs personnel.

In Baidoa, the first local leader to approach Colonel Newbold was Omar Elmi, a local militia leader affiliated with Aideed. According to the official, unpublished Marine Corps history of this episode, Elmi delivered his letters of credentials and good wishes from Aideed and pointed out the locations of 'his rivals' from the Somali National Alliance. The SNA, in fact, was Aideed's faction, so it remains unclear whether the Marines had a clear picture of the local political situation.[121] However, it struck the Marines that his intentions were hardly honorable. In other provincial towns and villages across Somalia similar 'SNA officials' or other militia representatives – usually relatively young men and inevitably wearing sunglasses – approached the tactical commanders. Newbold's Marines put their faith in the group of local elders that presented themselves next day. Their primary concern, public safety rather than food aid, inspired Newbold to apply his more stringent weapons policy. Later, many other elders approached the Marines and tried to convince them that those claiming to be the elders were not recognized as such by the community.

Both Newbold and Bedard, who used his two-day stopover in Baidoa as a source of inspiration for his operations when he deployed in Bardera, were aware of the danger of being perceived as picking sides in the ever-present factional strife. Newbold and Hellmer, who were at the time advised by one of Oakley's State Department representatives, suggested that the different groups try to reach an agreement, after which they came forward with – what Hellmer at that time perceived to be –

a 'thoroughly good cross-section' of the Baidoan community. Following the policy of non-interference in local politics, Newbold was extremely keen not to impose any solutions, or even 'implying that a certain policy was preferred.'[122] In the month that the Marines were in control of Baidoa their CMOT facilitated the creation of three local committees, dealing with security, relief and the elders. They seemingly failed to appreciate that they were in fact including many of Aideed's representatives who immediately dominated the security and relief committees.[123] Also in Marka, US Army Lieutenant Colonel James Sikes and his civil affairs officer were determined to ignore 'the local SNA officials,' only to accept the authority of the clan elders. It is not clear, however, how they determined who was truly representative of the community.[124]

The most important committee to emerge in Baidoa was the security council, which bore some resemblance to the 'Anti-Banditry Committee' stimulated by the Dutch Marines in Sisophon, Cambodia. In Baidoa, the elders selected as representatives asked the commander to help create a local police force. This is probably where the story of the reconstruction of the Somali police in the areas under UNITAF control starts. It is not quite clear where the initiative first emerged. Overall, the formation of local police can be considered the most crucial and potentially most successful part in the whole UNITAF phase of the Somalia intervention. Its relative success, although short lived in most places, has caused many to claim the credit.[125] Similar developments occurred in the Canadian, Belgian and French sectors.

The reason for the confusion over where and how the Somali police force reemerged was that the former Somali police officers principally came forward on its own initiative. Prior to the fall of Barre's regime, Somalia's police force was approximately 15,000 strong. It was independent of the dictator's security police and widely regarded as one of Somalia's most stabilizing influences. Its officers were generally respected and, other than the military, which had relied primarily on Soviet training, the police forces were Western trained and relatively apolitical. After the warlords took over, the police disappeared for their own safety and often returned to their clans, but usually did not take sides in the civil conflict.[126] The Somali police took much pride in their work and re-emerged all over the country in the wake of the deployment of UNITAF forces. While in Baidoa the council of elders came forward with the initiative, in Mogadishu they emerged on their own and started to perform some very basic community policing in their own neighborhoods. On 19 December, Oakley and General Johnston drove a Humvee across Mogadishu and ended up in a massive traffic jam. They were getting increasingly nervous about someone tossing a grenade at their vehicle, when suddenly a former Somali police officer in his old green uniform with a blue beret, got out in the intersection. He blew his whistle and started waving a baton and to their great surprise all the vehicles obeyed and the traffic jam disappeared.[127] No less then three thousand police officers would gather on their own and present their services to UNITAF.[128] The ambassador and the general then started to ponder the possibility of using this potential asset. It was handed to them on a silver platter – especially when compared to police reconstruction efforts in future peace operations.

At this point Oakley came to realize that it would be impossible for the US forces to conclude their mission with any substantial claim of lasting success unless they engaged in some rudimentary institution building. The ambassador argued in retrospect that he did all that was possible to build up local police within tight restrictions set by both the US and the UN.[129]

> We had a big fight with Washington since the State Department and Pentagon said, 'No, this is mission creep. You can not do it.' We countered that it wasn't mission creep; it was force protection. We wanted the Somali police, whom we knew had a good reputation with the Somali people, to be out there on static guard duty guarding the gates. They spoke Somali; we didn't. They understood the body language; we didn't. They can deal with crowds in their own way. They don't have to shoot them or hit them with gun butts, thereby provoking a nasty response. We'd rather let them do the job. We had a long, ongoing fight with Washington.[130]

On 12 January, the night Oakley's third request to National Security Advisor Brent Scowcroft for official approval was declined, the first Marine was killed by hostile fire during a patrol in a dark alley. Washington instantly gave the go-ahead, but he was informed that no material support from the American government would be forthcoming. UNITAF would have to scramble for funds and materials locally.[131]

General Johnston was initially reluctant to have the military force assume responsibility and oversight of the police force, which he considered outside his mandate, but came around when it became obvious that it would help his troops. He charged Zinni with overseeing the operation. The commander of the UNITAF military police, Provost Marshal Lieutenant Colonel Steven Spataro, was put in charge of vetting and equipping the policemen. The prime motive for creating a rudimentary police force was relieving soldiers of the task of patrolling dark allies, performing static guard duty at facilities and humanitarian aid distribution points and having to control crowd in the cities. Both the White House and Central Command considered anything else 'beyond the mission.'[132] Little policy guidance would be forthcoming from Washington in the coming weeks. The government was in transition and the new Clinton administration was unlikely to engage itself in foreign policy matters at this early stage.

There were other obstacles to the reconstruction of a Somali police force. The State Department, although more receptive to the idea, was worried about violating congressional prohibitions on aiding foreign police forces. The police force was therefore called the Auxiliary Security Force (ASF). Also, the United Nations were not particularly forthcoming at this stage. Boutros-Ghali and Kofi Annan initially refused to engage in institution-building activities on the grounds that government institutions at the national level had to be established first, before local police forces could be erected. UN humanitarian coordinator Philip Johnston was a staunch supporter of the 'bottom-up' effort to resurrect the local police ahead of national reconciliation. On his own initiative he backed it with financial and material resources and would propose a 'detailed plan to make it a major element of the UN program.' It would

take until April for the police to be officially paid. In the meantime, the World Food Program supported the police force with food rations for police officers and their families.[133]

The Bush administration's motives for objecting to more formal American engagement in institution building soon became obvious. Two crucial problems emerged after the limited and improvised police reconstruction program got underway. It would have to be determined to whom the police force would answer and what the police would do after it had apprehended a person. UNITAF refused to shroud itself in the robes of the sovereign and take direct responsibility for the police. In the provinces, UNITAF units often adopted the police force, with the local military commander performing more or less the mayor's role. Also, in Mogadishu, Marine units would co-locate small military outposts with ASF police stations to protect them against militia and bandits and engage in joint patrols. The French and the Australians were seen as taking very direct control over the local police forces, with tangible results in their levels of confidence and performances.[134]

In Mogadishu, the problem was compounded by the decision to work through the warlords. Again, UNITAF was extremely lucky to have a potentially independent police commander, Brigadier Ahmed Jama, who proved acceptable to both Aideed and Ali Mahdi. However, Jama declined the offer made to him by UNITAF officers to chair the police committee when Oakley allowed that committee to include political representatives from the clan-based factions. These non-police officials were unacceptable to Jama, who wanted no political interference. His fears that the thugs without any proper police background would dominate the committee meetings proved correct in the following months. The factional problems would continue in the capital but nevertheless, by March 1993, there was a 3,000-man police force in Mogadishu. Two thousand officers took to the streets in the rest of southern Somalia. They were unarmed and underequipped, however, which did not allow them to reestablish their authority as long as UNITAF would not fully disarm the militias.[135]

The second problem was what to do with ASF detainees. The haphazard, but rapid and temporarily successful, efforts to establish new local police forces created some alternative for the unwelcome task of the foreign troops handling detainees. Most of these could now be transferred, but the intervention force was confronted with the next stumbling block. Spataro warned Zinni in late January that without a judicial system, the police could not effectively function.[136] In that case, it would also have to be determined what law applied in Somalia and a prison system would have to be erected. Also the new Clinton administration was all-too eager to push those problems to UNOSOM. In the meantime, with little backing from Washington or the United Nations, some of these tasks were taken in hand by more visionary officers at UNITAF headquarters and some of the tactical units deployed throughout the country. The inevitability of institution building had become obvious, but concerns over 'nation building' contributed to 'mission creep' – rather than prevented it. As Major Stanton found out in Marka: 'Better had there been a comprehensive plan outlining a long-term strategy for the reestablishment of government in Somalia. This would have made mission creep unnecessary. As it was, UNITAF proceeded

further and further into nation building. We had gotten on this bus and now we didn't have a clue as to where it was going. We just knew we couldn't get off.'[137]

The very presence of US troops in the power vacuum of Somalia had created its own momentum. A window of opportunity seemed to present itself in January 1993, when UNITAF reached the peak of its strength with 38,000 troops in theater. By securing relief operations, the intervention had drastically upset the existing predatory order based on weapons and food aid and temporarily undermined the power of the warlords. At this point the American-led force was the sole organized entity capable of exercising authority in the areas it occupied and had, unwillingly, become de facto the state. According to Kelly, the force 'clearly had the capacity to exert control over this territory and assume the prerogatives of the sovereign and in fact did so in a broad variety of areas.'[138] Officially, however, despite the fact that there was no sovereignty to offend, UNITAF refused to accept responsibility and to replace the existing disorder. The window would not be open for long as the warlords were sensing the limits of the US's willingness and the UN's ability to fill the vacuum.

Walter Clarke, the American deputy chief of the diplomatic mission in Somalia and one of Oakley's later critics, blamed the ambassador and the force commander for wearing narrow political blinders. They refused to accept the 'implied authority' in a nation without a government. Clarke, who later became director of the new US Army Peacekeeping Institute, is hardly alone in charging Johnston and Oakley with suffering from 'political myopia.'[139] While Oakley portrayed police reconstruction as one of their major successes, Martin Ganzglass, an American lawyer who became involved in police and judiciary reconstruction in May, blamed the ambassador for not paying sufficient attention to the resurrection of local police forces.[140] Others, however, praised Oakley and Johnston for staying within the parameters of the mission and maintaining the exact scope envisioned by the Bush administration. This raises the question of how much influence the leaders at the operational level could wield over the interpretation of the mission. The judgment on the missed opportunities in Somalia, and those responsible, can best be assessed in the context of a comparison with those who best exploited the opportunities that arose in the field. Ganzglass based much of his critique on what he had seen the Australians do with minimal means in the Bay region after taking over from the Marines. He lauded them for adopting 'the right approach.'[141]

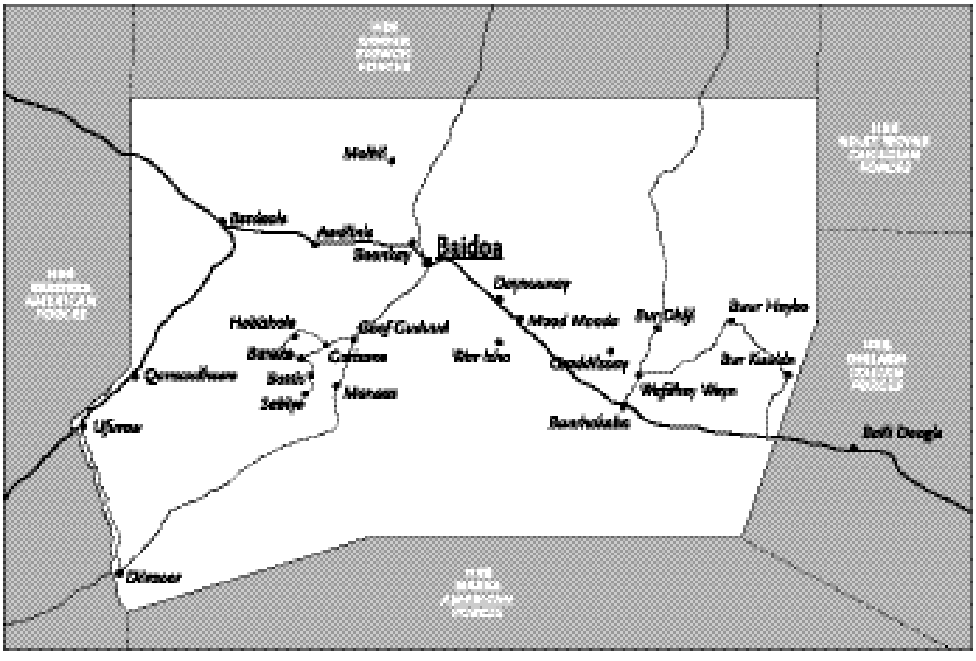
7
Securing and Governing Baidoa: Australia's Living Laboratory in Somalia

Australian troops arrived in Somalia one month into the operation, just as UNITAF was reaching its peak strength of 38,000 in mid-January 1993. An opportunity for peace seemed to present itself as the warlords' military capacity was temporarily neutralized. By this point, however, the intervention process stalled, as there was no plan on how to proceed. Complex issues such as disarmament and restoration of government and services continued to be outside Washington's scope, but the United States continued to treat the two most powerful warlords, Aideed and Ali Mahdi, as legitimate political players. Washington's ability to provide strategic direction was temporarily paralyzed by the handover of government from Bush to Clinton, while Colin Powell and the US military elite – already wary of the new administration's interventionist foreign policy ambitions – were effectively opposing the possibility of using the US military in anything resembling a 'nation building' role. In the meantime, the United Nations provided little direction on the policy level and proved unable to assume operational control of the mission – leaving the US-led military forces to play the role of reluctant and often ineffective vacuum fillers. Boutros-Ghali continued to seek national reconciliation through the warlords, while his Secretariat failed to raise an adequate civil administrative or civilian police capacity necessary to engage in institution building from the bottom up.

In the meantime, at the tactical level a wide variety of approaches to the vacuum resulted from the ill-defined parameters of UNITAF's mission and the relative autonomy for the commanders in the field. The Australians soon found themselves taking the mission beyond anything attempted by other contingents. In the aftermath of the failed intervention, the idea emerged that the Australians had arrived with 'a full-fledged civil affairs plan' for the reconstruction of the police and judiciary in the Bay region. This view was echoed by Walter Clarke, and also picked up by Robert Oakley and those defending American actions, or inaction, in the first months of 1993. The idea that the Australians came fully prepared for this specific mission apparently served as an explanation for the opportunities missed by the Americans in Somalia. This is a myth, however, that obscures the more fundamental sources of their relative success.

The Legacy of the Marines

On 5 January, after having spent almost a week in Mogadishu, a small reconnaissance team led by Australian Colonel Bill Mellor, headed out to Baidoa. Mellor was



The Bay Region: The Australian area of operations in Somalia in early 1993.

the senior national commander at UNITAF headquarters and went to prepare the way for the Australian Battalion Group, which had been assigned to the Bay region on 21 December. The landscape they traversed on the seven-hour drive reminded the officers of inland Australian scrub country, 'monotonous and flat as a pancake.' It was predominantly open savannah with patches of camel-thorn bushes. The American convoy on which they traveled was, as always, an impressive display of firepower, with the menacing roar of helicopter gunships constantly overhead and escort vehicles 'bristled with guns barrels pointed in every direction.'

Baidoa at the time was still commonly referred to in the Western press as 'The City of Death,' but the responsible Australian policy makers did not mind the high-profile sector. Serving in a merely supporting role in past peacekeeping operations and in Cambodia, the small professional Australian Army was also eager to be operationally deployed in a proper area of responsibility.[1] The Marines in Baidoa were glad to see the Australians and their eagerness to be relieved showed while briefing their visitors.[2] The reconnaissance party also met with some fellow Australians in the hard-pressed humanitarian community, in order to add to the incomplete intelligence picture of the region.

When battalion commander Lieutenant Colonel David Hurley arrived one week ahead of his troops, his first impression of the US troops at Baidoa airfield was somewhat of a shock. Having expected the airfield to be a lightly defended base, he instead found the Marines living in a congregation of tents 'amidst a military junk yard over-

run by hundreds of Somali adults and children, either milling about, scavenging or begging.'[3] The next day, while his troops were on a military transportation vessel on the Indian Ocean, news of the first Marine killed by hostile fire reached the 'Diggers,' as the Australian troops were commonly referred to since their baptism to fire in the trenches during the First World War. It would sharpen their senses for what would be the first operational deployment for the Australian Army since its withdrawal from Vietnam in 1972.

For *Operation Solace*, as the Australians had somewhat more modestly called their contribution to *Operation Restore Hope*, the contingent would be deployed for a set period ending late May. They expected to be transferred from US to UN command in the near future, but Brigadier Zinni told Mellor quite early that he should not expect this to happen before the US presidential inauguration or anytime soon thereafter. Although the UN obviously lacked the capacity assume another large-scale operation soon, it also lacked a sense of urgency to take control. Viewed from New York, where Boutros-Ghali had only a handful of officers on his military staff, the Americans seemed to be running a smooth military show from Central Command headquarters in Tampa, where General Hoar had over 500 US personnel in his headquarters alone.[4] Most UNOSOM staff in Mogadishu had been sent on Christmas leave and, despite the Secretary-General's personal interest in Somalia as a test ground for his 'peace building' ideas, the Secretariat in New York was distracted by other commitments. Although there was no strategy for reconciliation or operations formulated by the United Nations until late March, the assumption by the Australians that they would be working under UN control at some point gave them a different, more long-term perspective on their mission.

The 930-strong Australian battalion group would take charge of the entire Bay province, the region worst affected by warlordism and hunger. The Australian sector had an estimated population of 180,000 and measured approximately 140 by 120 kilometers. The provincial capital Baidoa, 240 kilometers northwest of Mogadishu, contained between 50,000 and 60,000 inhabitants, one-third of whom were refugees from the countryside. Baidoa was southern Somalia's most significant inland town, with the region's main market at the crossroads between Mogadishu, Bardera, Huddur and Belet Huen. The area was inhabited predominantly by the agricultural Ranhanweyn clan and had substantial arable lands. The Australian contingent centered on Hurley's infantry battalion, 1st Battalion Royal Australian Regiment (1 RAR), with an attached cavalry squadron with thirty armored personnel carriers. Hurley officially took over the Baidoa humanitarian relief sector on 19 January. Mellor would play a dual role as the commander of Australian Forces Somalia, that also included a naval vessel offshore and a small air force element, and senior representative to UNITAF headquarters.[5] Attached to his national headquarters were Michael Kelly in his role of legal advisor and a detachment of six military police personnel. The Australian battalion group would initially operate under the US Army's 10th Mountain Division and from March, directly under UNITAF headquarters. The last two weeks of its deployment in May, after the Americans had transferred command, the Australians were officially part of the UN force, UNOSOM II.

An Australian soldier ensures that humanitarian aid is distributed in an orderly way. Australian troops in Somalia generally appeared more at ease with their environment than US forces.

Despite their arrival one month after the American entry, there was no clear intelligence picture regarding the situation and threats in the Bay region. Most information had been gathered through informal channels. Hurley spoke via satellite telephone to Phoeby Frasier, the daughter of the former Australian prime minister, and Lockton Morrissey, a former member of the Australian Army's Special Air Service Regiment (SAS). Both were NGO workers in Baidoa. The information that reached the troops and junior officers in Australia was scant, and in early January overall expectations were still based on the TV images of warlords roaming the countryside in technicals.

Approximately half of the US Marine force had been withdrawn from Somalia by mid-February, leaving the 3,500 Marines that remained in southern Mogadishu and the battalion in Bardera frustrated by the constant postponement of their departure date.[6] Increasingly, the Marines in Mogadishu had to deal with crowd and riot-control situations, like US Army and Belgian paratroopers in Kismayo during the February riots. The use of 'David and Goliath'-type slings by Somali youths prompted the use of Plexiglas facemasks to fit over Kevlar helmets. Non-lethal weapons such as cayenne pepper spray were issued, but permission for the use of such non-traditional military methods still had to come from General Johnston himself on a case-

by-case basis. Somali crowds were quite often stirred up by Aideed's radio station broadcasting anti-UNITAF propaganda, but on 3 March, General Wilhelm refused to take the risk of alienating Aideed and his supporters by closing down the radio station.[7] The Marines would continue to patrol around the clock both on foot and in vehicles, which kept the warlords from controlling the streets. However, they stopped most of their foot patrols at night after two Marines were shot in separate incidents in January.

Baidoa became the pride of Marine Corps operations in Somalia and Oakley repeatedly called it the 'model' for what was being accomplished through *Operation Restore Hope*.[8] In his enthusiasm to underline the success of the Marines in Baidoa, the Marine Corps field historian Major David Dawson wrote about the situation halfway January:

> While [the Marine Task Force] was responsible for Baidoa, it had changed from 'The City of Death' into a peaceful rural town. The security provided by the Marines and their coalition partners enabled the relief agencies to deliver thousands of tons of food, enough to fed more than a hundred thousand people. No longer afraid of looters, merchants reopened their stalls in the market places. A nascent police force had begun enforcing the law. Instead of fighting, members of the various clans were holding meetings to resolve their differences. The various councils organized with the help of the [Civil-Military Operations Team] formed the nucleus of a local government. On the morning of 16 January, exactly one month after Task Force Hope had arrived, children went to school in Baidoa for the first time since the civil war began.[9]

Admittedly, Baidoa had come a long way from where it had been one month earlier, when large numbers of bodies were picked up from the streets every day. In early December, regular citizens had cowered in their homes, only going out to scramble for food and water. Refugees living on the outskirts of town struggled for survival in total squalor, while being indiscriminately preyed upon by armed bandits. In the hinterland, many villages were abandoned, huts caved in and the field just outside Baidoa were covered with fresh, shallow graves.[10] After the arrival of the Marines, the self-appointed 'head of airfield security' Hassan Gutaale Abdul, in charge of 132 armed bandits equipped with several technicals, was no longer able to demand two to five thousand dollars for each relief plane landing.[11]

Although the food crisis would last until mid-March in the countryside, large-scale starvation had clearly ended in most places by January. However, if the picture was indeed as rosy as presented by Dawson, the Australians would only have had to consolidate on the US successes. This was definitely not the case. In fact, the situation in May as portrayed by Australian Army field historian Bob Breen was pretty much that portrayed by Dawson. This was after months of intense, inventive and often violent military operations by the Australian battalion group. Still, Breen was

far more skeptical about UNITAF's overall impact on the Bay region than his American colleague.

During the first night spent at the airfield base in Baidoa, the constant crackle of gunfire in the city caused quite some excitement amongst the Diggers. With bandits eager to spend their money gained from theft and extortion, Baidoa was still thriving on drugs, the arms trade and prostitution and, especially at night, it was a dangerous place.[12] Lockton Morrisey from CARE Australia had become used to receiving death threats on an almost daily basis, but the former commando told the Australian reconnaissance party ten days earlier that he was now seriously afraid of being gunned down like the Irish UNICEF doctor in Kismayo. In a very tense briefing he portrayed the Marines as not particularly cooperative with the relief organizations and heavy handed with the locals.[13] Major Dick Stanhope, who would lead the Australian Civil-Military Operations Team (CMOT), also asserted that the Marines were 'extremely hesitant to assist the NGOs' in Baidoa. They refused to provide close physical protection for the approximately one hundred strong expatriate staff that occupied compounds and warehouses concentrated along 'NGO Road.' The argument used by the Marines in Mogadishu, that the relief organizations' high degree of dispersal did not allow for protection, was not valid in Baidoa. Instead, the Marines had concentrated on escorting convoys and confiscating weapons. Then, on 15 January, a Swiss relief worker was killed by a shot in the back of the head in a nearby village.[14] Two days later, just before the Australians took over, three armed gunmen robbed the Médecins Sans Frontières compound of a large quantity of cash. The humanitarian community had become thoroughly disillusioned with Marines and sent a letter to UNITAF headquarters stating that they would all leave Baidoa if one more worker was killed or wounded by bandits or militia.[15] The failure to protect the relief organizations in the epicenter of the famine would mean a serious blow to UNITAF's prestige.

It is difficult to assess the level of acceptance of the Marines by the local population. The improved security obviously pleased the majority of the population. During a visit to a village, Hurley witnessed how the people were very pleased to see the Americans, 'some even clapped as we drove past.'[16] Nevertheless, an Australian platoon commander who joined the Marines that first night on a patrol was struck by 'the hatred in Somali eyes as the Marines drove past them.' Obviously, there were those who gained and those who lost from their presence. The platoon commander would soon find out that those people he encountered in the streets during a night patrol, were – not coincidentally – the ones least fearful of being mugged, raped or shot and the least pleased to see UNITAF. His overall first impression was that the Marines saw their mission as getting a job done rather than helping the population, and concluded that the Somalis felt this. The 'Hammerheads,' the Marine battalion that had taken over from Newbold's Marines around New Year had, in their own parlance, 'kicked Somali butt,' but had become frustrated and bored when quick and measurable success proved elusive.[17] In their searches for bandits and weapons, the Marines came down heavily on the people and property, 'busting' houses and handling all suspect males roughly. Just before handing operations over to the Aus-

tralians, they 'took down' Buurhakaba and other villages. However, Newbold and his successor adhered to the 'carrot-and-stick' method and always made sure to combine weapons sweeps with food delivery. In Baidoa, more had been done in terms of civic action than by Marine units elsewhere – which meant going beyond his commander's intent. Marines and engineers had started clearing some of the streets of wrecks and debris and delivered food, clothes and medical supplies to orphanages.[18]

Three local committees had been set up with the support of Colonel Hellmer's CMOT. The security committee met on a daily basis, the elders' committee assembled every other day and the relief committee three times per week.[19] US officials in Mogadishu described these local representative bodies in Baidoa as the best example of the ad hoc policy they helped establish in the provinces. Cooperation and representation was said to function better than for instance in Bardera and Kismayo where the stronger faction leaders were still intimidating local representatives.[20] However, it is unlikely to have represented anything like the nucleus of a local government, as Dawson claimed. Hurley was not that impressed when he wrote in January: 'The Marines have done a lot of good work in making their presence felt, but have not set up too many lasting community development committees. We will take that on.'[21]

The Baidoan Security Council, which Hellmer regarded a 'thoroughly good cross-section' of the local community, was in fact dominated by Aideed's local SLA representatives who used it to further their own interest. The NGOs were not at all pleased to see that the Marines included bandit elements of the SLA in the relief committee, elements they knew were only recently involved in looting their shipments. Most of the NGOs boycotted the meetings.[22] US commentators emphasizing early UNITAF success tended to present the councils of elders as the traditional and therefore ideal pastoral representatives of the Somali people. It soon became clear, however, that the instructions to embrace the traditional elders and work around the warlords were rather simplistic. The elders themselves were often highly politicized and at times affiliated with USC-SNA or other factions. They were mostly viciously corrupt, siphoning off food aid into the local markets, and sharing much of the blame for the abundant food aid not reaching the truly needy – mostly refugees and others outside the local clan system.

In the official Marine Corps account, a local police force was up and running in Baidoa during the first two weeks of 1993. The assumption that a police reconstruction could be successful in merely two weeks after the conception of the idea caused another American analyst to use this version of events as an example that it 'does not take a long time to make a difference.'[23] In the Australians' account they started the effort to select a police force from scratch on 4 February. They found that it would take months before the initiative showed any promise of helping them in the short term, let alone become effective as an autonomous force in the long run.[24]

Just as the Australians arrived in Somalia, the militias and bandits were finding ways of resuming their criminal activities by moving around UNITAF as they became aware of the limitations set on the actions of the foreign soldiers. The Marines had removed the overt military style security threat by confiscating technicals and some

of the heavier militia arms and had conducted largely ineffective arms sweeps in Baidoa and some villages. Most important, Newbold had barred the public display of weapons and thereby set an example that would be followed by the overly cautious UNITAF headquarters elsewhere in Somalia. It would be up to the Australians to start dealing with the underlying threats posed by bandits who – outside the view of the Marines – continued to rule Baidoa and the countryside at the point of a gun. They would also find out that they could hardly ignore the fundamental political problems posed by the minority rule of Aideed's local associates over the predominantly Ranhanwayn Baidoan population. Although he had no clear idea of the political complexities he would face, the day his first men went on patrol in Baidoa, Hurley wrote in a letter to his wife that his most difficult task would be 'dealing with the political aspects – the chief and elders, clan factions and the relief agencies. All very convoluted and sensitive at the moment.' He modestly added: 'Hopefully we will make the right decisions.'[25]

Urban Security Operations

Conspicuously absent from the Marines' official account of their deployment in Baidoa were the area's two main thugs, Gutaale and his associate Hussein Barre Warsame.[26] Both were affiliated with Aideed and acted as the local branch and armed element of his USC-SNA, called the Somali Liberation Army (SLA). Their Duduble sub-clan was allied to the Habir Gedir and dominated Baidoa without any real challenge to their authority. Like other smaller local warlords, they paid tribute to Aideed or other major militia leaders. Major Kelly later investigated both and described Warsame as second in command to Gutaale and his 'chief weapon in the regime of intimidation and terror.' Breen describes a somewhat more loose affiliation:

> Warsame organised banditry, political murders and looting while Gutaale's criminal associates extorted money and probably did their share of looting as well. These two villains were both Aideed supporters and agreed to keep out of each other's way while they conducted their respective criminal activities.[27]

Although hampered in their criminal activities, neither Gutaale nor Warsame had been seriously marginalized during the Marines' five-week-long presence.[28] After the Australians took over from the Marines, they presented themselves and the SLA as the legitimate political leadership for the Bay region.[29] There were other urban gang leaders like Salat Mohammid Ibrahim. 'Gaaney,' as he was also known, was a much-feared politically unaffiliated rival of SNA-SLA in charge of a small group of gunmen. After rapidly drawing up an intelligence picture of the local political patterns, the Australians decided 'not to concede any political legitimacy in terms of political authority' to Aideed's associates. The Australians did not recognize the security and relief committees set up by the Marines. An alternative framework was established that incorporated what Kelly called 'the responsible elements of the community.'[30]

Apart from the local warlords, the Australians faced two types of deliberate threats.

First, there were the mostly unidentified nomadic bandits who terrorized the countryside or entered the city 'to rob, rape and loot.' Some of those came from Mogadishu, Kismayo and Bardera. The second potential threat came from criminal guards employed by all relief organizations, mostly the less-experienced NGOs. Additionally, there was the ever-present danger of the abundance of guns owned by Somalis defending their private homes and businesses, who could easily mistake a patrol for criminals at night.[31]

Back in Australia, the battalion commander and his staff had formulated four simultaneous tasks based on the scarce information available at the time. The first was the straightforward task of protecting the battalion's base. Second was the far more daunting task of creating a secure environment in Baidoa for the conduct of humanitarian operations by the aid agencies. The Australians anticipated providing close protection to the NGOs, but obviously had not considered the details and complexities involved. The third task was the protection of humanitarian aid convoys. This was a relatively easy task, but also here they expected to work closely with the relief organizations in organizing the controlled handout of humanitarian goods. The Australians had seen chaotic scenes and expected having to handle crowd control situations. The fourth task would be patrolling the countryside, or 'patrolling in depth.' The four rifle companies were planned to rotate through these tasks in nine-day cycles. One rifle platoon mounted on a truck was assigned as the Quick Reaction Force (QRF). Troops allocated to the support company often wanted to leave the monotonous life at the base and volunteered for basic infantry work, almost acting as a fifth rifle company later in the deployment. The variety of tasks, while disrupting operations, was intended to motivate the troops and prevent them from becoming bored and stale performing static guard duties at Baidoa airfield.[32]

During the first days of patrolling, Major Bob Worswicks, one of the company commanders, saw how his Diggers were very keen on dominating the town. Initially, patrols would be limited to three hours, as they had to acclimatize to temperatures of 40° Celsius in webbing and flak jackets. The large majority of patrols were conducted on foot, which seemed to be appreciated by the locals.[33] During their first patrols, the Australians were confronted with the adaptability of the children, who until recently had combined 'gifty! gifty!' with 'Americans number one' and singing 'Jingle Bells.' Now, they had rapidly learned to say 'G'day mate' and 'Australians number one!' Although the majority of the populace seemed to welcome them, or at least accepted their presence, they were often being stared at with a certain degree of hostility – something for which their small 'Soldiers Handbook' had prepared them.[34] Like the Marines, Australian patrols were initially constantly needled, and the troops had their mettle tested by young men spitting and throwing stones. This led to several scuffles, with soldiers wrestling the men to the ground in the few cases when they were caught. Mostly, they just had to swallow the insults, which gave rise to talk of the need to be more assertive.[35]

Nevertheless, an Australian private saw security in the city improve, 'because we absolutely saturated Baidoa with patrols.' He was convinced that 'nothing could go on in that city without us knowing about it.'[36] Worswicks noticed how his section-

Australian 'Diggers' on a foot patrol through a narrow overgrown lane in Baidoa.

sized patrols would compete against each other, keeping score back at the base of the amount of patrols conducted and the number of weapons confiscated – even about the number of shots fired at them. His men would often catch only three or four hours of sleep between patrols and his troops worked a seven-day week throughout their deployment. He proudly wrote in his diary that they were true testimony of 'the ANZAC legend,' referring to their grandfathers' and great-grandfathers' roles in the two World Wars as part of the Australia New Zealand Army Corps. It was there during the Gallipoli Campaign, and later in the jungles of Papua, New Guinea, that the Australians had established a reputation for an urge to dominate no-man's-land and for vigorous jungle patrolling. The Australians were proud of their 'patrolling ethos' and the intensity of their patrolling regime in the Bay region was remarked upon by General Johnston and other visiting American officers. However, the extremely high tempo of operations soon started to take its toll on the soldiers and by late January there were fears that they could not keep up the pace of operations.[37]

An effective, but exhausting method of patrolling in built-up areas was the 'brick method' used by the British Army in Northern Ireland. Half platoon patrols were broken down into three groups of four or five men, known as a 'brick,' that would patrol along roughly parallel axes while maintaining constant communications. This allowed them to cover a large area at once and in a short period of time, giving the

highest degree of deterrence by their presence while simultaneously offering the largest chance of catching bandits, as the bricks could respond to each other's calls for support.[38] These methods were picked up during the extensive contacts between the Australian and British military. Like most of their American counterparts, the Australians had not received specialized training in urban patrolling or house searches.[39]

Base security turned out to be an arduous task. The concertina wire fences put in by the engineers created a barrier, but it required constant patrolling and the ten observation posts needed constant manning. The mostly unarmed infiltrators were well aware of the restrictive Rules of Engagement and not easily intimidated by warning shots. Hurley soon found out that frustration over the faltering detention policy was the biggest source of 'attitude problems' among his troops. Soldiers worked hard and put their lives on the line to capture infiltrators as well as bandits while on patrol, but in most cases suspects had to be released. The commander tried to 'nip it in the bud' before it became really serious by giving a stern warning that anyone found physically abusing Somali citizens would be sent home to Australia in disgrace. Once a semblance of a local police force was established after February, infiltrators had to be transferred to their custody. However, this would mostly end up by them being released within 24 hours.[40]

By early February, after a temporary amelioration of the security situation, violence in Baidoa was again on the rise despite the intense patrolling regime. At the local market a woman was shot dead and her son wounded in the leg during a simple argument. Several other incidents of violence and intimidation were reported. There were regular security problems emerging as bandits extorted money and intimidated women lined up at the Bay project, an NGO-funded pump site at the edge of town. There were also frequent reports of young women being raped at that location. An Australian patrol would regularly drive off bandits who took over the pump site, leading to a scramble of the women for free water, but the bandits – who often simply hid their arms under their robes and dispersed amongst the crowds – would return as soon as the Australians left. In all these security operations it proved very hard to create an element of surprise as they were closely watched by a network of 'Somali cockatoos,' often children, who would report their movements.[41] That same week a bus and a truck were ambushed in separate incidents, causing over twenty casualties, and six nurses from CARE Australia were detained by bandits in a rural village and only released after being intimidated.

Some of the violence continued to be directed against the Australians. 'The local people are generally friendly and don't appear concerned about our patrol,' Captain Andrew Somerville wrote in his diary on 3 February. But it was 'uncomfortable and hot patrolling in webbing and a flak jacket, wondering if a bandit is going to pop up and shoot at you.' Especially at night, Baidoa was still 'a crazy and violent place.' Two weeks later, a scout was saved by his flak jacket when a young man in the streets stabbed him with a knife and slipped back into the crowd.[42] A row over an abandoned sea container in the streets was used by a local bandit leader's men to stir up resentment against the Australians, leading to a nasty crowd and riot control situa-

tion where the Diggers had stones and even a hand grenade thrown at them. Luckily, the grenade bounced into a ditch before exploding.[43] There continued to be incidents with rock-throwing youths, and the company commanders had to actively discourage what became known as 'adjusting Somali attitudes,' that was initially allowed by some patrol commanders and their junior non-commissioned officers. It proved hard to convince the young soldiers that, when challenged by other young men, physical retaliation often proved counterproductive.[44]

There was still considerable confusion regarding UNITAF's weapons policy and battalion headquarters' interpretation thereof. The Australian government had previously expressed support for Boutros-Ghali's broader disarmament proposals, but provided no specific instruction to its troops regarding a weapons policy.[45] The prime source of confusion continued to be the armed guards hired by the NGOs. Distinguishing bandits was hard enough as it was. 'The only way of identifying them in a crowd,' a platoon commander found, 'was if they were pointed out by the Somalis, or if they were armed.'[46] In the absence of an effective weapons registration system for NGO guards, a weapons card was introduced and distributed, which facilitated Hurley's new directive to confiscate every single unregistered firearm.[47] There were however limitations to Hurley's arms policy. As the supply of arms was endless in this part of Africa, he decided not to try to close down the local arms market, instead concentrating his efforts on reducing demand.

The Diggers liked the order to confiscate all unregistered weapons. The number of weapons taken was considered the most obvious measure of their effectiveness. However, two problems would continue to haunt the troops. The NGO guards, using their licensed weapons, were often engaged in banditry at night, while ordinary households and shopkeepers obviously clung to their weapons to protect their life and property. The rules were therefore applied with some flexibility. When operating in small villages in the countryside especially, patrol commanders would at times decide to leave the weapons with their owners. However, nowhere was the disarmament effort more vigorous than in the Bay region. In all, the Australians confiscated over nine hundred weapons, mostly small arms but also some heavier weapons. This was a substantial share of the grand total seized by UNITAF in southern Somalia, which was somewhere between four and five thousand by May.[48]

It soon became clear that without accurate intelligence, weapons searches or any other type of proactive, and often provocative security operations were unlikely to be effective. The job was very different from conventional tactical intelligence gathering through patrol reports, satellite imagery and radio intercepts. The Australian specialized intelligence gathering capacity would eventually be large for a battalion, especially when compared to the Dutch Marines in Cambodia. Unlike the UN Secretariat, which regarded it as conflicting with a peacekeeper's neutral stance, the Americans put no limitations on intelligence operations. Initially, two non-commissioned officers from the Australian Intelligence Corps, Brandon Thomson and Wayne Douglas, were assigned to support the battalion's regular intelligence section. The most

trusted interpreter working for the Marines helped select an additional three local interpreters who apart from translating, were able to keep their eyes and ears open while moving freely within the Baidoan community.[49] Part of the intelligence mission was to keep track of sentiment towards the Australians and identify potential threats, but most of the efforts were directed towards identifying the nature of bandit and militia activity, finding weapons caches and charting criminal organizations. Intelligence personnel would also play a crucial role in drawing up a reliable picture of political affiliations – mainly to undermine the SLA's efforts to maintain control of Baidoa.[50]

Apart from using interpreters and their local networks, there were several ways of gathering information. After the first two days of intense patrolling in January, Thomson and Douglas advised the infantrymen, probably after hearing the Somali translator who had previously worked for the Marines, that if they looked less stern and tense, and slightly more relaxed, more information was likely to flow towards them. The daily stream of stories, tip-offs and complaints – although often unreliable – helped complete the intelligence picture if properly analyzed. After the Australians had demonstrated their willingness to confront local criminals and bandit groups and act on reliable tips, more Somali citizens came forward with relevant information. Thomson and Douglas often ventured into town or into the countryside. Collecting information from locals was often dangerous, so they were always escorted by at least two soldiers. These were mostly troops from support units who were keen to get away from their work as clerks, cooks or mechanics at the airfield. Hurley also allowed pairs of snipers to set up secret observation posts inside or on the outskirts of town. Using thermal imagers, they were able to maintain surveillance in an area of interest at night.

After the battalion staff acknowledged the timeliness of accurate intelligence for this particular operation in the second half of January, six additional specialized counter intelligence personnel were called for and sent from Australia. This allowed them to operate in three two-man 'CI Teams' with an interpreter each. A number of the counterintelligence personnel had experience and skills acquired while serving in the SAS or military police.[51] Although the battalion staff initially treated the 'outsiders' with some suspicion in the very beginning, they were quickly appreciated.[52] Cooperation with American intelligence personnel from UNITAF headquarters proved useful, but little of their information helped to establish a picture of Baidoan society and the threats to security. Ninety percent of all intelligence in support of operations came from their own efforts.[53] The overall environment was favorable for human intelligence gathering. The security situation was such that the Australians could go anywhere to gather information and 'There was no local government to bind our collection efforts in a bundle of bureaucratic red tape.' Most of the conditions were created by their general style of operations and interpretation of the mission. The population was eventually quite talkative and the humanitarian community turned out to be anxious to assist in improving their own and overall security.[54]

American forces had originally deployed only with technical intelligence support, such as signal intelligence and imagery gatherers. These turned out to be of little

use in Somalia's low-tech environment, so in January they brought in human intelligence teams. While the Australian Army had retained a handful of such specialized personnel, the comparably sized Canadian Army had allowed their expertise in this area to run so low that they had no deployable capability.[55] The Australians had included the initial two intelligence officers 'almost as an afterthought.' The teams had to learn a lot on the job. Although specialized in human intelligence gathering, they were not trained to operate in an urban environment like Baidoa where building a picture of the threat to life and property was almost like undercover work by police investigators.[56]

In late January, the number of violent incidents between UNITAF and gunmen rose with the unraveling of the state of 'respectful coexistence' throughout Somalia. The gunmen in Baidoa became bolder and during February the Australians were involved in a series of firefights. Usually, a bandit discovered by a patrol would shoot off a burst of rounds in the general direction of the Diggers and flee. In all, eleven serious confrontations ensued until May.[57] When a night patrol was attacked on a night in February the Australians all adopted firing positions and returned fire. As he was pinned down in an alleyway, the corporal in charge decided to regain the initiative by firing a light anti-tank weapon to suppress the heavy fire coming from a building. The projectile went high into the building, causing the roof to collapse on the four gunmen inside, allegedly Islamic fundamentalists working under the guise of the Islamic Relief Agency. They survived without serious injuries, but were detained and sent off to Mogadishu main prison.[58] In all such contacts, the young corporals in charge of their sections lauded their training, since the well-practiced drills allowed simultaneous quick thinking, which avoided major casualties. However, luck certainly contributed in that there were no deadly casualties due to hostile fire. Corporal Bill Perkins' section came under fire at approximately the same crossroads later in the mission. One of the two scouts Perkins had sent across the road 'heard an AK-47 being cocked and saw the bandit.' Perkins added, 'He knew his life was in danger and he initiated the contact. At the same time one of my other soldiers on the other side of the road was wounded – this was all happening in a split second and we were under heavy fire. I decided to withdraw the section and later on we found out the second scout, who had initiated the contact, had four rounds hit him – two in the night-vision goggles around his neck, one into his rifle and one into his trouser leg. So he was a pretty lucky boy.'[59]

Like most units deployed in Somalia, the First Battalion, Royal Australian Regiment, was first and foremost trained for aggressive combat operations. Nevertheless, it came relatively well prepared to cope with rapidly changing levels of violence and the discriminate use of force in Somalia. As will be further explored, the battalion had been specifically training for low-level operations in Northern Australia in the two years prior to their deployment. Moreover, Hurley recalled how,

> [m]uch to the chagrin of many soldiers in 1 RAR, in 1992 the year's training priority was Services Protected Evacuation [of Australian citizens in cases of internal conflict and the breakdown of law and order]. Particular emphasis was given to

> reducing levels of aggression and to developing the appropriate attitude towards Australian and host nation nationals. Operations under strict Rules of Engagement and Orders for Opening Fire were practised in many imaginative scenarios [that involved manning vehicle check points and crowd and riot control]. Had we known what was to occur in early 1993, perhaps our application would have been greater. The long hours in helmet and flack jacket paid dividends, however, in the streets of Baidoa and in its surrounding villages.'[60]

When the unit was alerted for deployment to Somalia, its troops were put through refresher training on the rules for opening fire. Also here, they acted out scenarios that helped them deal with different levels of threat, lethal or non-lethal, and the discriminate and proportional use of force. When a patrol bumped into a robbery that left two shop owners with gunshot wounds, they gave chase after two armed gunmen, charging through houses and leaping over backyard fences. When one of the gunmen fired a hurried burst of rounds, they could only respond with warning shots in the air with civilians still milling around. Before the exchange of gunfire they had been cheering the Australians on 'like a crowd at a football game,' but now the people were dispersing in all directions. One of the bandits dropped his rifle and a sergeant continued the chase. However, Breen writes, '[r]ealising that the running bandit was increasing his lead against the Australians, who were wearing patrol webbing and flak jackets, Douglas decided to close the distance with a 5.56-mm bullet. Thoroughly exhausted, he dropped and took aim. However, because the bandit was unarmed and running away, the Rules of Engagement did not allow Douglas to shoot. He lowered his rifle and watched the bandit make his escape.'[61]

Although the Australians continued to operate with the Rules of Engagement, there were cases that bordered on abetting an imminent threat that allowed them to engage. One night in February a four-man sniper team with night-vision goggles stealthily crept up to bandits manning the Bay Project water point. When one came close enough to challenge one of the men to put down his weapons, one of the snipers reported, 'the man turned, ran to his left raising his weapon to his shoulder. I initiated with two automatic bursts, killing the man.'[62]

After the five major fire fights during February the level of reported violence dropped significantly in the city.[63] Clearly, confrontations were not the sole cause for this temporary success, but the decisive and controlled response contributed to their overall acceptance as the word got around quickly in Baidoa.

Two Schools of Thought

From their arrival, the Australians took a broad view of the secure environment they were supposed to create. They fully accepted that their mission was to provide security for the Somali population and not merely safeguard the delivery of food aid. However, this still allowed for a wide range of interpretations. Two basic interpretations of the mission were current amongst the Australians. On the one hand were those who wanted to emphasize deterrence through the widest and most visible

armed presence while focusing on community relations in order to diffuse tension in the city. This school of thought was in line with the methods of traditional peacekeeping missions, although the aim – maintaining law and order – was much broader. On the other hand, there were also those who felt that the mission meant operating closer to a combat role, using infantry to aggressively pursue and eliminate bandits and their criminal organizations. Most members of the Australian battalion group were initially on the 'find 'em and fight 'em' end of the spectrum, that bore some resemblance to the 'search and destroy' tactics adhered to by American troops while fighting the insurgency in Vietnam. This attitude was based on expectations raised back in Australia, when officers and men anticipated facing a substantial armed threat posed by warlords and their small armies equipped with technicals and some medium weapons systems. Not unlike many American troops in Somalia, the potential confrontations were actually anticipated with a certain eagerness.[64] Twenty years after the pull-out from Vietnam, a new generation of Australian soldiers was eager to find out if they had what it took to operate 'under fire.'[65]

Some of the company commanders advocated more raids on houses in search of arms caches, and wanted to seek confrontations with bandit groups. When two companies were assigned to the city simultaneously, competitiveness as well as coordination problems increased.[66] Major Anthony Blumer's company pursued a series of aggressive searches of buildings, sometimes using sledgehammers to quickly enter houses like the Marines had done before him. His troops tended to aggressively question any Somali male that acted suspiciously. Some of the searches proved successful. Reacting on a tip by the newly appointed police chief, Colonel Aden Nuur, his troops found two 20-mm anti-aircraft guns, a heavy machine gun and several AK-47's, ammunition and documents in a compound housing a hotel and brothel. Such raids left behind angry local criminals or militia leaders. A few raids, however, turned into slightly embarrassing scenes with broken doors and angry suspected bandits, their families, or completely innocent civilians – and no weapons found. The Australian engineers who had to fix things regarded this as one their more unenviable tasks, as it also included trying to appease the civilians whose property was damaged. Measured against the number of arms seized and bandits arrested, Blumer's company was successful. He was eager to react to any intelligence from the counter intelligence teams and not concerned about aggravating those loyal to Aideed.[67] He and many of the junior leaders found it hard to accept the limitations set on their actions and ability to engage the 'enemy,' and made pleas for increased assertiveness.

Hurley and his operations officer Major John Caligary faced a dilemma that bore little resemblance to the choices faced in full-scale combat aimed at destroying an identifiable enemy. They knew that the troops could be more aggressive, but at the risk of stirring up and unsettling the city rather than stabilizing and diffusing tension. A tactical approach leaning predominantly on deterrence by presence was safer and more in line with the overall mandate, but meant that the battalion was likely to lose the initiative to the bandits. The dilemma was hardly 'classic' in the history of peace operations, since the options for different approaches in Somalia were

far more marked than in more traditional UN operations. Traditional peacekeeping was all about deterrence through presence, with hardly any possibility for proactive measures. Even the Dutch battalion commanders in Cambodia, who were lauded for their assertiveness, were largely restricted to deterrence and dependent on consent of the warring parties. In Somalia, the vaguely defined security mission combined with the mandate to use 'all necessary means,' and therefore loose Rules of Engagement, left a wide array of possible tactical responses to the commander. Hurley felt he was 'free to undertake offensive operations rather than remain reactive and static.'[68]

Maintaining sufficient pressure for deterrence without escalating the level of violence was related to a fundamental theme in military command philosophy. The commander could play it safe by reigning in his company and platoon leaders, prescribing in his orders the methods and means to execute their tasks. This entailed the risk of micromanagement and left subordinates to demand permission for anything not specifically defined in orders, with a likely loss of initiative and effectiveness. The commander could also define the mission, specify his intent and give his subordinate commanders full responsibility to act within the framework of these intentions. This allowed them to fully use their ingenuity to take the actions and enforce measures they considered necessary, as Blumer would have preferred. From these two war-fighting command philosophies known as *Befehlstaktik* and *Auftragstaktik*, 'command by order' and 'directive command,' the latter – better known as 'mission command' – had become en vogue in Western military establishments in the last decades of the Cold War.[69] In a treatise on British counterinsurgency experience at West Point in 1971, US Army Major J.W. Woodmansee suggested to cadets of the US Military Academy that while fighting the war in Vietnam, the American military had stuck too closely to a centralized and order-driven command system. He said that although ingenuity was a hallmark of the American soldiers, 'a system of decentralized execution and mission-type orders is essential to benefit from this national characteristic.'[70]

The US military emphasized the virtues of mission command in their doctrinal development during the 1980s. At the time, German command philosophy from the Second World War became a prime example in the development of the concept of 'Air-Land Battle,' aimed at resisting the Warsaw Pact armies. However, even in training for maneuver warfare on the German plains, mission command proved hard for the American military to fully put into practice. Perhaps the overall reluctance in mainstream American culture to delegate authority – related to a 'zero-deficiency culture' within the military – hindered command theory from being put into practice.[71] However, all of the armed forces struggled to work with mission-type orders that seemed to clash with the changing nature of military operations at the close of the twentieth century. Modern warfare on a high-tech battlefield, but particularly peace operations with their legal constraints and extreme emphasis on avoiding military and civilian casualties constantly raised the question of what level of violence was justified to accomplish a goal. Governments committing troops and the officers commanding them increasingly watched over the shoulders of the 'strategic corpo-

ral' since any technical mistake could undermine the legitimacy of the entire intervention force.

The Australian Army traditionally delegated a large degree of authority to junior commanders. However, the commander's choice for a relatively high degree of directive control was partly forced upon him by another dominant trend in military operations short of war during the 1990s. Hurley became consumed by tasks in the political and administrative sphere – essentially civil affairs tasks. The shortage of time to command his battalion compelled him to leave much of the decision making to his company commanders and their subordinates. This caused some differences in approach within the Australian battalion group, but the overall effects would be offset by their rotation through the sector.[72] Hurley was frustrated by the lack of time he was able to spend with his troops. He had not been given helicopters, which kept him from visiting and guiding his troops as they increasingly fanned out into the countryside. Reaching the far edges of his sector would have taken merely twenty minutes by helicopter, but instead he was forced to take a four-hour ride on a Land Rover. Major Caligary witnessed how Hurley was at times not entirely happy with the 'lonely life of command.' It was the same isolated position Dukers had prepared Cammaert for when transferring command three months earlier in Cambodia. After an hour-long conversation with his commander, Caligary wrote:

> We all have peers to laugh and talk frankly to but he has no one. I think he appreciates being able to speak honestly to someone now and then. By the time he left I had a better grasp of the complicated politics [pertaining to our mission].[73]

Since no single tactic held the promise of success, Hurley opted for a mix of both schools of thought. Convinced by some of the arguments put forward by Blumer, he allowed the company commanders to increase their pressure on local criminals and nomadic bandits. More house searches were allowed, including the use of three explosive detection dogs, all as long as the company commanders reacted on reliable information. Simultaneously Hurley decided to increase the battalion's presence in the city by having his troops occupy several NGO compounds along the 'NGO Road' in the city. This redeployment served two purposes. It provided close protection to the relief workers, who were still anxious after the murder of their Swiss colleague. As more guards were laid off, there was an increasing number of armed robberies and the Australians offered to hold their money in a safe at their base. They had already established a direct radio link via the non-military Motorola system that allowed the NGOs to call for protection from nearby patrols or possibly the Quick Reaction Force – something the Marines had failed to do.[74] On top of static security, the redeployment enabled the company to react more swiftly to reports of criminal activity elsewhere, adding to stealth and deterrence. By March, one full company was dispersed over ten NGO compounds supported by six armored personnel carriers.[75] Contacts between the Diggers and the relief workers were good overall, but living so close together at times created small problems such as soldiers swearing and deliberately leaving an explicit porn magazine in the toilets of the friendly Irish nurses at the Catholic Relief Center.[76]

In the course of February, Australian operations had become increasingly assertive. The combination of captured, wounded and killed bandits and more raids on buildings had certainly angered individual bandits and the criminal networks supporting Aideed. Moreover, the layoffs of guards by NGOs continued to add to the tension between the gunmen and all foreigners, both humanitarian and military. For the moment, the Australians seemed to have taken away the initiative from the criminal elements in urban Baidoa. It was not yet clear, however, whether they had attained the right level of deterrence or if they had stirred up a hornet's nest, potentially resulting in violent retaliation and more strained relations with the local community.[77] Hurley had taken a calculated risk, but was bracing himself.

Initially, one Australian company was assigned to the countryside to follow up the Marines' first sweeps of some of the villages in the Bay region. Its first action concentrated on Buurhakaba, a small town along the main route to Mogadishu seventy kilometers south of Baidoa. The Marines estimated that half of its population consisted of bandits and their families. A thoroughly corrupt clan leader allied to Aideed dominated the relief committee and therefore the distribution of relief goods, which caused those affiliated to other groups to be passed over. Against the advice of Australian counterintelligence Sergeant Thomson, and much to Blumer's dismay, American helicopters had dropped leaflets and used loudspeakers to announce the impending security sweep on 22 January.[78] The Australians were trained in executing cordon-and-search operations and lesson one was the element of surprise. Blumer's troops had been quite keyed-up to find arms caches and catch armed bandits off guard, but not surprisingly, the bandits as well as the dominant clan leader had fled and arms were taken along or hidden. As a result, many of those left behind turned out to be friendly and even cheered the Diggers on as they secured the village in a rather tense combat mode. Like Blumer, his American colleague Major Stanton was puzzled when he led a large-scale, over two company nightly sweep into Afgoi in the Shabelle Valley one week later, only to find out that the highly complicated nightly airmobile operation had been publicly announced by psychological operations personnel the previous day. It was typical for what he called UNITAF's usual 'schizophrenic,' preponderant but simultaneously risk-averse policy.

The Australians took more risks, but found it hard to surprise the enemy during cordon and searches in the flat countryside, especially when noisy and dust-generating M-113 armored personnel carriers were used in support.[79] The 'bush telegraph' also worked well in Somalia and was often quicker than the Diggers. Generally, when entering a village during January and February the population turned out to be evasive and mostly reluctant to provide information on bandit activity. Much of the information provided had to be taken with a grain of salt, as villagers often directed the Australians to another village, where many 'bad men' were likely to be found. Major Doug Fraser later acknowledged his and others' initial naiveté, as he was manipulated into performing a series of searches following information on rival clans, or inaccurate or false reports by local village elders leading to exhausting wild goose

chases. The uncovering of large underground stores filled with relief food controlled by some village elders and the plump, well-fed people living next to starving refugees brought home to the Australian the nature of the corrupt society they had come to help. It angered many of them, but on average they did not lose sight of the ratio of victims to perpetrators, which proved harder in urban Mogadishu. It reinforced their cooperation with the relief workers to help organize the orderly distribution process, even if this meant involvement in crowd control. The cooperative military-humanitarian effort increased the leverage of both soldiers and relief workers with the elders in the negotiation process.

These initial operations – including a few airmobile operations using US helicopters and often supported by armored vehicles – were mainly successful in asserting an Australian presence by shows of force, demonstrating their mobility and firepower. But the emphasis rapidly shifted to smaller-scale operations in depth. Due to the size of the sector, companies were deployed over vast distances. Long-range platoon-sized patrols for intelligence gathering could take up to a week. A young lieutenant was sent on a nine-day patrol south of Baidoa in order to conduct what he called 'offensive operations' to uncover bandit activity by patrolling by day and night, both mounted and on foot and conducting a number of small-scale cordons and searches.[80] Platoons often operated individually, staying out in the field and living in the villages in order to deter bandit activity, while its sections were deployed as far as thirty kilometers from platoon headquarters. The aim was predominantly to keep the bandits off balance and to gather information on their activities.

Some of Hurley's subordinates were frustrated that they had little to show for their efforts, as they were inclined to measure success by the number of bandits captured and arms seized. Hurley overall was more pleased with the results. Knowing that his troops could not stay behind in every village, he hoped to follow up these operations by placing police stations in each town once the new plans for an internal security force materialized.[81] The effectiveness of cordon and searches increased after a second company was committed to the countryside after security in Baidoa and at the airfield had improved.[82] More stealthy approaches while laying a cordon also enhanced the effectiveness of their searches. Infantry would creep up and lay a nightly cordon around a village known to be terrorized by a bandit gang or thoroughly dominated by criminals and their families, from which bandit groups were known to carry out raids on Baidoa, other villages or travelers and merchants. They would leave one side open for the armored vehicles to make their noisy approach in the morning, driving fleeing armed bandits into the blocking positions. All such actions would be similar to what one British officer in Malaya had called 'flogging the jungle without information by large numbers of troops' were it not for the Australians' extreme emphasis on intelligence gathering before any action. They would first send specialized intelligence teams to the villages to draw up a picture of bandit groups' structures and their relations to the community.

In March the big challenge was to reduce the number of ambushes on the main road to Mogadishu. Reports of robberies, killings and sexual assault were on the rise as bandits increasingly looked for easy prey. In addition to regular security opera-

tions along the roads at least one platoon was committed to nightly 'mobile counter-ambush patrols.' These heavily armed and rather unconventional patrols used modified six-wheeled Land Rovers equipped with infrared headlights. The driver and the machine gunner in the cupola wore night vision goggles, which allowed the eight-man crew to follow potential targets for ambushes with their headlights turned off. When a so-called 'night rider patrol' caught the highway robbers red handed, or found them lying in ambush at the side of the road, the Rules of Engagement allowed them to attack in order to 'protect life,' after verbally challenging them to throw down their weapons.[83] Another method that stretched the Rules of Engagement to their limits was 'white light' ambushes. Using armored vehicles placed on likely routes for bandit groups on pitch-dark nights, a patrol would flood them with light and challenge them to lay down their weapons in Somali. Although Hurley allowed some of these innovative methods – much to the pleasure of his men – he continued to emphasize deterrence through presence, maximum dispersal, and the need to keep the bandits off balance.

The increased level of tension feared by Hurley never materialized in the remaining three months of the Australian occupation of the Bay region. Instead community relations steadily improved. Although the antipathy against the American troops in Somalia has often been exaggerated and generalized on the basis of the tense and complicated situation in Mogadishu, it is safe to say that US and Australian troops created very different levels of resentment. Relations between UNITAF and the Somalis in Baidoa were still tense when the Australians arrived in January. Although young men also tested the Australians and the overall population was initially evasive, popular support for the troops visibly increased. Some of it can be attributed to civic action projects, such as rebuilding schools and playgrounds, support to the town's water supply, the provision of basic medical services and help in restarting local agricultural activity.[84] Most of it was due to the Australians' substantial contribution to personal safety and their overall posture towards the Somalis.

Many of the Australian troops at times longed for more conventional infantry work, but public security was not treated as a task that fell to them by default.[85] Extreme reluctance to accept the 'policing role' was the norm among most US Marine and Army personnel, if it was accepted at all. Hurley concentrated his efforts on protecting citizens from being robbed, extorted, raped or murdered. The Australian version of the Rules of Engagement followed that of the Americans, but with a few modifications, giving all Australian military personnel 'a general humanitarian duty to prevent the commission of serious crimes (such as murder and rape).' Although crimes against property were not included in this duty, the repression of a criminal act necessary to establish a 'secure environment for humanitarian relief operations' was allowed and broadly interpreted.[86]

Apart from a preventive public security role based on deterrence by presence, the Australian commander allowed his troops to react to incidents. They were not quite as apprehensive about intervening when they came across Somali-on-Somali violence

Australian soldiers lift a Somali 'bandit' on to their truck. The powers of arrest and detention were vaguely defined in UNITAF's mandate, but the Australians chose to broadly interpret their mandate to provide a secure environment.

during patrols, even if these were smaller-scale brawls. They also reacted to crimes that took place outside their view, such as crimes reported to a patrol or roadblock, if there was any chance of apprehending the offenders. In February a patrol commander was approached by a Somali man who claimed his wife and teenage daughter had just been abducted by criminals. Two sections from the Quick Reaction Force went to search down a creek line and quickly spotted the two women being led away by armed bandits. After being called to halt and drop his weapons in Somali, one

of the bandits immediately fired at one of the sections, after which the group retreated to a deserted house by the creek. The other section reacted immediately and decisively, with a few men storming the building while the others covered them. The swiftness of the action totally caught the four bandits by surprise. They surrendered and were detained, after which the family was reunited.[87] By April information on the whereabouts of gangs of armed men streamed in. This allowed 'Charley Company,' whose order of the day was to 'chase and detain bandits,' to do their job with much increased efficiency. The company detained eight bandits in just two days, adding to a total of over seventy arrested bandits and factions members.[88] Nevertheless, there were clearly limits to the public security role Hurley was willing and able to perform. Apart from refusing to close down the arms market, he declined to take on drug dealings and prostitution. 'The Mafia-style empire within the town remained in place,' Kelly acknowledged, 'as it could be maintained covertly without the need to openly roam the town armed.'[89]

The Australians struggled just as hard with the harsh Somali conditions, but looked more at ease in the Somali environment than their American colleagues. Although always in flak jackets, the Australians hardly ever wore helmets. Instead they donned their typical broad-rimmed 'slouch hats' that protected them well from the relentless sun. They hardly ever wore sunglasses on patrols or at roadblocks, like the Americans, facilitating the all-important eye contact in Somali culture. They did not wear desert fatigues, like the American 'chocolate chip' camouflage that tended to stand out in savannah country, but most of all in the more lush areas of the Bay region and the southern river valleys. Their typical light brown and green camouflage patterns were unlike the regular green worn by other contingents and blended in almost perfectly with the vegetation in the Bay region's scrub country that was not unfamiliar to them. Their futuristic Austrian Steyr rifles with telescopic sights, apart from being deadly accurate in firefights, were short, which made them easy to handle in crowds and urban terrain.[90]

An NGO director noted that the Australians were not 'barrack bound,' while he saw the Marines with whom he had worked as hiding too much behind sandbags on the heavily protected Baidoa airport. They 'worked into the community; they got to be friendly with the community; they got to know the community.' To emphasize the objectivity of his account, the Australian aid worker maintained that 'even agencies like Médecins Sans Frontières' had said that 'the Australians provided something that had never been seen by military forces in a peacekeeping role.'[91] Hurley's motto was 'Gentle in manner, resolute in deed' and the overall posture was friendly, but not familiar. Although a few Australian soldiers displayed outright racist attitudes towards the Somalis, like soldiers in all Western UNITAF contingents, their posture remained overwhelmingly friendly and 'consumer oriented' – with the population and the relief organizations being their clients. It was probably partly due the Australians' overall good-humored and laid back attitude prevailing on the surface, combined with a undercurrent of fanaticism fuelled by the urge to prove themselves, that made them resilient to setbacks and resistance in Somalia's unpredictable and volatile environment. Satisfaction grew over time, when the level of violence

towards the population and number of contacts continued to drop in March. 'By April, the town could almost be described as quiet on most nights.'[92]

The vast majority of American combat troops hated their deployment in Somalia and seriously started to doubt its purpose after the humanitarian crisis was more or less resolved. Even Major Stanton's overall good-humored book, *Somalia on Five Dollars a Day* is highly cynical about his five months in Marka, one of the more successful American-occupied sectors. Though quite a few Australian soldiers and junior officers were also disappointed, the source of their disappointments generally differed. When they embarked, American and Australian troops had similar expectations about military-style confrontations with the warlords' militias, and once deployed many preferred more latitude to fight the bandits. Like the Americans, the Australian Army had little peacekeeping experience prior to 1992.[93] Yet, among the Diggers, there seems to have been little doubt as to the goal of their mission, which they generally saw as helping the Somalis rebuild themselves. Although there was some doubt about the attainability of that goal and despite the wear and tear after four months in theater, overall morale remained high. Sergeant Graham McBean noticed how most of the Australians regarded the experience in Somalia as 'the most rewarding episode in their professional career.' This sort of appreciation was unlikely for Americans troops at the time.[94]

Counterinsurgency Reflex

The divergent response to the challenges faced in Somalia and the difference in appreciation of the mission can be traced back to the overall perception of and approach to the military profession in the United States and Australia. The Vietnam experience left deep marks in both societies, but it did not have the same devastating effect on the Australian military psyche. A possible explanation for Australian operations in Somalia therefore lies in the fact that these military operations – effectively internal security operations – were close in nature to counterinsurgency. After the Second World War, the Australian Army had become proficient at this type of operations, which during the 1980s became known under the generic term low-intensity conflict.

Counterinsurgency operations in Malaya, Borneo and Vietnam provided a continuum of experience for the Australian Army. The Australians had already gained substantial experience in jungle warfare fighting the conventional Japanese Army during the Second World War, but were left to reinvent the wheel fighting an irregular enemy, as the British were lax in passing on their hard-learned knowledge of the previous years. Although the Australians only joined the Malayan campaign in 1955, when the outcome had already been determined, their battalion was used extensively for internal security duties. These were mostly mop-up operations that entailed countless hours of patrolling and waiting in ambush to produce a few fleeting contacts. This was after all what counterinsurgency for infantrymen on the tactical level was in essence about.

After Malaya gained independence it could not defend itself against incursions

by Indonesia, and the British became involved in the border conflict after 1962. Also on Borneo the Australian contribution was belated and limited, but valuable, and included clandestine cross-border raids.[95] Australian doctrinal development remained largely haphazard and the Army continued to borrow from the British. When it joined the American war effort in Vietnam in 1964, the Army's structure was still based on a traditional British-style tropical warfare divisional organization. It had a strong tactical emphasis, as it traditionally left the operational and strategic levels of command to the British and Americans. According to the Australian military analyst Michael Evans, the Army left this war in 1972 as experts on counter-revolutionary warfare in tropical conditions in Asia. However, the tactical lessons, first drawn up in three separate pamphlets *The Enemy*, *Ambush and Counter-Ambush* and *Patrolling and Tracking* between 1964 and 1966, were only compiled in 1972 and received a very limited distribution. Only in 1988 was all learning material from the Vietnam War formally integrated as a training bulletin called 'Infantry Battalion Lessons from Vietnam.'[96]

In search of a new purpose and longing for greater autonomy, the Australian Defence Force shifted its emphasis to 'continental defense' of northern Australia against potential hostile incursions, something it had not done since the Interbellum. However, the Australians would not go down the path of American and continental European military establishments, described in chapter one. After a series of frustrating and distracting counterinsurgency-style experiences in former colonial territories, Australia's allies found comfort in focusing strictly on large-scale symmetric warfare against a clearly identified enemy on the other side of the Iron Curtain. Instead, the Australian divisional commander Major General R.J. Hughes complained in 1974 that after focusing on a recognized threat in the last thirty years, the Army now had to defend the homeland without a potential enemy. From an expeditionary force modeled for tropical warfare, the small Army had to reconfigure and develop military doctrine to face the extraordinarily difficult task of defending the Australian landmass without any guidance on the type of war it would have to fight. It was given ample room and time to interpret this vague strategic guidance, but in the next twenty years personnel shortages, lack of resources and organizational weakness haunted the Australian Defence Force.[97]

In the late 1970s and early 1980s, the Army came up with the 'Total Forces Concept' with a dual capability. It aimed at combining both heavy forces for higher-level conflict and light mobile forces for low-level contingencies, for a strategy of defense in depth. Overall, much emphasis was placed on a high degree of dispersion, mobility and endurance. The Australian officer corps fell back on what they knew best, the tactical level of operations, neglecting the operational art that they had left to the British and Americans in previous wars.[98] By 1987, the new Defence White Paper reiterated the defense of Australia, but with an emphasis on lower-level operations, simply because there was no potential enemy with a military capability for a major attack in the region. Despite the momentous changes following the collapse of the Soviet Union, Australia clung to continental defense until 1997.[99] Michael Evans wrote about the Army's slow response to strategic change:

> The case of Australian Army doctrine for continental operations is a cautionary tale of how the development of detailed planning for a doctrine of war can become so ingrained in the logic of its authors that it becomes, as was the case with the French Army during the 1930s, an elegant but abstract dogma unrelated to broader political realities.[100]

Yet, while the Australian defense policy between 1987 and 1997 may have been an anachronism, serendipity had it that the continuous emphasis on low-level military operations prepared the Australian Army better than most NATO partners for many of the post-Cold War challenges that were so far removed from conventional armored maneuver warfare.

Rather than invoking the image of peacekeeping, as was common amongst other UNITAF contingents, the Australians classified their mission as a low-level operation. According to Hurley, the operational environment and tactical approach that best suited operations in Somalia were similar to the concept of operations propagated in the Defence White Paper.[101] Reflecting on several months of operations in Somalia, Warrant Officer Paul Angus said '[w]e have not done a thing here yet that is not low level operations,' adding smilingly, 'so someone must have looked into the crystal ball, because our training in the last years, since the White Paper of 1987, has been low level operations, and that is exactly what we are doing.' He also lauded the Australian Army's emphasis on individual skills and discipline for operating in a jungle environment, which brought everything back to the soldier instead of relying on an elaborate and high-tech organization.[102] While most armies contributing to *Operation Restore Hope* started to ponder having to adapt tactics and training to peace operations, Sergeant Graham McBean concluded that '[o]ne of the big lessons to come out of this deployment is there aren't too many big lessons to learn... Our training doctrine for low-level conflict is sound.'[103] As a source of inspiration for operations in Somalia the Australians often referred to counterinsurgency. Hurley claimed to have approached the operation 'as though it was similar to a counterinsurgency operation.' Also Kelly held in retrospect that the contingent had based its strategy on counterinsurgency, suggesting that they pre-empted this type of operation. Nonetheless, neither elaborated on the degree to which the historical lessons and principles of counterinsurgency were applicable in Somalia and to what extent they influenced their planning and choices once the operation had unfolded.[104]

The British were the only power to win a clear-cut victory over communist insurgents and came to be considered experts in counterinsurgency. The assembled wisdom on counterinsurgency operations was unofficially codified in 1966 by Sir Robert Thompson. His five basic principles for successful internal security operations were laid down in his book, *Defeating Communist Insurgency*, gained a timeless quality. However, before making the attempt to compare UNITAF's mode of operations to the counterinsurgency 'model,' one has to recognize the most fundamental differences between circumstances and conditions under which UNITAF operated in Soma-

lia and, for instance, the Malayan campaign on which Thompson based his analysis. First, there was no coherent enemy to defeat, only security to be established. Second, there was no state to defend. All counterinsurgency theory is based on the assumption that the military is there in support of the civil power, which was a well-established colonial administration during the war in Malaya and an unstable and corrupt regime for the Americans in South Vietnam. In Somalia, there was also no international interim administration or other form of civil component to defend or support, only the humanitarian community to protect. The third fundamental element missing from the equation in Somalia was a long-term perspective. Everything about the American intervention was 'quick fix.' The history of British counterinsurgency used at West Point in the early 1970s taught young cadets that, apart from decades of hard-learned strategic, operational and tactical knowledge, the most important lesson to be learned from the British was that effective counterinsurgency required patience. This, the author of the treatise admitted, was not an American character trait.[105]

Reflecting on his actions in relation to counterinsurgency in 1994, Hurley referred to two of Thompson's principles. He started by mentioning the fifth and last in the list when he referred to the need to 'establish a secure base and expand in steps to establish controlled areas.' This was the most straightforward of all principles and also the one most easily translated to a purely military operation. However, what made Thompson's treatise rise above most earlier learning was his ability to move beyond the military aspects of fighting an irregular opponent, and merge civilian and military measures and objectives on all levels – political, strategic, operational and tactical. First, he mentioned the need for a clear political aim, which in the post-colonial setting of the 1960s was 'to establish and maintain a free, independent, and united country which is politically and economically stable and viable.' UNITAF's complete lack of a long-term perspective, and the conscious omission of any political and economic goals, made this principle non-applicable.

Second, Thompson emphasized the importance of operating in accordance with the law. He advocated the use force in a highly selective manner, implicitly referring to the concept of the minimum use of force and ruling out any form of collective punishment. The Australians proved proficient in the application of the right balance of force and restraint. Overall UNITAF adhered to this principle more strictly than Thompson is likely to have envisioned. One should bear in mind that over the previous thirty years, the negative effects of any use of excessive force on community relations, and therefore perceived legitimacy, was magnified manifold as media communications had improved radically, even in the underdeveloped world.

The third, and arguably pivotal, principle in the effective execution of a counterinsurgency campaign on the operational and tactical level was the creation of a comprehensive plan for integrated civil and military operations. Thomas Mockaitis wrote in his treatise on British counterinsurgency that the development of a distinctly British approach between 1919 and 1960 was 'a history not of campaigns but of principles as these were applied by soldiers, colonial administrators and police.'[106] The formalized triangular committee system for civil-military cooperation on the dis-

trict, state and federal level in Malaya, also known as the 'war by committee-structure,' was a culmination of this experience. It only became fully effective when temporarily placed under the single-headed executive leadership of the High Commissioner General Gerald Templer. It was made possible by the extraordinary level of control that Great Britain could exercise as a colonial power over local institutions and therefore over subject peoples. In his second and last concrete reference to counterinsurgency, Hurley readily admitted in 1994 that the absence of a host government – with crucial institutions such as a police force – was the most structural dissimilarity between operations in Somalia and counterinsurgency.[107] However, creating an apparatus for civil-military cooperation was part of Hurley's approach and addressed more broadly than most UNITAF contingents.

'The battle in the populated areas,' Thompson wrote to illustrate his fourth principle, 'represents a straight fight between the government and the insurgents for the rural population.' He prescribed giving absolute priority to countering the subversion of the people, rather than killing or capturing guerrillas. Mirror-imaging Mao Tse-Tung metaphor of the insurgent being a fish and the water being the populace, the British in Malaya had set out to isolate the insurgents from their population base. The key to the Briggs Plan had been the controversial, yet effective, forced relocation scheme of almost half a million rural Chinese, combined with an elaborate information campaign aimed at winning over the population to the government's cause. Providing the population with security against retaliation from the insurgents proved absolutely crucial to winning them over, which in turn was indispensable for human intelligence gathering. Minus its forced resettlement program, this principle was a clearly relevant element for Somalia if 'insurgents' were replaced by bandits or militia, but the Australians made no reference to it while comparing their operation to counterinsurgency.

Permeating all Thompson's principles was his emphasis on fighting the cause of an insurgency instead of merely eradicating the symptoms. Translated to Somalia, this was the fundamental flaw of the intervention as the cause for anarchy and starvation was the absence of a functioning government infrastructure, not the food shortage UNITAF was addressing. Another binding element in Thompson's thesis was the time-honored maxim of 'winning the hearts and minds,' which was inherent in at least three of his leading principles: the overall political goal, the minimum use of force and countering the subversion of the population. Combined, these two dominant themes in the approach to fighting an insurgency merged in the establishment of 'the legitimacy of the government in the eyes of the local population and acceptance of its capacity to coerce where necessary.'[108]

The Australians applied most of the basic counterinsurgency principles not as a plan, but as a reflex. Hurley referred to counterinsurgency in retrospect not because he consciously applied its theoretical principles as has been vaguely suggested, but because many of them were unmistakably applicable and part of his military cultural background. Moreover, many of the ideas and methods prescribed on the 'purely' military side of the spectrum of counterinsurgency were ingrained in Australian military tradition. The Australian's strong tactical emphasis, the need for flexibility

and latitude given to junior leaders to achieve their objectives, a decentralized command system, dispersed and small-scale patrols penetrating the countryside, counter-ambushes, the futility of big sweeps, the importance of winning the hearts and minds in relation to the all important human intelligence gathering effort – all these tactics and techniques were better applied by the Australians than most of the other contingents because low-intensity conflict was considered the norm in soldiering, not an aberration.

The Military Governor of Baidoa

The refusal of US diplomatic and military leadership to accept what some have called 'the implied authority in the absence of the state' in Somalia, fueled the question to what extent the intervention force had become the de facto government. The comparison to counterinsurgency also gives rise to the question if, in the absence of the pivotal element in counterinsurgency theory – a colonial administration or host-nation state – UNITAF came to perform this role by default. Templer's success in Malaya had been partly due to his dual role as high commissioner and as military commander; he was, according to Mockaitis, 'the last of the proconsuls.' Johnston and Oakley could not accept this authority on the operational level in Mogadishu, and the United Nations failed to come forward with an adequate interim administrative structure. Tactical commanders had to cope with the effects of their refusal. Talking to Kelly on 13 February, Hurley 'mused about being the "governor" of Baidoa, with his staff officers being the 'ministers', and lamented the inadequate preparation his politics course at the Royal Military College Duntroon had given him for the situation he now faced.' In retrospect, Hurley admitted that he was in essence the 'military governor' of the Bay region.[109]

The different levels of success between Mogadishu and Baidoa have in retrospect been ascribed to 'a full-fledged civil affairs plan' or a 'well-defined game plan,' with which the Australians – unlike the Americans – allegedly arrived in Somalia.[110] The tendency by some American commentators to ascribe the Australian approach to the power vacuum to a preconceived plan apparently originates in Kelly's writings on this episode. Kelly suggested the existence of an Australian 'civil affairs strategy' for the reconstruction of local institutions in his argument that the laws of occupation applied in southern Somalia and that UNITAF should have based its approach on its provisions in order to address the power vacuum.[111] However, he only advised Hurley of his legal assessment during their meeting on 13 February, one month after his arrival in Somalia and a time when he was already involved in rudimentary institution-building efforts such as the recreation of a Baidoan police force.[112] At UNITAF headquarters the Australian legal advisor's input was much appreciated, but he was told that his specific views on this matter were his own, and not shared by the Australian government.[113]

Hurley considered the question of whether UNITAF constituted an occupying power under the Fourth Geneva Convention unanswered. Nevertheless, he accepted most of the responsibilities involved and would increasingly draw on Kelly's much-

needed legal advice. However, the decision to take on tasks outside the original mission was not reflective of a preconceived plan or strategy based on legal obligations. Instead, Hurley wrote, it 'reflected the pace at which developments were happening on the ground and UNITAF's and the UN's inability to provide timely advice and policy direction.' He readily admitted 'mission creep' was occurring in the course of his deployment. In some cases, in order to avoid the implied negative connotation, he preferred the term 'mission stretch' to emphasize the deliberate nature of his decisions to interpret the mission broadly.[114]

Major Stanhope's liaison team became Hurley's most important tool in managing the administrative and political complexities in his sector. The field artillery battery commander and his forward observer parties had expected to perform military liaison duties with other UNITAF units and higher headquarters, so his twenty-two-strong unit had not been prepared for civil-military operations. Although experience in the Second World War and in counterinsurgency operations had brought home the importance of civil affairs, the small Australian Army had long since lost a specialized capacity to perform this function. After military liaison duties proved of lesser importance, Hurley assigned Stanhope and his men to act as a Civil-Military Operations Team to represent him on the local committees the Australians inherited from the Marines. Their most important point of contact was the committee of twelve representatives of the 41 elders, the leader of whom they met once every two days. They were also to coordinate with all other organizations and individuals that approached the contingent. Stanhope broke his unit up into four teams, consisting of one officer and three others, each with their own transport and communications.[115] These teams would also assist the companies in the provinces, liaise to local elders in the villages and proved crucial for gathering information on key people, banditry and political activity.

Although obviously not keen on political entanglement, the Australians were not as apprehensive as the Americans to become involved. Hurley accepted that with nine hundred troops at his disposal he was the most powerful player in the Bay region, and every step he took and each contact he made was highly political and therefore better considered and preferably based on adequate intelligence. The political alternative to the SNA-SLA in Baidoa that was able to raise its profile after UNITAF created rudimentary security was the Somali Democratic Movement (SDM), representing the indigenous Ranhanweyn people. The fairly homogenous and primarily agricultural Ranhanweyn people constituted ninety percent of the population in the Bay region, but had no significant armed organization to defend itself from the armed factions from the traditionally nomadic clans that overran and occupied the region in 1991.[116] Effectively, Hurley chose sides with moderates in the SDM against SLA as he regarded this in the best interest of maintaining a secure and politically more stable environment. He distanced himself from the SLA after its initial attempts to gain recognition from the Australians, and the commander denied their requests and offers for cooperation on security operations.

In early February, while the first steps were taken to reconstruct an independent new police force, a self-proclaimed chief of police from the SLA paraded three hun-

dred men down Baidoa's main road as an 'instant police force' and offered to cooperate with the Australians. He was immediately informed that such displays would not be tolerated.[117] The SLA police chief had been put forward by one of Aideed's strongmen who had traveled down to Baidoa for this specific purpose. Thomson and Douglas had gathered this information during the last two weeks of January, when they were in frequent contact with SLA officers in order to rapidly draw up an intelligence picture of its local political and armed branch. In order to impress the two Australians the SLA had paraded no less than 450 militia in their presence. Their contacts soon revealed that Gutaale, although not operating openly in the city as he used to, was behind all the efforts to push the SLA 'police,' militia and other representatives into the emerging local institutions.[118]

Hurley's decision to ignore and marginalize, as much as possible, the local warlord was not in line with the policy adopted in Mogadishu. Here, Oakley and Johnston stuck to the line of involving the two major warlords as much as possible. Also Zinni would later argue that it was crucial to give everyone with power a forum, or otherwise they would resort to violence.[119] In the capital the result was that too much influence and authority was ceded to the warlords, thereby avoiding potential military confrontations, but postponing problems for the UN force for which UNITAF was supposed to pave the way. It should be noted that Hurley's assertiveness was facilitated by the weaker popular power base in Baidoa of those loyal to Aideed. However, at the same time the Australians were providing the type of security that allowed those who were opposed to the rule of the warlords – clearly also a majority in Mogadishu – to come forward.[120]

This being Somalia, politics in the Bay region was obviously more complicated than two monolithic parties representing a minority and a majority. The SDM was an overall moderate political movement, but consisted of no less than three factions. As a result of its inability to organize armed resistance against incursions, part of the SDM aligned itself with powerful outside organizations in the hope of gaining protection. As a result, the SDM was split into one Ali Mahdi-oriented branch and one Aideed-oriented branch. To their dismay, the Australians had no choice but to acknowledge the authority of the SDM 'governor' who was affiliated with the pro-Aideed faction. His efforts were primarily aimed at raising taxes, ostensibly for the reconstruction of local administration, schools, sanitation and police, but he had a record of self-enrichment prior to UNITAF's arrival. Early information on the political nature of both parties from both Stanhope and the counterintelligence specialists proved crucial for choosing who to marginalize and which political factions to foster. The Australians facilitated and fostered the development of a new united SDM branch. In late February and early March, an SDM conference was held which the Australians secured against disruption by the SLA with an extra company and additional armored vehicles. Their involvement went further than that.[121] On the night of 1 March, a desk officer volunteered to escort counterintelligence personnel into town to meet with members of the SDM. 'It was quite "hairy" patrolling down little alleyways on to the house where the meeting took place,' he noted in his diary when he returned at two o'clock at night. 'It was excellent. I sat and talked to an expatriate Somali who works

in Yemen, who has returned to Somalia for the SDM election to take place in the next couple of weeks. It was refreshing to finally meet some Somalis who had a positive, progressive approach to fixing this country's problems.'[122] The Baidoa conference succeeded in electing both new SDM representatives for the upcoming UN-sponsored Addis Ababa conference and a local representative body.[123]

Hurley was content with the progress made in March, but also worried about becoming more embroiled with local politics by the day. 'It is not really my job,' he wrote back home, 'so I will be glad when the UNOSOM II political officer arrives next week (at last!).'[124] He hoped to be able to concentrate more on commanding and monitoring his troops in the field and on organizing a big cleanup of the city with the cooperation of the local population. However, his hopes were raised too high, since UNOSOM political advisors would only visit infrequently.[125] The only UN representative working in Baidoa was Patrick Vercammen, a young Belgian who was officially a UNOSOM 'humanitarian assistance officer.' While he had substantial experience in humanitarian work, he was not at all trained in civil administration or in dealing with local politics. He saw his work primarily as coordinating the efforts of the NGO community, but although he was friendly with his former colleagues, they made it very clear from the beginning that they would not accept much UNOSOM oversight. He was given no staff and hardly any funds and found himself in a rather isolated position with little to no guidance from UN headquarters. Stanhope empathized with Vercammen and brought him a box filled with food when he first arrived in his barren UN office in February. They soon established friendly relations and were in daily contact. He basically latched on to the Australians who tried to involve him as much as possible, but continued to lead in all institution-building efforts. Vercammen scrambled for funds and materials to facilitate their efforts.

On 8 March, the NGO community wrote a protest letter to Boutros-Ghali, lamenting the total lack of accomplishments by UNOSOM in reconciliation, institutional and infrastructural reconstruction and the failure to even support its own field staff.[126] The secretary-general, like the Americans, was awaiting the outcomes of a national peace process and refused to take any action to fill the void in which the military contingents were trying to find their way. In late March, the first concrete steps towards reconciliation on the national level were undertaken when sixteen faction leaders met in Addis Ababa. They agreed on an interim government, a cease-fire and total disarmament, and the creation of a national police force. Meanwhile, a new UN resolution was drafted to provide the new UN force with a mandate to enforce its provisions. The NGO Human Rights Watch criticized this process for being 'a conversation amongst warlords.' The Australians were extremely aggravated by UNOSOM's refusal to permit the newly elected SDM representatives to attend the meeting in Ethiopia. Instead, the UN continued to work with the established faction leaders affiliated with Aideed and Ali Mahdi.[127]

The most imminent concern in Baidoa continued to be the maintenance of law and order. The idea that the Australians had arrived with a plan has led to the common

Unarmed Somali policemen of the newly created 'Auxilary Security Force' join Australian infantry on patrol in urban Baidoa. The Australians went further than other peacekeeping units by resurrecting a judiciary and penal system.

misconception that they came fully prepared to assist in the reconstruction of the police and the local court system. In an influential analysis on the Auxiliary Security Force, Lynn Thomas and Steven Spataro maintained that the Australians brought police trainers and integrated 'judicial experts' into their force after having studied the situation.[128] However, the military police detachment had not anticipated performing any such role, and would only do so to a limited extent since the detachment was already seriously under strength. MP Sergeant Peter Watson, who had served in the New Zealand Army and civilian police force, was in charge of just five corporals. Attached to Colonel Mellor's Australian Forces Somalia Headquarters in Mogadishu, they were initially tasked to provide security for the headquarters and perform policing duties for almost one thousand personnel.[129]

Kelly's task was officially not planned to go beyond the normal legal advisory role to the contingent commander. Driven partly by his personal and professional interest in the legal aspects of the mission, Kelly played a substantial role in lifting the institution-building effort in Baidoa to a higher level. His work cannot be seen in isolation from the initiatives by Lorenz, Spataro and some of the UN staff in Mogadishu. By February, the ASF in Mogadishu was clearly showing some prom-

ise.[130] At UNITAF headquarters, Kelly had established a close working relationship with Lorenz and Spataro, and was able to convince them that the relative success in Baidoa should be exploited and serve as a model for the rest of Somalia.[131]

With both UNITAF and UNOSOM providing lackluster support, the ASF continued to struggle for funding, civilian expertise and political guidance. Instead of sending support, the UN and the United States sent a steady stream of consultants to report on the potential of police reconstruction. After the UN had fielded three investigators in January who proposed a five-hundred strong UN Civilian Police contingent, the US Department of Justice team concluded in March that the ASF could work, but needed close to thirteen million dollars to function in Mogadishu the coming half year. This would have been a modest sum considering that the United States was spending thirty to forty million to keep its troops afield each day. In April, Martin Ganzglass was somewhat surprised when he was sent as yet another consultant, this time by the State Department. The American lawyer, a former Peace Corps legal advisor to the Somali government in the 1960s, was given a somewhat broader assignment to include, apart from police reconstruction, reviewing the potential for the resurrection of a judicial system.[132]

Without formal international control, accountability continued to hamper the functioning of the ASF. Oakley argued that the Police Committee set up to take charge of the police in Mogadishu was non-partisan and that it somehow 'reported to the Somali people.'[133] Ganzglass and Brigadier Ahmed Jama regarded the ten appointments of police, army and former secret service colonels and generals, five by Ali Mahdi and five by Aideed, as highly political and problematic in the long run.[134] Ganzglass and the former Somali police commander argued that Oakley should have strictly limited the committee to former Somali national police and expanded the effort to the provinces, where the police was operating in a vacuum, or under control of the more active UNITAF contingents, but frequently under control of local warlords. Ganzglass suggested that the ambassador refused to challenge the control by the warlords in Mogadishu in order to get the Committee and the police force off the ground as soon as possible. He also criticized the Americans for their excessive focus on Mogadishu and the failure to create non-partisan local councils elsewhere in the country to rebuild local courts and police forces.[135]

Without a coordinated and internationally funded program for police support, it fell to the different UNITAF contingents to help create and support regional police. This resulted in very different levels of performance by the local police units. Addressing a RAND Corporation conference in the year 2000, Oakley held that the Somali police performed effectively in the vast majority of the cities and towns.[136] While he correctly lauded the Mogadishu police for its overall performance under extreme pressure, its success here depended to a large degree on the operational control executed by Brigadier Zinni and Spataro. As long as the ASF was propped up by US Marines, Italians and other UNITAF units, the police held their ground, although one source in the State Department called the force 'unarmed and with uncertain loyalties.'[137] Thomas and Spataro were more critical of the overall performance of the police, concluding that '[i]n Mogadishu and some outlying areas (such as the

French and particularly the Australians sectors), the police performed reasonably well during the UNITAF period. In other areas they performed poorly, even being controlled by local warlords. Only in the Bay region was there any serious support for judiciary or penal rehabilitation.'[138] The efforts by the Australians were widely regarded as by far the most effective in re-establishing a degree of law and order, but even 'the Baidoa model,' as it was sometimes referred to, was obviously not without its flaws.

Hurley's primary motive for energetically pushing the police program was that policing-type jobs were absorbing his soldiers. Clearly, there was a simultaneous urge to make a lasting impact.[139] On 4 February, he presented a plan for the establishment of a local Auxiliary Security Force in Baidoa. Stanhope was tasked to liaise with the emerging police force and UNOSOM, that was hoped to start supporting the force soon.[140] There is no evidence to support the claim that earlier efforts by the Marines were built upon. The process was started from scratch with the distribution of leaflets in Baidoa and a briefing to the Council of Elders advising them that anyone with at least two years' previous police service prior to January 1991, no criminal record and the approval of the elders could be a member of the ASF. Although not always adhered to, these criteria were the same throughout southern Somalia. Candidates were to be checked against the old nominal rolls found in Mogadishu containing the names of former members of the Somali National Police. Stanhope informed UNITAF legal staff on 8 February of the contingent's intentions to give high priority to the re-establishment of a police force. Three days later, an important meeting was held with the local elders to select a police commander acceptable to all elements and determine the initial thirty members of the force. Hurley had anticipated 'a lot of inter-factional squabbling,' but he was now hopeful of soon having a local security force and 'a jail to throw the people we catch into.'[141]

On 15 February, the ASF started operating in Baidoa with twenty policemen.[142] By March, the force numbered seventy-five and new uniforms arrived from a large stock that had been ordered before the war in Italy and had withered in a depot in Kenya since. They would soon be issued their traditional blue berets, handcuffs and nightsticks. Two vehicles would be 'on loan' to the ASF from American stocks left over from the Gulf War.[143] Batons, whistles, belts, badges, boots, typewriters, filing cabinets and even weapons were eventually all scavenged. However, even though the ASF in Baidoa was given priority by UNITAF headquarters, its poor equipment remained a serious impediment. After having served unarmed for almost two months, UNITAF authorized the issuance of weapons in March, so the Australians handed out the first three M-16s confiscated from bandits. Eventually, 25 percent of the total force was equipped with firearms, the maximum allowed by UNITAF headquarters.[144] The Australians accepted responsibility for the supervision of prisons, but were glad to share this task with the International Red Cross, which also provided food for both prisoners and prison guards. Lacking material support from UNITAF or UNOSOM, the contingent's engineers started restoring the police stations, the central prison, police cells and eventually also the courthouse.[145] Initially the ASF was paid in food provided by World Food Program and the Red Cross. Later, they received

wages from UNOSOM in local currency, which for some mysterious reason had retained some of its value in Somalia. The police were trained with some support of Australian MPs and regular infantry, but most of the training was done by a former instructor from the Somali Police Academy. By April, 260 policemen were recruited, more or less trained, and deployed throughout the Bay region.[146]

Kelly, Thomas, Spataro and Oakley all describe the police reconstruction effort in Baidoa as a success story. Bob Breen, however, was not convinced of its effectiveness after conducting his field research towards the end of the Australian deployment. The prime goal for its creation was eliminating the need for UNITAF to perform police functions in the short term. Even in Baidoa, this proved elusive. Although it was no longer necessary to hold Somalis in the battalion's temporary detainee facility once the police had been established with a detention facility, Hurley regarded his battalion as still 'very much a police force in town' and his troops continued to arrest persons right up to their departure – although in decreasing numbers.[147]

From February to May, the cautious and reluctant police officers were often included in operations, and patrol commanders tried hard to raise their profile and status in the eyes of the locals. However, the Australians were not always impressed with their performance, for example, in crowd control situations at food distribution points. They also failed to show up when called upon by the Australians to help when a row between SDM and SLA women escalated from shouting insults to hurling rocks at each other, leaving some wounded. Instead, a section of Australians was sent down to disperse the crowd of violent women.[148] The police proved quite susceptible to bribes and intimidation by bandits, and often proved incapable of holding detainees for much longer than twenty-four hours. It was after all a still underpaid, unarmed and underequipped police force. One notorious bandit called Gaardub was even released twice by the police, adding much to the anger of the Australians, one of who was wounded in a scuffle to recapture him.[149] Meanwhile, the Australians still lacked the authority to hold detainees longer than forty-eight hours in their own facilities. Only very serious cases were referred to Mogadishu.

Creating a politically independent police force proved hard in Somalia. The verification of names by the Police Committee in Mogadishu against the old record was sloppy and caused the Australians to step up their interrogation of police recruits.[150] While the initial security committee set up by Marines had been dominated by the SLA, Kelly and Lorenz found that the local Ranhanweyn politicians, now largely in charge, were also eager to use the ASF to further their political goals. This meant giving priority to tax gathering over investigating and detaining criminals in order to protect lives and property of ordinary Somalis. Tax revenue was hoped to be used for payment of SDM civil servants and the party hoped to use the police as their own security force against Aideed's SLA.[151]

Breen rightfully corrects the image of a smooth-running Somali police force in Baidoa and elsewhere, an image that has been used too easily to underline American success in the UNITAF phase versus the United Nations' eventual failure. However, his healthy skepticism, based mainly on accounts of Australian soldiers in the field, fails to measure the relative rapid success compared to police monitoring and

reconstruction efforts in other interventions such as Cambodia, Bosnia, Kosovo, and East Timor. Here, meager progress or modest levels of success mostly required massive and costly efforts and took years. Lack of progress there often resulted from poor cooperation between military peacekeepers and UN Civilian Police. Moreover, police reconstruction in Baidoa, despite its many flaws, was still far more effective than in most places in Somalia. When the Australians were preparing to be relieved by French forces in May, Kelly saw the ASF performing most of the regular policing in Baidoa. Breen also fails to mention the Criminal Investigations Division (CID), which the Australian legal advisor considered a key element in raising the effectiveness of the police force.

Regular Somali police lacked the training to perform careful investigations and gather criminal evidence or reliable criminal intelligence. The Police Committee in Mogadishu – dominated by two major factions – was reluctant to re-establish a criminal intelligence branch, which had existed within the regular police force prior to 1991. The Australians decided to press ahead anyway and established a unit of twenty handpicked former criminal investigators. These retained a considerable degree of independence from the police commander, Colonel Aden Nuur, and were put in charge of monitoring any corruption in the police force and the emerging judiciary. The police commander was specifically warned not to interfere, and reminded that UNOSOM paid his wages and could remove him, which in reality meant that the Australians could do so, as they were clearly running the whole operation.[152] They became increasingly disillusioned with the police commander, who had been acceptable to all parties for a reason as he clearly avoided any trouble with the major bandit leaders in the region. The Australians showed their willingness to intervene when they fired his deputy police commander after the counterintelligence personnel discovered he tried to strike a deal with bandit elements. Nevertheless, other local police commanders, such as in the provincial town Dinsoor, performed admirably. Kelly also had full confidence in the CID commanders, with whom he, the battalion's intelligence team and MP Sergeant Watson all cooperated closely and effectively.[153]

The creation of the ASF in Baidoa, although more successful than in most places, was not unique. However, the Bay region was the only sector where any serious support was provided to the rehabilitation of the judiciary and penal system. Also in this respect the Australian efforts have often been lauded and portrayed as the path that UNITAF should and could have taken to seriously prepare the way for the United Nations mission.[154] Justice system reconstruction in Baidoa was a trial balloon and emerged from a cooperative effort by some individuals amongst UNITAF's legal staff and the Australians. With the rising number of detainees held in Mogadishu prison, the inevitability of some support to the reconstruction of a judiciary system was becoming apparent to UNITAF headquarters and in Oakley's Liaison Office. To this end, the American military legal advisors met with a group of Somali lawyers and judges from southern Mogadishu, all of whom were aligned with Aideed. This triggered more criticism that the United States was again ceding too much authority to the dominant warlord and neglecting other parties.[155]

After Kelly's arrival in January, he became involved in efforts by Lorenz and Philip Ives to form the US Liaison Office to assemble a broader cross section of Somali lawyers. In the period between January and late March, these local initiatives were emerging in the virtual policy vacuum that existed in Washington and New York. It was a time when the Americans in Mogadishu started to recognize there was little chance of raising viable institutions by working merely through the warlords. At the same time the new Clinton administration was under increasing pressure from Colin Powell and the Joint Chiefs to stick to the plan to get out of Somalia as soon as possible. Nevertheless, Lorenz and Ives organized a conference on 3 March that was attended by forty-three lawyers under UNITAF protection. Although the UNOSOM office was asked to participate in the process, no representative was present and the UN failed to encourage judicial reconstruction efforts afterwards, waiting instead for political guidance to follow the Addis Ababa conference held later that month. Quite happy with the vague arrangements made in January, some of those aligned with Aideed questioned the need for the creation of a new steering committee to carry forward the revival of the Mogadishu courts. Nevertheless, some positive results came from the meeting as this committee was created and headed by a former professor at the University of Mogadishu and supreme court judge, Dr. Abdullah Ossable Barre. Dr. Ossable had impressed Lorenz and Kelly as very capable during a meeting in the previous month.[156] It was also agreed that the old Penal Code of 1962 applied.

Lacking formal UNITAF backing and devoid of any UNOSOM support, the initiative never showed much promise in Mogadishu. However, Kelly basically took the effort from there and with Lorenz's support directed his efforts towards Baidoa. The conditions here were better with less hindrance of factional infighting after the Australians had temporarily neutralized the SLA. Moreover, they found a willing commander in Hurley who was not hampered by fixed ideas that all 'mission creep' was dangerous. During a meeting with Dr. Ossable and a former Ministry of Justice official on 22 February, a list of former judges and court personnel from the Bay region had already been obtained, which allowed for the selection of judicial personnel. Dick Stanhope's CMOT personnel were given the list and they traced down some of the former local judges and even court personnel.[157] On 6 March, Hurley, Stanhope and Vercammen held a meeting with Dr. Ossable and another former leading Mogadishu judge that Kelly and Lorenz had brought in. After consultation with the committee of local elders it was agreed upon that the old penal code applied. Lorenz had some colleague judge advocates in Washington dig up an English copy of the Penal Code of 1962 in the Library of Congress, which, together with some old cases, allowed the legal officers in Somalia to follow and verify the proceedings. This English version and commentary had in fact been written by Ganzglass in 1969. A regional court was established in Baidoa and five district courts were eventually established in the major towns. Seven local judges from before the civil war were selected, and a president of the Court of Appeals and a chief prosecutor were appointed.[158]

Courtrooms had to be built or refurbished and were usually co-located with the local police station, which facilitated protection by Australian troops. In the meantime, Australian army tents were used. During the first trial under the new judici-

ary system, a car thief was convicted and sentenced to five years' imprisonment for armed robbery. After various offenders had been released from police cells in the recent past, Stanhope had permanently stationed one of his CMOT teams at the police station to monitor detention and judicial procedures. Later in March, two bandits arrested by the Australians were released under dubious circumstances by the Somali judges.[159] Kelly spoke of 'teething problems,' but held that after initial close monitoring by the Australians, the judiciary was functioning well and was 'totally independent' of the Australian force or UNOSOM. Apart from criminal matters, the courts also started to deal with family and other civil disputes.[160] Despite the lack of UNITAF and UNOSOM support, the UN was unwittingly paying the judges as the Australians and Vercammen simply put down the names of the judges as police officers in the highest pay scale.

An important incentive for the creation of a justice system was the Australians' desire to capture and prosecute the major local warlords. By March they were confident that their removal from local society would seriously ameliorate the security situation. The effort was hoped to work both ways as such a high-profile case was likely to help build local confidence in the courts and the rule of law. Warsame was arrested on 13 March and sent to Mogadishu Prison after he had threatened to kill Australian troops. Meanwhile, Hurley had his sights set on the overall bandit leader Gutaale.[161] Between them, the bandit leaders were suspected of some one hundred murders. The criminal investigations were a collaborative effort of the Australian counterintelligence personnel, MP Sergeant Watson, and Kelly, but local criminal investigations staff from the old police force proved to be extremely helpful. The creation of the CID was in fact a by-product of these investigations into the dealing of Warsame and Gutaale. A very strong case against Warsame was established after long and laborious interviews with twenty-two eyewitnesses, who dared to come forward now that he was in captivity and gave horrific accounts of the atrocities he had committed in the previous two years. The most infamous of these was the so-called 'truck massacre,' when Warsame and his men robbed and shot dead sixteen people returning from the market. The accounts were corroborated by hospital records and other physical evidence.[162]

After the evidence was gathered, Kelly went back to Mogadishu to prepare for the trial. He reviewed the evidence with Lorenz and the UNITAF Chief of Staff before it was submitted to General Johnston, who determined that he could be held and tried.[163] While Kelly was on his way back to Baidoa, news broke that Warsame had been released from Mogadishu central prison. An investigation into the release by Lorenz showed that Gutaale had traveled down to Mogadishu to bribe a judge loyal to Aideed into signing a release order. The judge was arrested by Spataro and held at the UNITAF detention facility. The whole episode was a serious blow to the Australians' prestige among those who had just taken the risk of giving evidence, but also to Australians' confidence in the Mogadishu judicial and penal system. Warsame would remain at large, but did not dare return to Baidoa. Instead he continued to lay low in Mogadishu. An important by-product of the investigations into the two major bandit figures in Baidoa was the unraveling of their criminal empire. It showed

how they had taken many shops, private houses and hotels by force, and gave some clear insight into the command structure and functioning of their organization.[164]

Angered by the release of Warsame, Hurley issued orders to search Gutaale's premises and to arrest him. His detention and possible trial were hoped to further assert the Australians' authority and reinforce confidence in their ability to deal with the major thugs. The opportunity emerged when Thomson and Douglas, who had done much of the investigations into his case, recognized his car as it approached them in Baidoa on his return from his trip to secure Warsame's release. They had four soldiers with them and, as the vehicle was forced to stop for a donkey cart, Thomson ran toward the car and dragged Gutaale from behind the wheel. They packed him in their Land Rover and immediately drove off to the base, 'leaving Gutaale's car with its engine running, driver's door open and a group of shocked passengers with mouths agape in the back seat.'[165] According to Thomson, the effect of the arrest and trial was that many of his henchmen packed up and left Baidoa. This time, Gutaale was held in the UNITAF detention facility guarded by American MPs and only transferred to Baidoa prison just prior to his trial. In the meantime, the same team that had worked on Warsame's case went to work on the flood of evidence that was coming in after his capture. The case focused on two of his worst crimes. In August the previous year, Gutaale had deliberately driven his Fiat armored vehicle into a group of refugees, hitting fifteen women and children. He had stopped, reversed, and crushed the bodies while his gunmen mounted on the vehicle were allegedly 'cheering and yelling in delight.' A former policeman who had helped clean up the carnage was among many giving detailed evidence in this case. The second charge was of a robbery of an International Red Cross warehouse, where sixteen local employees were shot and killed.[166]

The two-day trial of Gutaale commenced on 24 April and was a test case for the rudimentary legal system. The court found him guilty of the murder of thirty-one people and many cases of robbery. Under the provisions of the 1962 Somali law, he was sentenced to twenty years' imprisonment. Both his lawyer and the prosecution appealed, the latter having expected a death sentence.[167] It took the Australians some effort to gather the six judges willing to fill the required seats at the appeal hearing, but during a one-hour session, Gutaale was indeed sentenced to death. Ten minutes later, Kelly and the other Australian officers present witnessed how a firing squad of ASF policemen executed Gutaale in the prison next door in the police compound.

Conclusion

By May 1993, the Australian contingent in Somalia had had gone quite far in assuming a role similar to military governance. For the troops on the ground, their role resembled that of assistance to the civil power in a counterinsurgency operation, with the notable distinction that the civil power was under construction and, for the most part, temporarily replaced by some of their own officers. They were not alone in facing these challenges, as all UNITAF contingents struggled with the lack of guidance from the political level and absence of substantial international civilian or military

civil affairs personnel. Like Hurley, Major Stanton recalled how he and his colleagues in a regular infantry battalion staff were 'handed the reins of government' and came up with thoughts and suggestions on how to go about business in Marka 'like improv actors performing without a script.'[168] Even though they did not face the same challenges circumstances as the Marines in Mogadishu, the Army battalion arguably gave the best performance of all the US forces in filling the power vacuum. Oakley called Marka 'a sort of living laboratory' in this respect. The French would also look back at substantial successes in Oddur and the surrounding Bakool region, but no contingent had taken the experiment as far as the Australians. It has to be remembered that the assumption of the governmental role and the reconstruction of local services by the Australians were all in support of the provision of security, rather than planned or executed as a primary role.[169]

The Australians had some advantage from arriving late, but Hurley and his staff had come as ill prepared as any UNITAF contingent to engage in institution building. Claims that the Australians had come fully prepared only seem to serve the purpose of absolving others for the missed opportunities and wasted months elsewhere in southern Somalia in early 1993. Their chief advantage over the Americans was their different mind-set, which can be ascribed to the 'counterinsurgency reflex.' Part of that mind-set was also determined by their focus on a fixed exit date in May, which gave the Australians a somewhat longer perspective and prepared them to operate under the United Nations that was expected to take on additional responsibilities. The Australian government gave their contingent substantial latitude to execute their ill-defined mission. Provided this freedom, the Australians showed their capacity to improvise with their commander ready to exploit every opportunity to try make the relative degree of public safety created by intense military operations more than cosmetic. Their flexibility showed in the use of the Stanhope's liaison teams, the legal advisor, the intelligence staff and eventually also the MP Sergeant, none of whom where specifically trained and prepared for the sort of mission they ended up executing. Their different military mind-set showed in the acceptance and execution of constabulary-type duties, without which the creation of institutions and fostering of local political alternatives to the rule of the warlords would have been impossible. From late March, the Australians had been well on top of the security situation, with close protection of the NGOs and wherever possible also the Somali population. They engaged in much broader disarmament and exerted far more control over the countryside than the Americans, Belgians and Italians, who tended to stay locked up in the main towns instead of venturing out. Only the French seem to have rivaled their success in stirring up the hideouts of nomadic bandits.

Australian institution-building activities have been described as a successful example of a 'bottom-up' approach to 'nation building,' that was in stark contrast with UNITAF's and the UN's 'top-down' approach that focused on the warlords. It was confirmed in the following years in several conferences that no success in reestablishing order was ever to come from nationwide measures focused on those already in power. Smaller-scale grass-roots initiatives have yielded some results in creating several oases of order and safety in Somalia.[170] Nevertheless, Bob Breen sensed there

were doubts among many Australians in the field about the longevity of their 'nation-building' efforts. In the course of Gutaale's trial, he also witnessed how 'many felt that without the presence of the Australians during the proceedings, this outcome might not have been achieved.'[171] He was probably correct, but the trial and execution were a culmination of the Australian contingent's bold efforts, especially in their wearing down the power of the warlords.

The relative order in the Bay region and the institutions created proved not to be as short lived as some Australians feared. The official US Army After Action Report noted how, despite the escalation of violence in Mogadishu, progress continued to be made in some of the provinces in the summer of 1993. Most of the examples used were from the Bay region. When the French took over from the Australians in late May, they found the province functioning relatively well. There was a temporary increase in banditry, but the weapons confiscation and registration program continued to go well. In August, UNOSOM II reported on the recovery of businesses and the 'booming local economy' in Baidoa. The Moroccans were making headway with limited police training in Buurhakaba, and issued weapons to the local police in the area that month.[172] According to Kelly, who remained in contact with some Somalis from the region, the administrative and judicial institutions continued to function with a relative degree of success and some European Union and other foreign support until 1995.[173] Even the Indian contingent taking over from the French later in 1993 and 1994 had a relatively easy tour in the Bay region with its comparatively well-functioning police force. Meanwhile, the functioning police system established in Mogadishu collapsed under pressure of renewed factional fighting and political confrontation.[174]

The Australian Battalion Group in Somalia not only went further than all the other contingents in assuming governmental responsibilities in Somalia, their institution-building efforts would remain unrivalled by any military contingent during peace operations in the remainder of the 1990s. The Australians had shown in Somalia what could be done with few means and were clearly Patrick Vercammen's implicit point of reference when he told *Time Magazine* reporter Andrew Purvis in May 1993: 'The Americans could have done ten times more than they have done. Fifty times. They thump on their chests, but the biggest part of the job has yet to be done.' Robert Oakley was not at all pleased with the UN field officer's comments.[175] As the bulk of US troops withdrew in May, he and other US officials were clearly trying to steer the erupting debate over success or failure by pointing out that *Operations Restore Hope* was never intended to be more than a stop-gap and that it probably saved hundreds of thousands of Somalis who were on the brink of starvation only six months earlier. The general tenor of the *Time* article was exemplary for many instant evaluations at the time. While acknowledging the accomplishments, it still called security a 'very, very relative term' in southern Somalia, and put forth serious doubts as to whether the powerful intervention force had performed the other part of its mission: adequately preparing the ground for the UN force. In the absence of

a clear political strategy for the intervention in Somalia, the United States had focused primarily on its military 'exit strategy.'

Measuring the success of the UNITAF phase of the Somali intervention, already complicated by the great gap between the originally assigned 'apolitical' mission and the actual measures required to impose any real order on the ground, would soon be dominated by the dramatic events that unfolded soon after the handover of the mission to the United Nations. The transfer of command immediately displayed the United Nations' shortcomings, such as its inability to operate as a strategic headquarters – a problem that was already hampering operations in Cambodia and Bosnia. Although Boutros-Ghali can be charged with failing to balance his ambitions with the means at his disposal, a substantial share of the blame fell on the member states. When the UN assumed control of the Somalia operation on May 4, it had only 16,000 troops on the ground and would only reach its planned peak strength of 28,000 in November 1993.[176] At the time of the transfer, its military staff was only 25 percent of its authorized strength. Moreover, when they finally arrived over the coming months, the quantity and quality of UNOSOM's civilian personnel tasked with 'peace building' still left much to be desired.[177]

This much smaller and less capable force was given a much broader mandate as laid down in Security Council Resolution 814. It was also given a larger area of responsibility. The United States had played a leading role in drafting this new resolution that included the reconstruction of a new national government and comprehensive and – if need be – coercive disarmament of the militias.[178] The United States supported the force with four thousand logistical personnel and twelve hundred infantrymen in a Quick Reaction Force. American troops were officially outside the UN chain of command under direct US control, but as one American military analyst has argued, 'American diplomacy in the United Nations had created a US command and control structure for UNOSOM II in all but name.'[179] The special representative to the secretary general was a retired US admiral, the force commander a handpicked Turkish NATO ally, and his deputy was a US general who was also in control of all US forces in Somalia.

Only a month after UNITAF's departure, Aideed's forces started to launch unprovoked attacks on UN personnel. This confirmed earlier concerns that the leading warlords, whose power had hardly been diluted in the previous months, were just laying low until the more muscular US-led force withdrew.[180] Inflammatory anti-UN and anti-US propaganda on Aideed's radio station prompted an action to close it down – and inspect several of his weapons storage sites. During the action, Aideed's militia killed 24 Pakistani peacekeepers in an ambush. This in turn triggered the 'hunt for Aideed,' mandated by a new Security Council Resolution in which the United States again pushed the United Nations' hand.

It would be simplistic to denounce America's retaliatory action after the deliberate attacks on the UN, but its execution in the coming months was rather blunt and contrasted sharply with the earlier accommodating stance by American diplomats and military leaders. An attack by five US helicopter gunships firing guided missiles on a compound in Mogadishu killed an estimated forty people from Aideed's clan

in July in an attempt to deliver a serious blow to his organization. The prominent Habir Gedir clansmen later turned out to be discussing the possibility of persuading Aideed to leave the country and strike an accord with the US and the UN. They had reported on the purpose of their gathering to UNOSOM, but at this time communications between US forces and UN force were extremely poor. According to Oakley, the result of this raid was that 'there were no moderates left. Everybody on the Somali side then began to look not to fight the United Nations but rather began asking "How can we kill Americans?"[181] The American Quick Reaction Force, strengthened by Army Rangers and Delta Force commandos, undertook increasingly violent operations to catch Aideed, eventually ending in the climatic battle in the streets of Mogadishu on 3-4 October 1993. The intense fighting left eighteen American troops dead and seventy-eight wounded. Conservative estimates put the number of Somali dead at 300 to 500, and 700 wounded, including substantial numbers of women and children who were drawn to the battle and sometimes deliberately used as human shields by the gunmen. The death of American soldiers during this raid led to the withdrawal of US troops and caused contributions from other more powerful member states to dwindle. As a result, most of the country slid back into chaos in 1994-1995. After having spent more than four billion US dollars, the intervention eventually ended in the embarrassing evacuation of all UN personnel under fire in March 1995. After the withdrawal of Indian troops from the relatively peaceful Bay region, it was overrun by Aideed with an army of six hundred militia and thirty technicals. In 1999, after four years of relentless oppression, the local population was eventually able to liberate themselves through armed resistance by the newly formed Ethiopian-backed Ranhanweyn Resistance Army (RRA).[182]

The general perception of the entire mission as a failure triggered a reaction in the United States, aimed at fending off criticism by arguing that UNITAF was an overwhelming success. Chester Crocker from Georgetown University, in his introduction to the book written by Hirsch and Oakley, contrasted the 'skillfully managed, US-led UNITAF' with the 'overstretched, coercive nation building phase of UNOSOM II.'[183] Although this revisionism has been useful in somewhat correcting the lingering idea that there were no positive experiences in the early phase of the intervention, it has left the US public and military with a distorted picture of their own achievements in the early phase. While lives were saved, it blinded them to the political realities the United States had already created during *Operation Restore Hope*. It also created the wrong impression that 'mission creep' was to blame for all the wrongs in 1993. While the inclusion of 'nation building' and the deepening involvement of US troops in combat operations were specific policy decisions reached by the US government and can therefore be categorized as 'mission shift,' both decisions have wrongly been criticized as 'mission creep.'[184] For a domestic audience, the Clinton administration was reasonably successful at spinning the story into that of the United States intervening adroitly in a limited humanitarian mission only to have the United Nations bungle it because it chose to do 'nation building.' Bending, as often, under heavy

pressure from the majority Republican Congress, he even created the false impression that the UN was to blame for the death of American soldiers in Somalia.[185] The fiction that US troops had died under UN command also further strengthened the idea never to allow American troops to serve under foreign command. The general tendency by Republicans to bash the United Nations for all possible wrongs, which the Clinton Administration chose not to contest, hurt the organization badly.

The tendency to declare UNITAF a success, while deferring all the blame for failure onto the United Nations, heavily influenced operational and tactical lessons the US government and military have drawn from the intervention. These lessons would resonate throughout to 1990s and heavily influence choices made in future operations such as Bosnia. Most of the learning went into avoiding the mistakes made after May 1993, while little was done with the earlier hard-learned positive lessons. Rather than claiming UNITAF ambitions were set too low, the prevailing argument became that the United Nations' ambitions were too high. Rather than calling for more closely integrated civil-military operations, the dominant theme in most of the short-term 'lessons learned' to come out of Somalia amounted to a further limitation on military mandates in line with the Weinberger-Powell Doctrine. All interference by military forces in the civilian sphere – most of all military involvement in public security – was to be avoided and discarded as 'mission creep.' A 'zero-casualty' edict by the Clinton administration caused force protection measures to be further stepped up and would seriously hamper US forces in accomplishing their mission in future operations. Another vague notion to arise in the wake of the Somali intervention was that peace operations dulled 'the war-fighter's edge.'[186] While many American officers learned valuable lessons from Somalia, risk aversion and a general aversion to any involvement in peace operations further handcuffed innovative military leaders. The mark on the American military psyche left by Vietnam and Beirut was only deepened in Somalia, and reinforced many of the tendencies already present.

Driven by failures in Bosnia and Somalia, the heady optimism and dizzy expectations that surrounded UN peace operations in 1992 evaporated in the second half of 1993. Its most dramatic effect was the failure to intervene forcefully in Rwanda in 1994, when close to one million people were slaughtered in a premeditated genocidal campaign. The events in Mogadishu also temporarily put an end to Clinton's ambitions to play an active role in enforcing the peace in Bosnia, where his European allies were struggling with another vaguely defined humanitarian mission in a war zone and where the United States and Europe tended to thwart each other's efforts instead of working in concert. In most European capitals, the failure of enforcement measures in Somalia led to the questionable conclusion that they were on the right course by sticking to a neutral position in Bosnia. UN peacekeepers who ever more frequently came under fire from, or were taken hostage by, Serb forces in the next two years were expected to turn the other cheek for fear of what UN Commander General Sir Michael Rose called 'crossing the Mogadishu line' between neutral peacekeeping and forceful intervention.[187] This image, and the subsequent fixation on the need to redraw the borders between peacekeeping and peace enforcement, was instrumental in shaping soldiers' and politicians' views of what was within or outside the military scope.

8

One Step Forward, Two Steps Back: Widening the Civil-Military Gap in Bosnia

After the embarrassment suffered by the United Nations in Somalia, Rwanda and Bosnia, the belief in peace operations as a successful means of intervention in civil wars plunged to an all-time low in 1995. The Western powers, although carrying much of the blame for previous failures, decided they would never again allow their soldiers to become 'eunuchs at the orgy,' as UN peacekeepers had been characterized in Bosnia. They entrusted their major military operations in the Balkans to NATO, their own regional security organization. The regionalization of military peace operations was thus set in motion, and the Implementation Force (IFOR) in Bosnia became the archetype. The painful legacy of previous years combined with IFOR's overwhelming military success in the early days of the operation made it the pivotal mission in the history of modern peace operations. Compared to most other peace operations, its impact on the Western military establishment was disproportional as the mission under American leadership restored the military's thoroughly battered confidence in its ability to bring civil wars to an end. Although peacekeeping was often still considered 'not a job for soldiers,' the military became convinced they could succeed as long as they were allowed to do peacekeeping on their own terms, which meant going in with the capacity to enforce the peace and a clearly defined objective that was strictly limited to the military sphere. While crucial experiences from previous years were incorporated into the mission, particularly those related to the possible use of force, others were consciously ignored. IFOR turned out to be a giant leap forward in strictly military terms, but it was a big step backward in terms of civil-military cooperation. Moreover, the clock was turned back on military involvement in public security-related tasks.

The Dayton Accord

The Dayton Peace Accord, officially known as the General Framework Agreement for Peace (GFAP) in Bosnia and Herzegovina, was a triumph of American statecraft after many years of US aloofness and European dithering during the Balkans wars.[1] The Accord, negotiated at the Wright-Patterson Air Force Base in Dayton, Ohio in November 1995, brought Europe's most savage war since 1945 to an end, something that the members of the European Union had been unable to do in the previous three-and-a-half years. Between 100,000 and 150,000 people had been killed, and over two million were displaced by the war.[2] The military side of the peace plan – putting an end to the fighting – corrected virtually all the mistakes made by the hap-

less United Nations peacekeeping mission in Bosnia up to that time. The key difference between the two peace operations was the existence of a peace treaty. The UN Protection Force, UNPROFOR, had performed its 'peacekeeping mission' – in fact primarily a humanitarian support mission – in the absence of a viable treaty. In a continued war environment it gradually saw its mandate expand into the Safe Area policy. This additional mission entailed elements of peace enforcement, but failed to provide the UN force with adequate military means and a proper command structure to exercise its mandate, and eventually led to the tragedy that culminated in Srebrenica. IFOR was endowed with a mandate and military clout to enforce compliance while essentially limiting its role to that of a traditional peacekeeping mission – a role reversal if ever there was one.[3]

The conditions for peace had been brought about by a punitive NATO air campaign against the Bosnian Serbs and a ground offensive by Croats and Muslims that reversed many of the territorial gains made in the previous years. The dramatic shift in the balance of power facilitated the October 1995 cease-fire, on which peace was built. President Tudjman of Croatia, Milosevic of the Federal Republic of Yugoslavia and representatives of Bosnia's three major ethnic groups signed the Dayton Accord in Paris on 14 December 1995. Nominally Bosnia became a single state for the first time in history. However, by an arrangement that became informally known as 'soft partition,' the agreement defined Bosnia as consisting of the two entities created during the war – Republika Srpska comprising 49 percent and the Muslim-Croat Federation consisting of 51 percent of Bosnian territory. They were joined together by a weak central government. With the exception of the central region of Bosnia, most areas were populated and controlled by a predominant ethnic group as a result of ethnic cleansing during the war. IFOR's task was to control and monitor the inter-entity boundary line, but the hard part – putting the former province back together as a sovereign state – was not envisioned as a military task.

The peacekeeping force's key features were its awesome military power, robust Rules of Engagement, clear command structure and executive powers under Chapter VII of the UN Charter. IFOR centered on the US Army's 20,000-strong First Armored Division and eventually consisted of approximately 60,000 troops. It was equipped with tanks, artillery and air components, and its troops were authorized to use their arms if challenged to perform their mission – not merely in self-defense.[4] As a result, the mere threat of force was usually sufficient, as IFOR's authority was not challenged, at least not by the former military adversaries in uniform. IFOR took no casualties as a result of enemy fire. The force would operate under authority and direction of the North Atlantic Council (NAC) and was endowed with a single chain of command under the Supreme Allied Commander Europe (SACEUR), the American General George Joulwan. US Admiral Leighton Smith became its first force commander. The force was authorized and legitimized in retrospect under UN Security Council Resolution 1031, but did not operate in any way under the UN.[5] The results for military implementation of the peace agreement were astounding. With a one-year mandate to ensure the separation of forces, their confinement to cantons and downsizing, IFOR performed its principal military mission within a mere six months.

Bosnia 1995-1996: IFOR's three Multinational Divisions were led by US, French and British forces.

Rapid military success, however, was partly obtained at the expense of longer-term success in overall peace implementation. The fundamental flaw of the Dayton peace process was its reliance on what the experienced UN administrator and US Air Force Reserve Major General Jacques Paul Klein would later call 'tempo-centric quick fixes,' which were largely dictated by internal American politics. Already, the obsession with what were called military exit strategies and exit deadlines in the wake of the prolonged and inconclusive operations in Somalia and Bosnia had caused the US military to pull out of Haiti with a job at best half done, before democratic institutions took hold. Rather than learning from this experience, Dayton fell halfway between the limited aim of ending the war and a much broader mission aimed at creating a self-sustaining peace. The choice between these two options, a conscious decision made in Washington, is captured in the title of Special Envoy Richard Holbrooke's memoirs *To End a War*. Holbrooke, the Accord's principle architect, was a proponent of the 'maximalist' option, but prior to the Dayton negotiations the 'minimalist' option won within the Clinton administration while setting the limits of US commitment on the drawing board.[6]

The American exit strategy was to get in, separate the warring parties along the ten kilometer wide buffer zone and deter them from further fighting by creating an armed balance of power between Muslims, Croats and Serbs within Bosnia. The military equilibrium within this nominally unified Bosnia was to be created by building up the Muslim forces with a so-called 'equip and train' program, unilaterally pursued by the United States outside the NATO chain of command, while building down the Bosnian Serb army. Although IFOR's one-year mandate has been called 'a polite fiction' in order to make the Accord more palatable in the United States, there appeared to be a genuine belief that this strategy would allow for the withdrawal of at least US military forces within one year.[7] As in previous operations, it hinged on the idea of a military end-state focused on the creation of conditions in which civilian agencies could redress the causes of conflict, possibly supported by a much smaller UN peacekeeping force without US participation. This attempted sequential arrangement, founded in a segregation of military and civilian spheres, had not proven successful in Cambodia, Somalia or Haiti.

In the haste to 'get the boys back home,' peace in Bosnia was obtained at the cost of a series of compromises and concessions that seriously impeded effective post-conflict peace building. Examples of concessions and compromises made to the former warring parties included leaving two opposing armies and two republics in one country, deals with the autocrats Tudjman and Milosevic – the prime instigators of the Balkan wars – and recognition of the Republika Srpska despite its appalling record during the Bosnian war.[8] Dayton also left Radovan Karadzic, an indicted war criminal, in de facto control of the Republika Srpska. Yet, except for the latter blunder, these concessions made to the parties were partially excusable in order to impose a peace that many had considered impossible.

Unnecessary compromises were made while creating the tools for implementation of the complex peace agreement, tools that could have mended the dysfunctional elements of the Dayton Accord. These concessions were made for internal political reasons, due to civil-military strife within the United States and as a result of trans-Atlantic quarrels. The narrow approach towards peace in Bosnia was embedded in the motives for intervention and largely dictated by the boundaries set by serious opposition within the United States to an intervention on the ground. Creating a self-sustaining peace, let alone 'nation building' was not the Clinton administration's goal in the second half of 1995. The prime motivation for US intervention in the Bosnia conflict was US foreign policy credibility in the wake of the slaughter in Srebrenica and the likeliness of continued bloodshed in the Balkans backfiring during the upcoming 1996 presidential election campaign. After all, Clinton had pushed President George H.W. Bush to take action to stop the massive suffering in the Balkans during the 1992 election campaign. Pushing the issue off the agenda was the fundamental goal in getting involved in Bosnia in the summer of 1995.[9] However, with seventy percent of the American public opposed to sending troops to Bosnia, there was limited room to maneuver. The Republican-dominated Congress, the major-

ity of whom were opposed to the operation, would only allow the Clinton administration to go forward and fund a military ground operation in Bosnia if it stuck to a limited objective and a short period of time. Apart from opposition from the US Congress and public opinion, President Clinton was faced with military leaders who 'in their hearts' would have preferred to not send American forces. They resisted tasking beyond the strictly military side of peacekeeping and envisaged a mission that strictly adhered to the Weinberger-Powell Doctrine.

The second major weakness of the Dayton Accord, closely related to the 'quick fix' approach to the military side of peace implementation, was its failure to create a potent organization for civil implementation. While the military component was fixated on ending the war, building a self-sustaining peace fell to the Office of the High Representative (OHR) that was charged with integrating the three ethnically based government and public security structures, promoting reconciliation and rebuilding and restructuring a communist economy devastated by war. For 'arguably the most ambitious multidimensional peace operation ever undertaken,' it was not given the appropriate mandate and means.[10] There was a striking contrast between the clarity of the military mission in the Dayton Accord and the balance between responsibilities and authorities assigned to IFOR and the 'decided lack of either clarity or definition of authority for guaranteeing agreements made in the civil spheres.'[11]

The former Swedish Prime Minister Carl Bildt, the first high representative, was not answerable to the Security Council, which Washington wanted to keep out of the loop. Instead, his political guidance came from the ad hoc Peace Implementation Council.[12] This gave him little formal authority over any of the United Nations agencies involved, such as the UNHCR in charge of repatriation of refugees and the International Monetary Fund and World Bank tasked with economic reconstruction. He had no authority over the OSCE mission headed by the American Ambassador Robert Frowick, whose task was to help organize and monitor the election process and other institution building activities.[13] Obviously, he had no control over the hundreds of non-governmental organizations (NGOs) involved in humanitarian aid and reconstruction. Given these conditions and the short time that the high commissioner had to plan, it was no great surprise that he stumbled in his mission. Apart from lacking the necessary authority, a coherent plan and clear command structure, the execution and coordination of all these tasks fell to an understaffed, underfunded ad hoc organization. When IFOR commander Leighton Smith showed impatience and a lack of understanding of the complexity of the civilian dimension of peacekeeping, Bildt said to him: 'Admiral, you had a year to plan for this operation, a huge staff and the requisite infrastructure to get you into theater, set up and supported. I started out with a cell phone in a parking lot a few weeks before we were to begin operations.'[14] Smith acknowledged in retrospect that the high representative had an impossible task that was far more complex than his mission. At the time, however, the admiral tended to treat his mission and problems as an annoying little sideshow rather than the organization whose eventual success would facilitate his force's withdrawal.

Bildt blamed the shortcomings of his mandate directly on the US government,

claiming in his memoirs that 'the Americans initially stressed purely military aspects and did not want any cohesive civilian or political authority.'[15] Pauline Neville-Jones, the leader of the British delegation at Dayton, called the 'unprofitable power plays' between the Americans and the Europeans the root cause of the impotence of the Office of the High Representative. The British and the French had played a leading role in Bosnia in the previous years, but saw their part in Dayton reduced to the margins. After they insisted on the appointment of a European civilian counterpart to the American force commander, the US negotiating tactic appeared to Neville-Jones to be to concede to Bildt 'as little authority as possible, either over the agencies engaged in civilian implementation or in relation to the military commander.'[16] The failure to give Bildt a sufficiently strong mandate was one of the major mistakes at Dayton that Holbrooke wholeheartedly acknowledged. He admitted to several other mistakes, but Richard Swain, in what is probably the best history of military ground operations in Bosnia yet, simplified the historical verdict on Dayton arguing that '[f]or everything except stopping the war, the General Framework Agreement for Peace was a seriously flawed document.'[17]

The third and arguably pivotal flaw of Dayton was the failure to create the right conditions for civil-military 'unity of effort' for the implementation of the two sides of the Accord. Both success and failure during peace operations in Namibia, El Salvador, Cambodia, Mozambique, Somalia and Haiti had made it sufficiently clear that any level of success in peace building was dependent on parallel, complementary and preferably integrated military and civilian components. On Dayton's drawing board, the structures were drawn out separately, imbalanced and sequentially rather than in a parallel fashion. Dayton's drafters purposefully chose to segregate the military and civilian components of peace implementation, thereby consciously dismissing unity of command. The decision not to integrate civil and military implementation was primarily the result of the legacy of the 'dual key' for the use of force during UNPROFOR. This mechanism had been devised to lock the UN and NATO together, but failed with dramatic consequences in cases such as the Bosnian Serb attack on Srebrenica only several months earlier. 'We did not want a repeat of the UNPROFOR experience in which a diplomat could insert himself in the command chain and block military action,' said General Wesley Clark, the chief military representative within the negotiating team whose prime goal was to create a different and better mission for IFOR.[18] Although the previous missions' malfunctioning was embedded in the two conflicting mission concepts – peacekeeping and peace enforcing – rather than an inherent civil-military clash of interest related to the use of force in peace operations, any significant UN role thereafter came to signify civilian interference with the military chain of command in the eyes of political and military leaders in the United States. With the memory of UN-US friction in Somalia still fresh, they basically wanted the UN or any other civilian counterpart out of the way while the military focused on military implementation.

Years after Dayton, as its inherent weaknesses became dramatically apparent, it was argued by some that the Accord tried to segregate what was in fact inseparable.[19] Anyone aware of the hard-learned lessons of colonial policing, counterinsur-

gency operations, military government and civil affairs during the Second World War, or with experience in the above-mentioned peace-building operations would underwrite the importance of either a unified civil-military command structure or a very strong coordinating mechanism. Although a single command structure was clearly the preferable arrangement, future peace operations in Kosovo and East Timor would show that separated military and civilian commands were not necessarily a recipe for failure to achieve basic unity of effort. It was the lack of will that prevented a strong coordinating mechanism between IFOR and the high representative from being established. The military and civilian structures were encouraged to cooperate, but not required to synchronize their policies. This left the unity of effort on the operational level up to several factors, including: the will of the commanders on the ground to cooperate, national military cultures, national instructions to those commanders, and last but not least, on personal chemistry, which was totally lacking between Smith and Bildt. In his persuasively written memoirs, Holbrooke claims to have counted on the military to assume a much larger role in overall implementation of the Dayton Accord. By the time of its writing in 1998, the Accord had become closely associated with his name, but heavily criticized.[20] Holbrooke is probably correct in suggesting that the weakness of the key civilian players, loosely structured under the Office of the High Representative, could have been offset to a reasonable degree, had it been bolstered sufficiently by IFOR while attempting to establish its authority in that crucial initial phase. The ambassador favored stronger authority for the high representative and International Police Task Force (IPTF) and suggested broader military support to several aspects of the civilian implementation, such as the return of refugees, elections and the arrest of war crimes suspects. Faced with opposition from both military and political leaders in Washington, Holbrooke did not get his way. The chairman of the Joint Chiefs of Staff (JCS), General John Shalikashvili, a relatively progressive force within the US military, did offer him a compromise. The commander on the ground was given the right and authority to perform additional tasks if the military mission went according to plan, but never had the obligation to do so. How the force commander would use this authority would be up to him as the operation unfolded.

Subsequently, Dayton's drafters inserted what became known as the 'silver bullet clause' in the military annex to Dayton. This granted the peacekeeping force the authority 'without interference or permission of any Party, to do all that the Commander judges necessary and proper, including the use of military force, to protect IFOR and to carry out the responsibilities listed...' Holbrooke credits himself, but most of all Wesley Clark, with inserting the silver bullet clause.[21] Clark, however, points at Undersecretary of State Peter Tarnoff and UN Ambassador Madeleine Albright for suggesting: 'Why don't you just give the commander the authority to use force whenever he feels it's necessary to do so?'[22] Notably, in their memoirs, Holbrooke and Clark each cite slightly different passages of the military annex of the Accord when referring to the clause. While the diplomat suggests that it was aimed at facilitating the disputed 'additional tasks,' the general emphasized it as the ultimate tool in dealing with the warring parties.[23]

Although the mandate provided by the Accord could be interpreted broadly, it remains somewhat unclear why Holbrooke and ostensibly others in the Clinton administration counted on the military to assume additional responsibilities outside of what was considered the 'purely military sphere' if they were not ordered to do so. The conditions in 1995 for generous military support to civil implementation were as poor as they were ever going to be. The US military was performing a job it disliked in a corner of the world where they and the majority of the American public did not want to become involved on the ground. American forces finally did have the sort of narrow mandate and overwhelming force to execute their task. It was peacekeeping by the Weinberger-Powell rules and it could have been no surprise that 'Snuffy' Smith, having obtained what he called a 'clean military mission,' did not play along. When Holbrooke visited Bosnia in January 1996, Smith and his British land commander Lieutenant General Sir Michael Walker made it quite clear 'that they intended to take a minimalist approach to all aspects of implementation other than force protection.'[24] At the outset of the operation, this attitude may have seemed justifiable. Controlling the warring parties required IFOR's attention and there was a genuine, albeit exaggerated, fear of violence and heavy casualties during this process. Moreover, IFOR was not fully deployed until February. Yet, even after the largest and best-equipped peacekeeping force in history had reached its full strength and there was no military resistance whatsoever, there was constant talk and fear of overstretching the troops. It is remarkable that IFOR was almost half the strength of the ground force used for the much more challenging mission of occupying and stabilizing Iraq in 2003.

Holbrooke, who left public office in that February, blamed Smith for not utilizing the authority provided by the silver bullet clause after military implementation progressed far more rapidly than expected and IFOR encountered virtually no opposition from the former warring parties. In his defense, the admiral correctly argued that neither the Clinton administration nor his US and NATO military superiors, Shalikashvili and Joulwan, ordered him to assume any additional tasks, such as the protection of refugees and the arrest of war criminals. A US Army civil affairs colonel involved in bridging the civil-military gap argued, 'Holbrooke was simply trying to blame Snuffy Smith for some of the mistakes made at Dayton.'[25] However, Joulwan later implicitly called the admiral unimaginative in his approach to the gap between the military and civilian components.[26]

Much of the weakness of Dayton can be ascribed to the preoccupation of its American initiators with creating the mightiest possible military peacekeeping force with the narrowest short-term mission, while leaving the massive long-term responsibilities to its weak civilian sidekick. The huge gap between the military mandate and capabilities and those of the civilian organizations were at the core of Bosnia's slow recovery and the failure to re-integrate the ethnically divided former province. However, the method of bringing about peace in Bosnia also dictated many of the limits to peace implementation. Although NATO's bombing campaign had been crucial in softening up the Bosnian Serbs – the strongest and therefore most obstructionist party – at the negotiating table, peace was in the end attained through negotia-

tion, not capitulation of any of the warring parties. Thus the international community could not impose anything like an international trusteeship and reform Bosnia to its liking, even if US policymakers had felt the desire to do so – which they clearly did not. NATO and its civilian counterparts therefore had to rely primarily on the old communist leaders, newly incarnated under the guise of ethnic nationalism and chiefly responsible for the war itself, to implement a peace accord that propagated multi-ethnicity, democratic reform and economic liberalism.[27] In the fall of 1995, Washington failed to anticipate that, faced with close to 60,000 NATO troops on the ground, the local forces on all sides opposed to the peace plan – political, military and paramilitary – would soon move their obstructionist efforts to these often alien ideals from the military into the civilian sphere.

The Public Security Gap

Of the parties involved, the Bosnian Serbs had clearly lost the most in recent months and felt they would lose more by successful implementation of Dayton. In the first harsh Balkan winter, the despair from recent blows made them stand by in awe while NATO's military might was displayed before their eyes. 'At the outset,' the commander of a US brigade in northern Bosnia recalled, 'the factions were sufficiently war-weary that they were accommodating, but that changed as time wore on. All sides began to foment confrontation by early spring 1996.'[28] As they raised their defense and eventually mounted an offensive against a politically integrated and multi-ethnic Bosnia, they were quick to discover the weak spots of the Accord – the gap between civil and military implementation. The Bosnian Serbs especially, 'began to resist on every non-military issue, while remaining careful to avoid provoking IFOR.'[29] The center of gravity of their struggle in the pursuit of an ethnically divided country, which slowly started to resemble an insurgency against the implementation of the Dayton Accord, was the public security gap. As if Cambodia, Haiti and Somalia had never occurred, the international community was largely caught off guard, not prepared for the grey zone between military and police operations.[30]

The Dayton Accord explicitly stated that the Bosnian signatories – the Federation, the Republika Srpska and the overarching Republic of Bosnia-Herzegovina – were responsible for the safety and security of all Bosnian citizens. This left many elements of the Dayton Accord, such as the return of refugees, freedom of movement and the arrest of indicted war criminals to be implemented by a highly politicized local police, that saw themselves as Serbs, Croats or Muslim first, and police officers second. Moreover, during and after the war, the police forces expanded as war-hardened former combatants, clad in fatigues and armed with Kalashnikovs, joined their ranks. The UN estimated that Bosnia's police force had grown to 44,750, three times its pre-war size and over four times the European standard of one police officer for every 330 citizens. Of the Federation's police officers, over eighty percent had fewer than six years' experience and, usually, a paramilitary background.[31] In the Republika Srpska, a local US commander recalled, 'power is invested in the police more than any other government institution. Whoever controls the police dominates the Republic Srpska.'[32]

The International Police Task Force was acting in a traditional UN Civilian Police (CivPol) role with a peacekeeping mandate.[33] The Task Force was to oversee the envisioned transition of the wartime public security institutions to an ethnically integrated police force. To accomplish this task, it was endowed with a mandate to monitor, observe and train the existing police forces. It was not allowed to create a new police force, had no law enforcement responsibilities and was unarmed. If one of the former warring parties failed to cooperate with the international police force, it would have to seek assistance from the Office of the High Commissioner, under which it resided. Formally, the IPTF could not turn to IFOR, the only organization mandated and able to enforce compliance of the parties. Unlike the more potent UN Transitional Authority in Eastern Slavonia (UNTAES), whose international police force was to 'control and supervise' and not merely 'monitor and observe,' Carl Bildt's office was not paying the salaries of the local police forces.[34]

The international police force was not only short of leverage, it also lacked means and capabilities. Its headquarters were only established in Sarajevo in February and it initially had no functioning command and control structure and had no logistical or operational plan in place. Apart from this 'enforcement gap' and 'capability gap' between the police force and the military force, the IPTF's effectiveness suffered from 'the deployment gap.' The ad hoc organization had to be mustered from forty different countries and not until eight months after IFOR's entry into Bosnia was the international force of 1,721 police monitors finally fully deployed to 54 field stations adjoining police stations across Bosnia. When the forces finally arrived in theater, their quality showed the same discrepancy as most previous CivPol missions such as Cambodia.

The IPTF's ineptness – 'a tragic mistake' according to Holbrooke – left Carl Bildt's Office with no enforcement capacity. As with the overall weakness of the Office of the High Commissioner, the Americans and Europeans shared responsibility for the IPTF's inability to function. According to Holbrooke, he and Wesley Clark were fully aware of the problem while negotiating the Accord that, according to the General, left 'a huge gap in the Bosnia food chain.'[35] He blamed himself for not fighting harder for an appropriate policing mandate, but points to the objections against a strong police force on both sides of the Atlantic – most notably within the Pentagon, the Joint Chiefs of Staff and from the British and French. In the process of finger-pointing that typified the aftermath of Dayton, Holbrooke emphasized the Europeans' insistence on a mandate limited to a monitoring role, which he scathingly called 'a favorite Euro-word.'[36] He failed to explain that charging the UN with executive policing under an enforcement mandate would have been unprecedented in CivPol history and, in any case, it remains vague how he envisaged this role. Since the United States was making the rules at Dayton, a large part of the responsibility seems to reside in Washington.[37] The Pentagon, apart from vigorously opposing a public security role for IFOR, explicitly rejected giving the IPTF the authority to arrest people. American military leaders feared being called upon to back-up the international police officers when faced with serious opposition. This would constitute 'the most dangerous form of mission creep.'[38] Moreover, it was feared that such support to the

international police might incite local groups to take revenge against IFOR.

The causes for the failure to coordinate military and police operations ran deeper than that. Again, the UNPROFOR legacy determined many of the shortcomings of the police force. In his treatise on the unfortunate international police mission in Bosnia, Michael Dziedzic wrote:

> In addition to the UN's inherent bureaucratic lethargy, IPTF faced an uphill battle for resources because of its unfortunate parentage. This CIVPOL mission was a creature of the US-brokered Dayton Accord, which arose after many in the United States had heaped condemnation on the United Nations for the demise of UNPROFOR. Yet, when it came to finding a sponsor for the IPTF after the Dayton Accords had been drawn up, the United Nations was the only viable alternative. It took time for the IPTF to recover from the animus that had developed between the United States and the United Nations. Nor was the United Nations blessed with surplus funds to commit to this unanticipated contingency, a condition the United States certainly had a hand in creating.[39]

During the Clinton administration's budget confrontation with the new Republican Congress, the President refused to ask for sufficient American fund for the police.[40] Had the Americans footed enough of the bill, Holbrooke later argued, he could have written the rules for the police force. A weak IPTF is another one of Dayton's major flaws the ambassador is willing to acknowledge.

A more potent international police force would have filled part of the gap between the military and the civilian peace implementation mission. However, for the Dayton Accord to work, IFOR would have had to come the longest way in order to bridge its side of the civil-military divide. First of all, by 1996, the deployment gap proved to be an inevitable occurrence during complex peace operations. Like every previous UN CivPol mission, the IPTF suffered from long recruitment and organizational delays, thus leaving the Bosnian police virtually unimpeded to obstruct refugee returns and even pursue a continued policy of ethnic cleansing during most of that year. Subsequent UN CivPol operations in Kosovo and East Timor in 1999 – post-conflict situations where no established local police force was hindering peace implementation – would prove that even for a much larger armed international police force with full enforcement capabilities, substantial military backup continued to be inevitable. Post-conflict societies used to the law coming from the barrel of an AK-47 assault rifle tended not to be easily impressed by a hodgepodge of unarmed international police officers with whom they could hardly communicate. Yet IFOR barely moved to fill its side of the gap.

Opponents of military involvement in public security usually muted any discussion by arguing 'we don't do policing,' and 'soldiers don't make good policemen.'[41] Although Dayton allowed IFOR 'to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appro-

priately to deliberate violence to life and person,' the force commander interpreted this authority very restrictively. After all, he could engage, but was not required to perform these tasks. [42] Initially his translation of the mandate into operational orders did not mention the possibility of IFOR troops acting against or exercising authority over local police forces, neither alone, nor in cooperation with the international police force.

IFOR's Rules of Engagement ignored the protection of civilians. They excluded provisions that would allow peacekeepers to prevent a crime likely to result in 'serious bodily harm,' either through the use of 'minimum force' or detention, as had been the case in Somalia and eventually in Haiti.[43] A Swedish sergeant who served in both UNPROFOR and IFOR recalled that he could do more about a serious crime in progress as a UN soldier with a mandate that left much to interpretation, than as part of the US-led Multinational Division North in Tuzla the summer of 1996, despite NATO's much tougher Rules of Engagement. 'In fact,' he realized, 'I was allowed to do more as a civilian on the streets of Stockholm to prevent a crime from taking place than I was as an IFOR soldier on patrol in the Balkans.'[44] Only in the run-up to the first elections in September did Joulwan explicitly instruct the force commander to allow IFOR troops to use minimum force as the ultimate means to prevent a serious crime from taking place.[45] This rule was formalized in December to include 'opening fire against an individual who unlawfully commits, or is about to commit, an act which endangers life, or is likely to cause serious bodily harm, in circumstances where there is no other way to prevent the act.'[46]

While the image raised by those opposing any form of military involvement in public security was generally that of soldiers arresting civilians, most of the military involvement in public security in previous peacekeeping operations had in fact been restricted to a relatively modest, but often very effective supporting role. Peacekeepers proved relatively effective in supporting the UN civilian police, supporting and monitoring the local police or 'policing the police' in cases where they violated a peace agreement or basic human rights. Cambodia, Somalia and Haiti had demonstrated the inevitability of a military role in the establishment of a semblance of law and order, as well as its importance in a force's credibility. Those units most creative and active in this field were most successful in accomplishing their mission and most appreciated by the local population and the international civilian organizations, while receiving most of the credit in the media. However, in the process of reinventing peacekeeping in the turbulent mid-1990s, much of the experience and lessons were lost.

One would expect the steady parade of peace operations in the early 1990s to provide constant feedback for the military, but several factors contributed to an unbalanced learning process. First of all, the military establishment was still struggling with its new identity after the end of the Cold War. Continuously confronted with severe budget cuts, reorganizations and new missions made soldiers forcibly hold on to their warfighting tradition. Even if such a role was increasingly unlikely for most European armies, military units generally continued to prepare solely for fighting wars with traditional training methods. Only in the run-up to deployment in

peace operation did soldiers receive specialized, albeit short, peacekeeping training. The prevailing tendency within the US military continued to be that warriors did not make good peacekeepers and that peace missions degraded their warfighting edge – resulting in a 'we don't do peacekeeping' attitude and calls for specialized units to conduct peace operations. The Western European military establishment was more accommodating to their new role and tended to follow the British in their belief that the best war fighters made the best peacekeepers. In practice, the senior US Army officers grudgingly came to accept peace operations as a secondary role. Both came to the similar conclusion that 'escalation dominance' was essential in peace operations, and that combat soldiers therefore could be 'tuned down' to do peace operations, but that specialized peacekeepers could not adapt to combat. However, the process of preparing soldiers to adjust down to the different conditions of the peace environment was not pursued with equal vigor on both sides of the Atlantic. Even though the US Army had started to incorporate lessons from peace operations in its doctrine, the Army's military culture and mind-set, averse to most tasks other than 'to fight and win America's wars,' tended to prevail.

Second, the lack of specialized training and education and the limited impact of new doctrine meant that the military had to rely primarily on knowledge from experienced officers or learning as operations progressed.[47] This proved sufficiently complex since – not unlike warfare – every new campaign proved fundamentally different in character, which made it difficult to distinguish patterns of identical circumstances. Even within a national military apparatus, the transfer of knowledge between different units, was minimal. The extensive and positive experiences gained by the Royal Netherlands Marine Corps in Cambodia, for instance, including the murky area between military and public security, as well as the essential role of civil-military cooperation, were largely lost to the Royal Netherlands Army, because of the credo that 'different blood groups don't mingle.' Even within an ongoing peace operation there tended to be little institutional memory as units rapidly replaced each other in the field.

Third, the military was very selective in the lessons it distilled and implemented. By the mid-1990s, the traumas from previous failed operations caused the majority of 'lessons learned' to be focused on avoiding previous mistakes, rather than learning from what went right in past operations. The more fruitful lessons coming from Somalia in early 1993 were all but lost as a result of that mission's unfortunate conclusion. Not surprisingly, the Australians were the exception in this case. Moreover, the learning process within Western militaries tended to focus on the lessons soldiers felt comfortable with, experiences close to their traditional profession. The lessons that were 'liked' and therefore learned were to be prepared for peace enforcement and even for war, so called 'escalation dominance,' while exclusively dealing with the former military adversaries. Exercising authority outside the military sphere equaled 'mission creep.' After the initial hesitation following the invasion of Haiti in 1994, US combat troops, military police units and Special Forces had fulfilled a significant policing function, often in close cooperation with UN CivPol and local police. Even this relatively positive experience failed to convince US military and pol-

icy makers of the public security role peacekeepers were fated to perform – one way or another. It failed to find its way into army doctrine and even Wesley Clark, who did not share his colleagues' overall disdain of peace operations, argued while preparing for Dayton to have learned from Haiti 'that we should never look at our military to do police work.'[48] By compartmentalizing civilian and military missions instead of closely integrating operations with international civilian counterparts and by staying aloof from the undesirable part in public security, the military attempted to make their part of the equation simple and straightforward. Military tasks were adaptable to specific timelines and success was easily measurable.

Initially, on neither side of the Atlantic, did political leaders raise objections to the narrow interpretation given to the safe environment the military was to establish. Presumably they feared accusations of sending the military on yet another 'mission impossible.' There may have been serious disagreement between the White House, the Pentagon and US Congress as well as quarrels across the Atlantic over several aspects of the scope of the mandate of both military and civilian branches, but all parties agreed that IFOR troops were not to become policemen.[49] Yet, although NATO military commanders denied all responsibility in the field of public security in Bosnia, it was not outside the military scope – even if the silver bullet clause was disregarded. While the provisions in the military annex to the Dayton Accord that referred to supporting for civil implementation left room for interpretation, elsewhere the Accord explicitly authorized IFOR to police the most notorious of all police forces in Bosnia.[50] Apart from regular municipal police, this Ministry of Interior Special Police (Ministarstvo Unutrasnjih Poslova or MUP) was a key element of the public security force in former Yugoslavia. By the early 1990s, the MUP was nothing less than a paramilitary unit, armed with heavy machine guns, mortars, rocket-propelled grenades and anti-tank guns and in possession of armored personnel carriers. All three factions in Bosnia used these forces extensively during the war in a range of military and policing roles, which so often became blurred in a war environment. In the Federation, the IPTF eventually succeeded in restructuring the part of the MUP units to a certain extent while eliminating others. It proved impossible for the international police monitors to assert control over the MUP in the Republika Srpska, where Karadzic and his followers continued to use this loyal police force as its prime weapon against the implementation of the peace agreement. Until the summer of 1997, the special police continued to carry assault rifles and hand grenades and was hardly obstructed while it continued ethnic cleansing in Republika Srpska, hindering freedom of movement of non-Serbs and acting as Karadzic's local law enforcement arm.

Apart from ridding the MUP of its heavy arms, IFOR was allowed to assert control over MUP personnel, scrutinize their movement and regularly inspect their police stations. The choice by Admiral Smith not to exert the same powers over the Special Police that he was allowed to exercise over Bosnia's military forces was an outright evasion of NATO's responsibilities and the clearest example of the decision to avoid any military role related to the public security at all costs. The failure to do so was soon felt throughout Bosnia, and would be felt by the whole international community in the years to come.

The Bosnian Serb special police were the key executors of Karadzic's orchestration of the partially forced abandonment of Serb suburbs of Sarajevo in March 1996. These areas, situated on the high ground that had been fiercely contested during the war, were about to be handed back to the central Bosnian government in accordance with the Dayton Peace agreement in February and March. The transfer was a defining moment in the military operation, one that the commander failed and refused to recognize despite ample warnings that radical Bosnian Serbs were not going to give up without a fight. Tens of thousand of Serbs who preferred to remain in Sarajevo were coerced into fleeing their parts of Sarajevo. In Holbrooke's account, IFOR troops stood less than 150 meters away, watching buildings burn. The peacekeepers and the IPTF refused to apprehend the marauding arsonists and IFOR kept its own firefighting equipment inside their compound. Meanwhile, it coolly rejected protection of the antiquated firefighting equipment sent in by the Muslims, attacked by rock-throwing Serb arsonists.[51]

It was the decisive opportunity for IFOR to clarify what it would and would not tolerate, but it only deployed a handful of Italian peacekeepers. 'IFOR,' a NATO spokesman said, 'is not a police force and will not undertake police duties.' The IPTF, tasked to monitor the transfer, was faced with its most serious challenge while it was still in the early stages of assembly and organization. The operation had therefore been delayed, which gave the Bosnian Serb authorities the chance to exploit the situation by preparing a sweeping evacuation of the suburbs. Although an IFOR team of six civil affairs officers provided some essential specialist planning, management and communications support to the IPTF, with fewer than 350 civil police monitors on the ground, it was not in a position to take charge of the regular local police forces, who did next to nothing to control the situation.[52] Without a substantial presence of IFOR combat troops to back-up the IPTF, those Bosnian Serb residents inclined to stay were not granted the necessary sense of security that may have allowed them to defy pressures from their own radical leaders and police forces. Of the estimated population of 70,000 Serbs in Sarajevo, only 10,000 remained after the transfer.[53] In the process of leaving, the Serbs thoroughly ransacked housing and other property with the clear intention of leaving little more than a wasteland to the incoming Muslim and Croat citizens.

IFOR's inaction enraged Holbrooke. As a result, he wrote, a 'substantial share of the vestigial hopes for a multiethnic Bosnia went up in that smoke.' Admiral Leighton Smith, Holbrooke commented scathingly, 'considered the civilian aspects of the task beneath him.'[54] Smith sneeringly riposted that these civilians should stop interpreting his job for him.[55] Ivo Daalder, who had been involved in planning for Dayton on Clinton's National Security Council, was less emotional, but as forceful, in his reaction:

> There was no requirement for Snuffy Smith to do this. On the other hand, when Sarajevo burns, when the capital city of the country in which you're trying to build peace is burning, and you have the capacity, which you do, and the manpower to do something about it, and you have that right through the silver bullet paragraph to do something about it, you probably should have done something.[56]

According to the Dayton Accord, the IFOR commander was the final authority in theater regarding the interpretation of the military annex, which provided ample authority to take action. The failure to recognize this defining moment had devastating long-term consequences. 'When the Implementation Force (IFOR) rolled in,' an analysis from the US Army Peacekeeping Institute concluded that, 'the Bosnian public perceived that IFOR had come to clean the place up. IFOR had legitimacy in the public's eye and could have taken a more assertive posture. However, over time the perception of IFOR/SFOR changed. The local community began to view IFOR/SFOR as a less sincere, less capable, less robust stabilization force. Many locals adopted a "wait and see" attitude and lost interest in cooperating.'[57]

IFOR took an overall minimal approach towards support to civil implementation and internal security, but there were signs of a slight shift away from this direction from the spring of 1996. IFOR started to make a modest contribution to the reconstruction of Bosnia, using its Civil-Military Cooperation (CIMIC) assets. Furthermore, even though 'mission creep' soon became a buzzword used throughout NATO as a result of close US-European cooperation in Bosnia, not all IFOR contingents were equally reluctant to engage in the public security sphere. The British were known and praised for their assertive posture and slightly broader interpretation of the military mandate. 'We're policing the police out here,' British Lieutenant Dominic Roberts said sitting on top of his Challenger tank near Sipovo in western Bosnia in the early summer of 1996, 'and the police are our biggest problem we've got right now.' Frequently both the Croatian police and the Serb police crossed the zone of separation and the tankers 'chased them off and sorted them out.' His troops also moved against the local police when it mounted checkpoints – a wartime habit to intimidate, extort and block civilians from moving around freely. 'A lot of police are ex-army and when they see a main battle tank like this trundling around they just disappear the moment we turn up.'[58] Frequently moving around tracked artillery was another way of intimidating the former combatants. Artillery was the 'weapon of choice' during the war and the Bosnians were impressed with NATO's high-tech howitzers that were otherwise fairly useless in a peacekeeping mission that failed to turn violent, despite expectations to the contrary.[59]

As summer approached IFOR lightened up slightly and the British-led Division moved its headquarters to Banja Luka.[60] After the British heavy armor was moved out of Sipovo, British military police Captain Joanne Mallin 'seized the opportunity to let my guys do the patrolling here,' since policing British troops was 'pretty low on my list of priorities.' They took on the role of 'social patrolling,' which became a euphemism for what she described as 'community policing in and around the towns.' The local UN police unit was desperately short of transport and communications and its police officers had to find their own housing. For many of their logistical needs they 'latched onto the military.' Two British MPs, carrying sidearms only, would augment two-men UN police patrols. The British were quite willing and able to support them, 'but they don't understand the military so it's a slow process.'[61]

After the degrading UN experience in Bosnia over previous years, the British and other European contingents were immensely relieved to be operating within the widened margins for peace operations set by the Americans. Having been granted the capability to enforce, however, they were generally seen as adapting more easily to a broader role than their US Army colleagues. For the key to their flexible approach to different levels of violence and overall more relaxed posture the British often referred to their experience in Northern Ireland where many of them had served, although a British infantryman regarded the situation 'a lot more low key than in Northern Ireland.' In his new role he had to be 'a bit more friendly, learning how to speak to people, to deal with their everyday needs, to look after people. Being in the infantry is definitely the best job in the Army.' His platoon commander would take his men on training missions, 'which is absolutely brilliant because we're living in villages, going on patrols, maintaining an IFOR presence...' As so often in previous peace operations there was even involvement by British liaison officers and police in property-related disputes, since a row between Muslims and Serbs over the ownership of a cow could easily turn nasty and 'we are here to stop any trouble happening.'[62]

US forces operated under a very different regime from the British, who had a very different perception of the threat they were under and had long since traded their helmets for berets and carried their rifles loosely on their backs. The Americans, obsessed with force protection measures, were generally seen as hunkering down in large bases and did not disperse as widely as some European contingents. They continued to wear 'full battle rattle,' heavy Kevlar vests and helmets, at all times and patrolled in large formations or heavily armed convoys that never consisted of fewer than four vehicles. Condescendingly, the Europeans called their American colleagues 'ninja turtles.' Corporal and team leader Michael Emory, one of the rare US soldiers with UN peacekeeping experience under Norwegian command in Macedonia, was frustrated with the limits imposed upon him and his troops by force protection measures.

> We're not supposed to have friends... we're not like the British, French or Swedish soldiers – we're not supposed to drink, we're not supposed to fraternize with any of the locals whatsoever. But it's nature, curiosity to do that... That's what it's like. To be an American soldier in Bosnia sucks. It's a prison camp... They see us walking with our weapons, we're not supposed to look threatening or provocative in any way, but they say we do. Every time we do a patrol debriefing that's what we include in there, because that's what they tell us. As a patrol leader I asked the police what do the people feel, what's the general attitude towards IFOR doing patrols here, and they say. 'Well, if you people weren't pointing guns in all directions, and looking like you were ready to attack at any moment, everything would be fine.'[63]

For the Americans, force protection became the primary mission in itself and 'no body bags' the measure of success, all at the expense of the ability of its high-quality military forces to accomplish the true essence of their mission. Over time, a US

Army Peacekeeping Institute report concluded that the combination of heavy protective gear and large convoys had the adverse effect of creating the impression amongst Bosnians that US forces were 'more afraid' of the locals and less capable of protecting the public.[64]

In central Bosnia, the Dutch IFOR battalion was quite comfortable operating under a British divisional commander, whose style of operations was much closer to its own. As the mission subtly began to broaden, the Dutch contingent dispersed to increase their visible presence. Along the British lines of operation they started to deploy in small permanent bases, from which sections and platoons would conduct their social patrols. From spring onwards, the unit became increasingly involved in facilitating freedom of movement of the local population and the early attempts at returning of refugees by the UNHCR, supporting and securing the international police monitors and even in locating suspected war criminals. The second Dutch battalion's energy was primarily geared towards facilitating and supporting the September 1996 elections organized by the OSCE. The elections proved to be IFOR's largest success in civil-military cooperation in that first year. In October and November, the Dutch executed operations 'comet' and 'meteor.' The first involved Dutch forces gathering evidence to bring to justice arsonists who had attempted to hamper the return of refugees to Knesovo in the Republika Srpska. The second operation consisted of a series of raids on local police stations for unauthorized arms and ammunition.[65]

In the spring of 1996, with the primary military mission completed, the United States and NATO had another chance to expand the relatively short-term and straightforward military mission to separate the three warring factions to a broader, longer-term combined civil and military mission aimed at the reconstruction of Bosnia as a unified state. The inevitability of broadening the interpretation of the mandate caught up with many of the tactical units on the ground, even with US units, but with continued resistance from its operational commander to increased support to civil implementation, IFOR as a whole continued to 'lean backward.' The positive exceptions to the narrow interpretation of IFOR's mission were not initiated by the force commander, but resulted from cautious additional North Atlantic Council directives. The primary examples were the provision of transportation and communications support for the Office of the High Representative and priority support to the election process.[66] Fierce opposition back in the United States hampered real progress in Bosnia. Much of the political debate continued to be cast in the buzzwords 'nation building' and 'mission creep,' both of which the minimalists majority wanted to avoid at all costs. Proponents of a short and narrow mission evoked images of Srebrenica or Mogadishu to make their case, thereby effectively killing all initiatives for a more creative military approach to peace operations. Ensnared in American presidential election politics, Clinton refused to take a political risk by taking a stand. After his re-election however, the president did make the critical decision in December 1996 to extend the one-year military end-date that had had such a soothing effect on Bosnia's hard-line nationalists, much like American pronouncements about exit dates in Somalia had had on General Aideed three years earlier. The Implementa-

tion Force became the Stabilization Force (SFOR) with just over half the original strength and received an eighteen-month mandate. A NATO operational headquarters directly under the supreme allied commander took over from IFOR headquarters, which had been essentially an American operation.

Reinterpreting the Military Mandate

Although Washington had made the crucial decision to stay, the United States and NATO were still faced with the fundamental problem of how to create a self-sustaining peace. By early 1997 the reconstruction and integration of Bosnia's institutions lagged dangerously behind the military effort. The overall effort to promote ethnic reconciliation had faltered and de facto ethnic partition that critics of the Dayton Accord had feared late 1995 had all but materialized. Even though comparing the pace of the civilian effort and that of the military was like comparing the efforts to that of a sprinter and that of a marathon runner, it became common practice to do so, most of all in the United States military that tended to underwrite success and blame the civilians other for failures in Bosnia.[67] Joulwan, Smith, Holbrooke and US Congress were unanimous in accusing Bildt of not using his authority 1996 and throughout most of 1997.[68] European governments were blamed for countering Washington's pressure on the high representative to interpret his mission more broadly. Although the former Swedish prime minister could have shown more decisiveness and audacity in confronting Bosnia's intransigent politicians, American critics failed to clarify how he was supposed enforce the parties' compliance with the civil provisions of the Dayton Agreement without sufficient means or military backing. While the military had the room to interpret its mandate broadly, the high representative did not, unless it could latch on to NATO. But throughout 1996 and even in 1997, the American government continued to flirt with the idea of partition as a means of facilitating the quickest possible withdrawal of combat forces.

In the early spring of 1997, the strategy to create a military balance of power within one country and get out was obviously failing, but no new strategy had been decided upon. Criticism of NATO's narrow interpretation of its role was increasing rapidly as the peacekeepers remained unchallenged. It focused on the failure to protect Bosnians of all ethnic groups returning to their pre-war homes and its refusal to arrest war crimes suspects. Between March and May 1997, the new Clinton Administration reevaluated its Bosnia policy and concluded that there was only one way to get American soldiers out without losing face. The maximalist view won in the end, and the goal finally changed from ending the war to building the peace.[69] But it happened much later than Holbrooke would have liked and the Bosnians suffered dearly, most of all since IFOR failed to capitalize on the momentum created in the winter of 1995-1996.

The sudden and dramatic policy change in Washington and its effect on the international mission as a whole confirmed that Bosnia's reconstruction was still principally an American-run show. At a NATO summit in July 1997, all the European national leaders followed suit, declaring their intention to see SFOR carry out its

mandate 'to its fullest.'[70] The sudden changes that took place confirmed there had never been a requirement for the principal mission to change from that set out in December 1995. Instead of a 'creeping mission,' circumstances changed, the overall US aims changed and the people at the helm changed. Clinton had been re-elected, the exaggerated fear of casualties in the United States had somewhat diminished and there were crucial personnel changes. Madeleine Albright, a 'Balkan-hawk,' took over from Warren Christopher and found a powerful new ally in Tony Blair's new Labour government with its principled commitment to protecting human rights. His foreign secretary, Robin Cook, played a key role in providing the new high representative, former Spanish foreign minister Carlos Westendorp with the authority to 'essentially rule by decree.'[71] An important contributing factor to the actual use of these powers was the appointment as his deputy of the dynamic ambassador Jacques Klein. The ambassador had only just left his position as the UN administrator in Eastern Slavonia, where he had held both civil and military authority with enforcement powers, which made him essentially a military governor of UN-administered territory.[72] His experience and boldness in strong-arming local leaders proved essential in reinterpreting the civilian side of peace implementation.

However, a willing military executor on the ground was essential for a new type of peacekeeping in Bosnia to actually succeed and for creating a semblance of civil-military unity of effort. After all, obstinacy from the Pentagon and the US military, on both the strategic and operational levels, had proved formidable in the past. One of the most crucial personnel changes therefore occurred in July 1997 when Wesley Clark, the principal author of the military annex to Dayton and expert on Bosnia, became NATO's supreme allied commander. Clark was one of the prime examples of the increased influence of the US military on foreign policy described by Dana Priest in her book *The Mission*.[73] What made him so successful in this role was that he did not share many of his colleagues' mistrust of his civilian taskmasters from the Democratic Party. Clark steered a course closer to Albright's State Department than that of William Cohen, a Republican, at the Pentagon. He also developed excellent relations with NATO's Secretary General Javier Solana, who told Clark during their first meeting:

> Wes, you must make the NATO mission in Bosnia successful. It is the only operation NATO has done, and it must succeed [...] understand that NATO cannot succeed with its mission if the international mission as a whole is not successful. This is not a matter of simply protecting your forces. You must actively help the civilians succeed. You have to stay within the limits of the military mission you have been given, but within that mission, you are going to have to do more to help the overall Dayton implementation succeed.

This change, Clark wrote in his memoirs, 'struck at the very heart of what some of the military leaders had been attempting to do, namely, to restrict their involvement [...] It raised all the flags of mission creep and of involving the military in police work, which we had labored at Dayton to avoid.'[74] Nevertheless, Clark pushed ahead

vigorously, often in defiance of the preferences of the secretary of defense, the Joint Chiefs of Staff and another cautious new SFOR commander, General Eric Shinseki. To achieve his goal, Clark believed 'he had to be the real COMSFOR.' He claimed that his source of inspiration was General Lucius Clay, the post-Second World War military governor of Germany.[75] Other than his historical role model for this particular mission, Clark was operating within the extremely narrow margins set by the US-influenced military peacekeeping paradigm of the mid-1990s. To accomplish his goals, the supreme allied commander would contribute substantially to a broadening of those margins during his tenure, which lasted until the year 2000 and included NATO's next peace operation in Kosovo.

The first demonstration of SFOR's more activist approach followed one day after the NATO summit, when British Special Air Service (SAS) troops managed to capture indicted war criminal Milan Kovacevic in the hard-line Serb stronghold Prijedor.[76] They killed Simo Drljaca, the indicted former police chief of the municipality of Prijedor, who drew a gun and shot one of the British soldiers in the leg. The arrest of war crimes suspects, or Persons Indicted for War Crimes (PIFWCs) as they were officially called, had become the nexus of the debate over the extent of NATO peacekeepers' role and 'mission creep.' Dayton left the primary responsibility for their arrest to the local parties, who formally agreed to 'cooperate' with the International Criminal Tribunal for the Former Yugoslavia (ICTY).[77] Cooperation was never defined to include the obligation to apprehend and turn over indictees. Bosnia's wartime leadership, still largely in political control, showed little enthusiasm for handing over indictees. Large portions of their future constituencies considered them war heroes or, as in the case of Karadzic, were themselves indicted. The Tribunal was not formally associated with the Dayton Accords, had no way to coerce or enforce the parties' compliance and had no means or authority to perform arrests itself. Even if the IPTF had been endowed with a mandate to arrest, it lacked the means and therefore the responsibility devolved upon the NATO force that was basically mandated to do as it pleased to further Dayton.

Although there had been growing consensus about the devastating effect of leaving the war's worst elements in positions of power, consecutive NATO commanders as well as political leaders shunned military action to apprehend them up to that time. Publicly, Smith as well as Joulwan continued to simplify the problem by repeating over and over that soldiers do not make good policemen.[78] Shalikashvili concentrated his argument against action on the likely failure of attempts to detain Karadzic and Mladic. Although fears of casualties and failure were real, it must have been reassuring to those indicted when Smith had gone as far as claiming he had 'no right to arrest anyone' on Bosnian Serb public television in February 1996, which was an incorrect representation of his mandate. Just before retiring early that July the IFOR commander acknowledged his troops would arrest, if he received orders from political leaders to engage, but he stuck to his position that arrests would be the mission's doom. Bill Clinton, whose relations with the US military had always

been strained, would not get push the military into performing the task they dreaded most.

In early 1996, as IFOR came under heavy criticism for its inaction, NATO presented its half-hearted interpretation of the mandate. Its troops in Bosnia were not permitted to actively search for war crime suspects in order to detain them. They were authorized to detain indictees encountered in the execution of their normally assigned duties – generally interpreted as their 'purely' military duties. In an IFOR press briefing it was emphasized that NATO forces would not increase patrolling in areas where war crimes suspects were known to live and work.[79] 'Without being unduly cynical,' Louise Arbour, the ICTY's chief prosecutor said in 1998, 'there's no question that when you have two parties who theoretically may be trying to avoid an encounter it's extremely unlikely that it will happen.'[80] Numerous encounters between NATO troops and indicted war criminals justified her cynicism. In February 1996, the *Washington Post* ran an article claiming that Karadzic was seen passing through four consecutive IFOR checkpoints – two manned by US troops – on his way from Pale to Banja Luka. Smith later denied the story as highly unlikely, but a study from the US Army's own Judge Advocate General's School argued that the mounting number of allegations that IFOR was consciously looking the other way 'may have been justified.' The study illustrated:

> Several Judge Advocates related conversations with personnel conducting missions at guard posts who, after recognizing Persons Indicated for War Crimes, advised those PIFWCs to stand fast while the soldiers advised headquarters of a possible detention. The effect, intended or otherwise, was to provide the PIFWC the opportunity to leave the area with the soldier unable to use any other than minimal force to apprehend if he or she even bothered to attempt to do so.

The American military lawyers called the rule to detain indictees only when accidentally encountered 'as ambiguous or flexible a statement as the US makes it.' They argued:

> Prior to the summer of 1997, neither IFOR nor SFOR made any effort to go hunting for them. In fact they went out of our [sic] way to avoid them. On one occasion, when IFOR forces knew that a war criminal was in a building that they were going in, they waited a half an hour to go in the building – until they knew he had left.[81]

The reason for the failure of political leaders to explicitly give the green light for arrests was obvious. David Halberstam, in his treatise on the relation between US military interventions and domestic politics, called it 'the most valuable lesson for any leader of America-the-superpower in dealing with so-called teacup wars. If things worked out, if the most optimistic scenario was reasonably accurate, casualties were low (or almost non-existent), and there was no damaging media coverage, it would nonetheless be of little domestic advantage. But there was always the potential for a

downside, the televised capture of American troops, a repeat of Somalia, and a political disaster.'[82] Going after Karadzic and Mladic, it was felt, was a repetition of the hunt for Aideed. In the view of the military it was 'mission creep' in its purest form, or as what General Sir Michael Rose had called, 'crossing the Mogadishu line' between neutral peacekeeping and actively taking sides by moving against one of the parties. The conventional wisdom held that after one takes this step, a doomsday scenario would unfold. However, the former British UNPROFOR commander's ominous predictions in 1995 of IFOR's massive casualties had failed to materialize. The general and many of his fellow officers and policy makers seemed locked in their perception of the peace operations as another UNPROFOR or UNOSOM. He failed to appreciate that 'America's way of peacekeeping' had created a much wider playing field that allowed for a more proactive approach to peace implementation.

Opinions on SFOR's role in the apprehension of indicted war criminals differed substantially within and between the various nations contributing troops. In Washington, no one but Holbrooke initially appears to have felt any enthusiasm to go after war crimes suspects. However, after the diplomat left public office, the State Department would gradually increase its backing of arrests. The British, Nordic countries and the Netherlands saw it as their obligation to hunt down indicted suspects. In the United Kingdom – the second largest troop contributor with close to 11,000 men on the ground – political and military leaders were not quite as apprehensive about involving their troops in arrests. After a discussion with British division commander Lieutenant General Mike Jackson in Bosnia, Member of Parliament Calum MacDonald encapsulated the British Labour Party stance in Parliament by asking the critical question, 'If 60,000 NATO troops cannot arrest them, who will?' Although he acknowledged the difficulties associated with arresting Karadzic, Mladic 'and the other ethnic cleansing ringleaders,' he was irritated by the continuous claims of 'mission creep.' He argued that the failure to move forward and expand the military mission meant moving backwards 'into mission erosion.'[83]

It was clearly no coincidence that the first arrests took place in the British sector and it was no accident that it happened after Blair took office. Even after the fundamental change in NATO political guidance, apart from the Nordic countries and the Netherlands, Britain was the only one of the three major troop contributors that pursued war criminals with any enthusiasm.[84] After the arrests, none of the ominous Mogadishu-style scenarios materialized. A few Bosnian Serbs reacted with minor acts of violence and threats against international observers and troops. These did not really intimidate the peacekeeping force. Instead the British actions set a precedent.[85] In December 1997, Dutch Special Forces apprehended Vlatko Kupreskic and Anto Furundzija, two Bosnian Croats wanted by the Tribunal in connection with attacks on Bosnian Muslim civilians in the Lasva Valley.[86] Like the British arrests the Dutch action was loudly applauded by the international media, that often connected this newly found assertiveness with the national trauma suffered after the fall of Srebrenica.[87] The New York-based chapter of the non-governmental organization Human Rights Watch contrasted the 'bold arrest action' of the Dutch with Bill Clinton's much-lamented statement in December that peace in Bosnia can be made to work with-

out the arrest of Radovan Karadzic. His statement was daring since it had by then been widely recognized that several of the most notorious war crimes suspects continued to wield political clout and control over police, while simultaneously remaining at the center of the criminal power structures that were the main obstacle to peace implementation. Meanwhile, many local Bosnians wondered why they should respect the law when the international community did not actively enforce it.[88]

As if reacting to accusations, the Americans first participated actively in a multinational arrest in January 1998, apprehending a Serb from Bijeljina. This impression was false, however, since these snatch-operations often took months of intense preparation and US intelligence and forces had been involved in supportive roles in the previous operations. Oddly, in their enthusiasm over SFOR's assertiveness, the international press and other commentators failed to take notice of the fact that the arrests were conducted in a manor incongruent with the force's official policy. Although Javier Solana continued to claim that NATO policy was not to actively seek out war criminals in so-called 'search and arrest' operations, it was doing exactly that, albeit on a very limited scale and with extreme caution. For political purposes he told the French press in January that NATO was still limiting its role to arrest of suspects when accidentally encountered by SFOR troops.[89] In fact, NATO had become involved in a highly secret new mission that involved special forces, and complex intelligence and undercover operations.

While the Americans were primarily hampered by a fear of casualties, which would jeopardize US participation in the Balkan mission as a whole, the French were often charged with ulterior motives. As the contingent responsible for patrolling Karadzic's hometown Pale, they were severely criticized for their apparent unwillingness to apprehend suspects, which appeared to be founded in amicable historic ties between Paris and Belgrade. In December 1997, Louise Arbour went as far as suggesting that the French were sheltering war criminals.[90] Even if NATO would select other Special Forces to execute the action in the French zone, full cooperation from the local French units was indispensable for making a successful raid. Not only were they needed to cordon off an area, local military intelligence was also crucial for success. The Germans, keen on re-establishing their position as a player in the international security arena and newcomers to SFOR in 1997, rapidly caught up with the hesitant Americans and French. Using their brand-new special forces unit *Kommando Special Kräfte* (KSK), they arrested two suspects, in June 1998 and August 1999 respectively.[91]

By December 1999, seventeen ICTY indictees had been snatched by SFOR, while two were killed during the actions. Intimidated by NATO's more assertive arrest policy, a further sixteen suspects voluntarily surrendered to the UN tribunal. This was still a minority of the over eighty indicted suspects at the time.[92] The bulk of the arrests continued to take place in the British controlled zone and, in December 1998, the SAS was the first to apprehend one of the 'big fish,' Major-General Radislav Krstic, commander of the Drina Corps of the Bosnian Serb Army. On 2 August 2001, the ICTY sentenced Krstic to 46 years' imprisonment, in what was the courts' first genocide conviction for crimes committed in the wake of the 1995 capture of Srebrenica by the Corps. However, Karadzic and Mladic remained at large.[93]

The second manifestation of SFOR's new assertiveness was its effort to grind down the power of the Bosnian special police whom the radical leaders opposed to the peace process continued to rely on. For this purpose, increased military cooperation with the international police force was vital, but SFOR and the IPTF were still struggling to fill the public security gap. The debate over what also became known as the 'law enforcement gap' or 'public security gap' in 1997-1998 was only just gaining momentum after years in which most of the thought on peace operation had been focused on peacekeeping versus peace enforcement.[94] There were basically three options: the police would be granted an executive mandate and appropriate size and armaments, SFOR would engage more fully either with combat troops or with military police and paramilitary units, or closer integration of the police had to be forged with SFOR while maintaining a clear distinction in the mission mandates.[95] Faced with opposition from various quarters, NATO and the UN tried some of all three possible solutions.

In December 1996, the IPTF's mandate had already been enhanced, allowing the police monitors to investigate allegations of misconduct and human rights abuses by the local police. Some orthodox UN CivPol specialists already considered this 'venturing dangerously close to executive policing.'[96] However, for the international police officers to exert any real kind of enforcement powers they had to rely on backup from armed SFOR troops.[97] Although there had been sporadic local joint initiatives towards the removal of illegal checkpoints, in May 1997 SFOR and international police finally formalized a policy to govern all police in Bosnia and rid the country of all police checkpoints.[98] Once joint patrols were institutionalized in the course of 1997, the international police force's effectiveness was greatly enhanced as it started to 'borrow' SFOR's authority to enforce compliance. 'A typical joint patrol,' the Norwegian diplomat Espen Barth Eide described, 'consisted of an IPTF vehicle followed by three SFOR vehicles, of which at least one is an armored personnel carrier. It is still IPTF officers who, for instance, inspect a local police station for illegal armaments or ask for the removal of a checkpoint, but it is the SFOR people who represent the enforcement capacity if needed.'[99] Previous behavior patterns repeated themselves as both the US and the French divisional commanders – concerned with the risk to their forces – raised objections to some of the broad enforcement measures. These included stripping Bosnian police officers at checkpoint of their arms and identity cards, which effectively put them out of a job. Typically, the British commander had no such inhibitions.[100]

Instead of dealing with the true nature of the public security gap and furthering structural cooperation between the military and the UN civil police force, NATO continued to search for ways of freeing combat troops from police-type operations. SFOR experimented with yet another element in the peacekeeping chain by creating the Multinational Specialized Units (MSU) in 1998. This 350-strong paramilitary force, a police force with a military status, was based in Sarajevo from where it could be dispatched to support either the military or the international police force throughout Bosnia. Initially the MSU was composed primarily of Italian Carabinieri, but the

unit was later augmented by paramilitary forces from Argentina, Romania and Slovenia. For some time it was hoped that their deployment would bridge the gap, but unfortunately this was not the case.[101] The MSU was no law enforcement agency with executive policing powers, since this was still officially only the responsibility of local police. It could fill only certain elements of the public security gap, mainly in crowd and riot control, for which some military contingents had already created specialized crowd and riot control platoons in the course of 1997. Although its timely presence could work preventively on smoldering crises, the MSU's small size, restrictive Rules of Engagement and deployment on a case-to-case basis made it mostly reactive. As a result of its unclear public security role, relations between the IPTF and the MSU were at times strained. The first time the paramilitary peacekeepers went into action in October 1998 against a crowd blocking a main road in Mostar, they had failed to coordinate their actions with the international police force that had pushed the local police to finally act against the demonstrators. With this type of units in short supply and with its rather vague mandate, the MSU was, according to one analyst, 'oversold and understaffed' and in the years to come the MSU would prove unable to bridge the gap.[102] Those who most enthusiastically embraced the concept were the Americans who were eager to cling to the idea of an 'inner shell' of security provided by IPTF and an 'outer shell' provided by SFOR.[103] True integration of military and international police operations continued to be hampered by this continued 'tendency to lump tasks into two piles labeled 'military' and 'police.'[104]

Although this was not in their original job description, the Italian Carabinieri within the MSU nevertheless proved to be important in the fight against the rapid expansion of organized crime networks in Bosnia, problems that tended to spill over across the Adriatic.[105] During the Bosnian war, political structures, military and police security organizations of each of the ethnic groups had forged an alliance with organized crime syndicates involved in arms smuggling and 'war profiteering.' These networks were often still involved in drug trade, and human trafficking and money continued to be channeled through the local political structures and their police and intelligence structures. A US Army Peacekeeping study argued that these 'anti-Dayton power structures,' which flourished as long as a lasting peace faltered in Bosnia, had found the international community's weak spot. They relied on insurgency-like methods, or asymmetric warfare: 'The enemy will use his strengths – will to resist, mass, distance and the inherent power of the defensive – directly against US weaknesses: our inability to arrive quickly, and insufficient will/staying power. Their aim is not so much to win, as it is to avoid losing.' They hoped to wear down the will of NATO and wait until the military force slowly withdrew without forging a strong, multi-ethnic and democratic state.[106]

It was thus not until July 1997 that SFOR fully exploited its mandate and assumed responsibility for the MUP – 'the bad apples who had been at the center of the Serb ethnic cleansing efforts' – as Wesley Clark called them. 'Inexplicably,' the General wrote rather diplomatically, 'this had fallen through the cracks during the previous eighteen months, with the military insisting they were police (and therefore not the military's responsibility) and the international civilians insisting it was beyond their

means to monitor them.' Having written the mandate, Clark was fully aware of the root cause of this problem. As soon as he assumed supreme command, he ordered the SFOR commander to fully execute his mandate, including disarmament and shutting down police units. Taking such direct control of the operation he had to 'override the concerns of the force on the ground in Bosnia in order to get things done.'[107] On the ground he was faced with a coalition of American military minimalists and European UNPROFOR veterans, who feared that this new policy – primarily directed at the Serbs – meant the loss of neutrality and therefore regarded such action incompatible with a peace operation. A whole generation of military officers had been brought up with the idea of strict neutrality and fears of 'crossing the Mogadishu line' and failed to appreciate that impartiality had come to replace neutrality in peace operation. Impartiality could be interpreted as military action against anyone, military or civilian, who sought to frustrate the peace agreement they had vowed to implement. At this particular point in time, Clark decided, it was primarily the Bosnian Serb radical nationalist leadership that obstructed the peace.[108]

Controlling and disarming the MUP was the key tactic in Clark's overall strategy to wrest Karadzic's hold on the Bosnian Serbs from Pale. In order to have more moderate forces gain the upper hand in Bosnian Serb politics, SFOR chose sides with the elected president of the Republika Srpska, Biljana Plavsic, in her political struggle against Karadzic's front man Momcilo Krajisnik.[109] Plavsic was a rather dubious choice. Karadzic, himself barred from holding office as a result of his indictment, had handpicked Plavsic as his surrogate in the official capital Banja Luka the previous year. Many considered her anything but the moderate alternative the West liked to see in her. She was herself indicted by the ICTY in January 2001.

However, the 'Iron Lady of the Balkans,' as she was also known, had abruptly cut her ties with the de facto leader in June and had played and important role in firing Mladic in November 1996.[110] This made her the West's best hope for furthering Dayton. Clark intended through the 'use of forces, not force' to do anything 'legally and within our authority' to 'discredit the Bosnian Serb hard-liners, the most ardent opponents of the Dayton Agreement, by taking away the instruments of their power and embarrassing them in front of their own people.'[111] The ultimate goal was to get Plavsic re-elected in the September 1997 elections.

In the struggle for political control in Banja Luka, SFOR scored a significant success in mid-August as British troops took control of five main police facilities and handed them over to forces aligned with Plavsic. In Clark's account, British forces surrounded the MUP station after rumors of a preparation for a coup against Plavsic. The British 'surrounded the police station at dawn, with armored vehicles' cannons pointing at the building. A lone sergeant major reportedly walked to the door and announced grandly that the Serb police had thirty minutes to deport the premises.' The supreme commander was told by SFOR Force Commander Shinseki: 'they came streaming out barefoot and in pyjamas.'[112]

But the true tests of US resolve in furthering Dayton by adopting a proactive peacekeeping stance came later that month in the strategically important city Brcko. The Serbs, who had made up 21 percent of its population prior to the war, now con-

trolled the ethnically cleansed city that sat on the Sava River in the narrow Posavina Corridor. This corridor joined the eastern and the western half of the Bosnian Serb Republic, which had now become the territorial dividing line in the power struggle between Pale and Banja Luka. The crisis erupted as a result of President Plavsic's attempt to extend her authority from Banja Luka eastwards as far as Bijeljina in anticipation of the upcoming elections in September.[113] On 28 August, the IPTF, heavily backed by US military police and combat forces, attempted in Brcko and Bijeljina to seize police stations run by non-compliant police commanders and allow police forces loyal to Plavsic to take over.[114] Alerted by the recent series of intense combined SFOR-IPTF inspections of police stations, especially the successful British action in Banja Luka only ten days earlier, Karadzic's forces were better prepared this time. Incited by air raid sirens and the Serb Radio and Television Network broadcasts by to 'repel the invaders,' a well-coordinated violent mob of men armed with rocks, Molotov cocktails and axe handles, and skillfully using women and children in their ranks, drove off US troops, who had to temporarily evacuate the UN police to a nearby military base.[115] With their unique quality to encapsulate a complicated problem in a one-liner, catchy phrase or buzzword, the US military dubbed the orchestrated civil disturbances 'rent-a-crowd,' after they gathered proof that the crowds were being paid up to one hundred deutsche marks.[116] Although Pale had scored a tactical victory, US forces handled the situation reasonably well, demonstrating strict discipline and the necessary restraint.[117] Although two US soldiers were seriously wounded and, in spite of some ugly scenes in the international media, there was no public outcry against this type of use of the military in the US The American public seemed to grow accustomed to this sort of role for their military – and Brcko was of course no Mogadishu.

After what developed into a stalemate in Brcko, SFOR pressed on. In close cooperation with Jacques Klein, SFOR scored one of its key successes against Karadzic forces when NATO troops successfully blocked an attempt to disrupt the elections in early September. In the early morning of September 8, in the run-up to elections, French scouts near Pale saw large crowds of military-age young men enter what finally amounted to 250 buses and move towards the narrow Brcko corridor for an organized disruption of a pro-Plavsic rally in Banja Luka. Again, there was fear of a coup attempt, but unless the Office of the High Representative declared the rally illegal, there was no way of stopping the instigators. The only measure SFOR could take was searching the buses for arms when entering Banja Luka. US forces positioned to hold up the buses, sometimes by moving armored vehicles on the roads at a snail's pace, giving the British around the Bosnian Serb capital the chance to mount their defense. The British showed ingenuity by blowing tires of buses using nails, and British troops positioned themselves with riot-control gear to support Plavsic's local police to block the roads to the city. Just in time, Jacques Klein managed to declare the rally illegal and SFOR and local police turned the buses around. Clark's true moment of triumph came the next morning when Slobodan Milosevic was obliged to call NATO's supreme commander and ask for SFOR's help because Krajisnik and his lieutenants were unable to leave their hotel in Banja Luka, as they were sur-

rounded by an angry mob of Bosnian Serb protesters loyal to Plavsic. This was just the sort of embarrassing scene Clark had hoped for in order to loosen the hard-liners' stranglehold over the Republika Srpska. After what became known as the 'battle of the buses,' Clark had asked Secretary of Defense Cohen if he was still within his intent. 'Just barely,' his boss answered.[118]

Restraining the hard-line media was another key element of SFOR's effort to further compliance with Dayton in the Republika Srpska. Plavsic was seriously handicapped in her fight with her hard-line rivals by the relentless barrage of propaganda from the Serb Radio Television (SRT) that painted her as a 'collaborator' with the NATO 'occupation forces.' Karadzic's media network persistently incited non-compliance and even violence against the international presence in cases such as Brcko. After the first arrest of war crimes suspects and the more recent actions against the police, British SFOR troops in Banja Luka were explicitly shown in combination with marching Croatian Ustase and Nazi soldiers in Yugoslavia during the Second World War. After manipulating an interview with ICTY prosecutor Louise Arbour, the high representative suspended Karadzic's media network with close support from SFOR. Clark's delicate balancing act between pushing the mission forward and the cautious US military showed when Shinseki explicitly asked for written orders when the supreme commander told him to take down several television towers at Westendorp's request. The mission was a success and helped erode some of Karadzic's power. However, Cohen warned Clark he might 'find himself getting committed that we can't or don't want to do.'[119] He still wanted to keep the mission as limited and risk-free as possible. There were no complaints from European leaders and Solana was wholly in support of the more risky path taken.

While grinding away at the special police's power with reasonable success, Bosnian Serbs retaliated with orchestrated mob violence against SFOR and the IPTF. Increasingly, these confrontations were related to the return of refugees. In fact, all three sides had used, and continued to use, mob and police violence to frustrate the UNHCR's recently stepped-up program of pilot projects for returns, with the long-term strategic goal of reversing the consequences of several years of ethnic cleansing. In towns controlled by Croatians such as Dvar and Jajce, where they had been a minority before the war, angry mobs drove off returning Muslim refugees in concerted action with the local police. Meanwhile Muslims and Croats trying to return to Brcko consistently encountered stiff resistance and found their houses booby-trapped and torched in 1997. Arson was the weapon of choice of all of the parties in the defense of an ethnically cleansed Bosnia, but the offenders frequently resorted to assault and murder.

Progress in this field was negligible in the early years of NATO's presence. The creation of ethnically pure geographical entities had been one of the key war aims and the parties would not give up their gains without putting up a serious fight. Of the 2.3 million people displaced by the war only 381,000 had returned home by the end of 1997, two years after the intervention. These were mostly people returning to areas where they belonged to the ethnic majority. According to the UNHCR, only some 22,500 people (13,800 Croats, 5,600 Serbs and 2,900 Muslims) had returned

to areas outside military control of their own ethnic group.[120] The refugee problem as a whole was exacerbated by the immense physical destruction of homes and infrastructure caused by the war and the lack of basic services, but the root cause of the failure of the minority returns was the basic lack of security that persisted even after 1997. Contrary to the aims set forward in the Dayton Accord, the UNHCR started to organize majority returns even if this meant settling refugees not in their former communities, but to any area where they would not be in a minority. Many Bosnians and international commentators argued this validated the results of ethnic cleansing and meant giving up on the fundamental aims of reintegration and reconciliation. Carlos Westendorp would later point to the reluctance of the international community to push harder for refugee return as the single largest failure in post-Dayton Bosnia-Herzegovina. Critics of NATO's restrictive interpretation of its security role claimed that if SFOR had 'taken seriously its mandate to provide freedom of movement, then both minority as well as majority returns would have been possible.'[121]

Compared to early 1996, SFOR had come a long way in broadening its approach to the creation of a safe and secure environment, but the peacekeeping mission in Bosnia was still very limited in scope. The integration of SFOR and international police operations was far from complete and after 1997 commanders remained vigilant to avoid what they considered 'mission creep.' The US Army Peacekeeping Institute advised creating a combined public security organization center and intelligence-sharing apparatus, as had been done in successful counterinsurgency operations such as the Malayan campaign. However, this proved unrealistic within the limits set on military peacekeeping in 1998. Even in 1999, the SFOR commander – not used to sharing sensitive information with civilians – refused to show crucial intelligence on illegal funding for radical Bosnian-Croat politicians to international police investigators trying to indict Croatians on corruption charges and war crimes.[122] NATO troops may have become more 'forward leaning,' but the mission had not fundamentally changed. SFOR was not directly returning refugees and only gradually started to provide them with close protection by intense area patrolling, since its commanders continuously feared overstretching the 35,000-strong force as troop reductions were always near. Even in April 2000, much to Clark's chagrin, the US Army refused to open a SFOR substation in Srebrenica, where few NATO patrols ever patrolled the streets. Serb settlers, refugees from elsewhere in Bosnia, were still making it impossible for Muslims to return almost five years after their expulsion. As in other cities and villages all over Bosnia, Srebrenica's Muslim mayor, fearing for his life, refused to live in his city to which he had been elected by absentee ballot.[123] Meanwhile, NATO continued to take a restricted approach to the arrest of war criminals. Even though every careful step taken by SFOR towards broadening its role was widely regarded as a major success, serious opposition remained. With threats to the force close to nil after several years of peace, the ghost of previous missions in Bosnia and Somalia, but also Vietnam and Beirut, hovered over every proceeding within peace operations.

CIMIC: The Fig Leaf for the Gap

To compensate for the fundamental disjunction between the civil and military components, IFOR relied on its civil-military cooperation (CIMIC) capacity. Composed primarily of US Army Reserve civil affairs personnel, this dedicated staff grew to some 450 personnel. It was hoped to be what Joulwan called 'the glue' to bring together the civilian and military efforts.[124] However, strategic decisions had made the so-called 'GFAP gap' between the two sides too wide for glue to fix. Moreover, CIMIC as a concept and military function was in an early stage of development.

As negative critiques of IFOR's limited role in Bosnia mounted, NATO put increasing emphasis on the role performed by its CIMIC personnel.[125] The primary function of CIMIC staff was to liaise with those international civilian governmental organizations directly related to the Dayton Accord on all levels. On the operational level in Sarajevo, this coordinating role was performed by liaison officers directly attached to the Office of the High Representative, the OSCE, the UNHCR and the other key players. In Divisional Civil-Military Operations Centers (CMOC) or CIMIC Centers, the force performed its liaison role to the large humanitarian community, which had grown to over four hundred NGOs over the previous years. However, this liaison and coordination role was not the CIMIC task particularly stressed in IFOR's elaborate public information campaign. The liaison role was intangible for the media and with the fundamental lack of civil-military synchronization there was hardly a success story to report here.

IFOR instead publicized its role in the reconstruction of Bosnia's infrastructure, even though it had loudly proclaimed several months earlier that it would 'not become involved in reconstruction, humanitarian relief, political reform and human rights efforts.' No military role in 'nation building' remained NATO's overall policy, but IFOR now highlighted that its engineers had repaired bridges, railroads and 2,500 kilometers of roads, had reopened the airport in Sarajevo and provided training in mine clearance.[126] Many of these roles were essentially part of traditional NATO CIMIC activities as practiced during the Cold War: a primarily logistical mission in direct support of military operations. However, the effort clearly worked both ways as the local population and civilian organizations often benefited. On the other hand, CIMIC also had elements aimed at broader mission accomplishment, such as the earlier mentioned provision of essential planning and support for the fall 1996 national elections, support to the IPTF prior to and during the transfer of the Sarajevo suburbs and some other logistic and communications support to the police force. Additionally, the military efforts to expedite the reconstruction of electrical power and water supplies in Bosnia were categorized under 'support to the civil environment.'[127]

IFOR CIMIC and Public Information staff were frustrated with the international media for initially failing to pick up on these and other CIMIC efforts. Apparently, they were 'not interested in good news.'[128] Instead, news coverage of the Bosnia operation in 1996 was overshadowed by incidents such as the ransacking and desertion of the Sarajevo suburbs, the failure to arrest indicted war criminals and the first disappointing experiences in refugee returns. Although the media widely acknowl-

edged IFOR's initial success at stopping the fighting, the force's emphasis on the purely military security aspects of Dayton by US forces in particular made it hard for the media to ignore all the tasks the peacekeepers did not perform. Moreover, skepticism was fuelled by a CIMIC effort that was certainly was no success story.

Apart from the structural civil-military gap in Bosnia, many of the causes for the initially limited success of IFOR CIMIC were embedded in the conceptual framework of CIMIC and civil affairs in the mid-1990s. During the Cold War, NATO had conceived CIMIC exclusively as having a combat-oriented function. Its two key features had been logistic support to host nations and alleviating refugee interference with military operations in the defense of West Germany against a Soviet attack. Despite the surge in peace operations, little had changed in this respect in the first half of the 1990s, as neither NATO nor individual European military establishments put any serious effort or conceptual thought into the development of CIMIC. While peacekeepers in the field were gathering new experiences, NATO CIMIC continued to be regarded as a 'rear area' activity and not a 'front line asset' or an operational function essential to the accomplishment of the mission.

American civil affairs doctrine encompassed a far broader set of activities in military operations, but made no specific distinction between combat and peace operations. The 1993 version of Field Manual 41-10 stated that the civil affairs mission was 'to support the commander's relationship with civil authorities and civilian populace, promote mission legitimacy and enhance military effectiveness.'[129] It distinguished between two broad and diverse sets of frequently overlapping issues within civil affairs operations: civil-military operations (CMO) and support to civil administration. The doctrinal difference was that while performing civil-military operations, civil affairs units directly supported the military commander – presumably in the conduct of war – even though the local population and civil organizations might benefit from such support. In support to civil administration, civil affairs units directly supported a local government or international organization, although the military commander might benefit from that support. In 1994, the first US Army Field Manual for peace operations suggested that civil affairs in peace operations 'may include activities and functions normally the responsibility of a local government.'[130] This conceptual distinction between the intended beneficiaries of civil affairs efforts, which had always been hard to maintain, became even murkier in the 1990s as the military commander's mission steadily drifted into the civilian sphere. It became ever more apparent that political objectives and not military objectives dominated in military operations, but this notion, retired Lieutenant Colonel John T. Fishel concluded in his study on civil-military operations in 1997, had 'only been accepted grudgingly, if at all, by the American military.'[131]

Since the 1950s, military government had slowly faded away from US civil affairs doctrine and, by the end of the century, virtually all reference to the occupation of liberated or conquered territory had been dropped. Meanwhile, in the wake of Vietnam, military leaders and policymakers had become disillusioned with 'nation buil-

ding.' In 1994, as further US military involvement in peace operations was grudgingly accepted, the military reluctantly began a search for doctrine that would be militarily effective in failed states while continuing to resist pressures to directly participate in anything resembling 'nation building.'[132] However, US civil affairs retained a vast body of some five thousand Army Reserve personnel 'with specialists in every area of government, they can assist a host government meet its people's needs and maintain a stable and viable civil administration.'[133] In practice, US civil affairs had essentially the same, albeit wider, focus on combat support as traditional NATO CIMIC. Even as late as 1999, a Dutch CIMIC officer participating in a US Army civil affairs course was struck by the exclusive focus of the lectures and scenarios on conventional warfare. Only one hour out of the six-week course he attended was spent on peace and humanitarian operations as such, or 'Military Operations Other Than War' (MOOTW), the generic term then preferred by the US Army.[134]

Apart from its shaky doctrinal foundation for peace operations, the early CIMIC effort in Bosnia suffered from a combination of overlapping headquarters, national military strife within the coalition and a fundamental lack of understanding of CIMIC's role and value amongst ground commanders. The military command and control structure placed Smith's IFOR headquarters above the land component headquarters provided by the Allied Rapid Reaction Corps (ARRC) under Walker. This resulted in a duplication of CIMIC staff cells. Consequently, IFOR headquarters' Combined Joint CIMIC Task Force became embroiled in a turf battle with the ARRC headquarters' CIMIC staff.[135] Faced with two headquarters in Sarajevo, the Office of the High Representative and all other international governmental and non-governmental aid organizations were confused about with whom they were to deal. A CIMIC Task Force containing most of the personnel and assets to execute the CIMIC mission was created separately from the tactical command structure to conduct theater-level CIMIC tasks.

The organizational chaos was exacerbated when the US tactical CIMIC teams from this CIMIC Task Force started operating throughout Bosnia. They often arrived unannounced and failed to coordinate their efforts with the division and brigade CIMIC staffs and reported outside the chain of command straight back to Smith's IFOR headquarters. This was not so much a problem in the American-led Multinational Division (MND) North, but French and British commanders on the tactical level had no way of controlling these CIMIC assets and subsequently rejected the presence of these US teams in their areas of responsibility. The French were clearly most ardent in their refusal of US interference in their sector, which resulted in a total lack of coordination of CIMIC activities between IFOR and Multinational Division Southeast. The refusal of US civil affairs assets by the French and the British had an additional effect. The absorption of superfluous personnel by the two CIMIC headquarters, both operating in Sarajevo, contributed to a further overcrowding and additional duplication of effort. The one hundred CIMIC personnel in the capital conducted many reconstruction projects in a city that – with its high profile for the world media – was already attracting the bulk of the international reconstruction efforts from civilian organizations.

In Bosnia, the Americans had principally introduced the segregated model for civil affairs, which had become known as the 'Mediterranean model' or 'AMGOT model' for civil affairs in Europe during the Second World War. This model, wherein the military government organization was placed outside the tactical chain of command, gave the field commanders below the supreme commander hardly any control over civil affairs teams in their area of operations. As during the conquest of Italy fifty years earlier, this made tactical commanders in Bosnia suspicious of civil affairs and CIMIC, whose purpose was hardly explained. It also made the CIMIC teams beg from the sidelines for resources from regular forces. During the Second World War, the model had been dropped while preparing for the invasion of Normandy. 'We went wrong there,' Colonel William Phillips would later admit about the SHAPE CIMIC plans for Bosnia in 1995, to which he had contributed. Although the task force remained in place, in March 1996 the IFOR land component commander General Walker gave his divisional commanders more leeway to determine the extent and methods of their involvement in civil tasks.[136] This satisfied the tactical commanders, but infringed on the American ideal of a strategically and operationally driven civil affairs or CIMIC effort and a centralized process of surveys and assessments of the required civil-related tasks. It also prevented the most efficient distribution of CIMIC assets to those areas of Bosnia most in need. Divisional, brigade and battalion commanders improvised in providing different levels of security and support to Bosnians while rebuilding their lives, their methods according to one American observer, often 'depending on their own imaginations and folk wisdom preserved from other peace operations.'[137] They made up their doctrine and tactics as the operations progressed and learned, overlooking and relearning lessons in the process.[138] The presence of thirty different national contingents with fundamentally different national military cultures and mindsets made it hard to generalize about the success of the NATO CIMIC effort in Bosnia. Nevertheless, there were some behavioral patterns to be distinguished.

While US civil affairs staff brought their expertise to the mission, its personnel were seriously hampered by the overall combat-oriented military culture of the US military. Despite the long civil affairs tradition and recent experience gained in Panama, Iraq, Somalia and Haiti, American ground commanders were hardly better informed than their European colleagues about the role and value of civil affairs or CIMIC. Even though civil affairs seemed to be rising to some prominence, its personnel still often had to explain to US soldiers in tactical units that they were not Public Affairs, the Army's public relations division. The basic lack of understanding made commanders jump to the conclusion that CIMIC activities automatically contributed to 'mission creep.' This resulted in 'unanticipated constraints being placed on CIMIC operations until the value became more apparent to commanders.'[139] Moreover, despite experiences in Somalia and Haiti, the US Army failed to alleviate the force protection regime for civil affairs that continued to hamper its personnel in the execution of their mission.

A study by the US Department of Defense criticized the functioning of the tactical CIMIC effort within the American-led Multinational Division North.

> The CIMIC Center is doctrinally the central location for all NGOs to meet with the military. At MND(N) the CIMIC Center was located inside the gate at Tuzla Main [military base], whereas most of the NGOs were 20 minutes away in downtown Tuzla. With access to the base by non-IFOR personnel strictly limited, the effectiveness of the CIMIC Center as a tool for coordinating NGO and military activity was greatly reduced. Second, force protection regulations hampered CIMIC personnel's ability to perform their CIMIC mission effectively. When CIMIC personnel were able to muster the needed four vehicles to leave the base, they arrived at an NGO site with a heavier military presence than some NGOs desired. As a related issue, the appearance of the need for great security when outside the protected confines of Tuzla Main worked counter to the efforts of CIMIC personnel to create an impression among the local population that the internal situation had improved. Finally, with the inaccessibility of the Tuzla CIMIC to the NGOs and the restrictive procedures limiting the CIMIC staff's ability to visit the NGOs, the requirement to communicate indirectly had increased. Despite this requirement, MND(N) had only one phone line of 'dubious reliability', and had no fax or e-mail capability. Almost all communication between MND(N) and the NGOs had to be relayed through intermediaries, generally with a 24-hour turnaround time.[140]

This was not to say that the American CIMIC effort in Bosnia was overall ineffective. Rather, it lacked fundamental conditions for real success. Several of these obstacles were cleared, some in months, others over the years to come. For instance, it would take until 1999 for the CIMIC Task Force structure within SFOR to become proficient in the eyes of chief civil affairs planners.[141] It also took years for the force protection regime to be loosened for US troops.

The combined U.S-European Bosnia experience had the positive effect of establishing the need for a dedicated CIMIC capacity and of enhancing familiarity with CIMIC as a concept. However, the combat-oriented model provided by the Americans in Bosnia, at the height of US military skepticism over its involvement in peace operations, was a mixed blessing at best. Within complex peace operations as a whole, the strict limits on the use of the military enhanced the civil-military compartmentalization. Within the military contribution to such operations it had two negative effects. First, it strengthened the military in their belief it could turn its back on what should have been recognized as the inevitable public security challenges in all forms of modern military operations. Second, the prime example provided to the Europeans was the American military reflex of pushing civil-military operations to the periphery of military operations, away from the commander and regular military units.

Geared toward keeping the military operation 'clean,' the US-led IFOR headquarters marginalized civil-military operations by relegating responsibilities with a civilian odor about them to a separate CIMIC Task Force in order to relieve the tactical

units of such responsibilities. This tendency was exacerbated by the reliance of US civil affairs on Army Reserves with a specific civilian specialization. Although this was generally advertised as its key comparative advantage, which it often was, there was also a reverse side effect. By inserting the reserves with their highly specialized civilian skills, the military became entangled in operations that drifted ever further from the mission to establish a secure environment. According to Army Reserve Lieutenant Colonel Jeffrey A. Jacobs, this was caused by their eagerness 'to get into the ball game' and prove their value by exercising their skills in the limited period of their deployment.[142] These civilian proficiencies were after all still largely organized for the execution or support of civil administration in liberated or occupied territory. While serving in Bosnia, Jacobs was struck by the fundamental lack of generalist civil affairs officers with staff skills. Only four percent of the total civil affairs force, just over two hundred personnel, consisted of active duty generalist officers. Meanwhile, specialized civil affairs personnel became involved in the most detailed support to civil administration by working with the former warring factions to revise property laws, assisting the World Bank, forming a working group to assess public health issues and making recommendations for improving the public health infrastructure. Some civil affairs officers attached to civilian organizations even performed their duties in civilian clothes. The result was a paradoxical approach to CIMIC. On the one hand, flags were continuously raised about 'mission creep' when combat units became involved in public security-related tasks, or 'nation building' when they engaged in small development projects. In the margins of the operation, on the other hand, highly skilled civil affairs personnel were allowed to become involved in the details of Bosnia's reconstruction.

What further enhanced the marginalization of CIMIC was the widespread notion in both American and European military circles that civil support could start after the completion of the primary military mission, when the military had time on their hands.[143] While the impact and comparative advantage of civil-military operations in Bosnia was clearly the largest in the early phase of operations, in the virtual absence of most of the key civilian players in the Dayton process, the progressive emphasis on civil tasks in the course of 1996 and 1997 provided the opposing model. The common picture drawn out in charts was of 'pure' military operations dominating the direct aftermath of military deployment, while the emphasis could slowly shift towards civil-military cooperation as the situation stabilized. There was a certain logic in these charts from a combat perspective, but it tended to be far removed from the realities faced in the power vacuum in future stabilization operations in Kosovo and 'post-war' Iraq in 2003, where internal security operations and 'vacuum filling' and not the separation of warring parties turned out to be the key military task.

A third contributing factor to the peripheral approach to CIMIC was its emphasis on development projects. In Bosnia, the Europeans and Canadians injected their specific tendencies into CIMIC. As a result of the controversy over NATO's role in the civilian sphere and the organizational confusion within the IFOR CIMIC organization, they focused on traditional civic action or 'hearts and minds' projects, as this was seemingly the least controversial and certainly most attractive element of civil-

military cooperation. Although military support to civil implementation was officially limited strictly to extra activities 'within the limits of its assigned principal tasks and available resources,' millions of funds were generated for this purpose. Within the British Division, with its subordinate Dutch and Canadian battle groups, this effort was clearly the most elaborate and successful and had started in April, much earlier than within the US and French sectors. The British, Dutch and later the Canadians all channeled budgets from national development ministries towards the troops in the field and the British even attached an Overseas Development Agency (ODA) reconstruction specialist to their Divisional headquarters. The Americans also started to use USAID funds in August, but US soldiers were not directly involved in project management. Instead, brigade civil affairs teams reduced their role to coordination and used US private contractors to execute the programs, which led to slower implementation and resulted in less publicity value. The small-scale local community development projects were designed to have a 'quick-impact' on local society and especially the British-led division was praised for the rapid turnaround from proposal to execution. Projects were initiated by CIMIC staff within division, brigade or battalion headquarters, supported at times by regular forces, mainly engineers, but preferably executed by the local population or contractors to stimulate the devastated Bosnian economy. Projects had to be closely associated with the military force and centered on improving essential public utilities such as electrical power and water supply and public services such as schools and clinics.[144]

The usual benefits from civic action were apparent in Bosnia. First of all, 'winning the hearts and minds,' improving relations with the local population, was largely successful where civic action was undertaken. The effort was clearly directed at this aim. In the British sector for instance, more money was spent on projects in the Republic Srpska than in more benign Federation territory in the early phase to raise the level of acceptance of the force. CIMIC was often presented as a means of 'force protection.' As had become apparent in other operations, not only the Bosnian hearts had to be won. By providing 'good news,' projects had the much-sought-after effect of pleasing the taxpayer in the troop-contributing nations and therefore also parliamentarians and ministers. Apart from pleasing politicians, these images were welcomed and stimulated by Europe's military leaders, who became more aware of their use as the new line of defense against the next round of military budget-cuts that was always near. They also helped improve troop morale, by providing the forces with a feeling of accomplishment by making a tangible contribution to the reconstruction of Bosnian society.

Not all effects of the increased emphasis on projects were equally positive. Through the use of CIMIC, the military plunged itself as yet another player into what was an already crowded humanitarian playing field. It was questionable if the overall reconstruction effort in Bosnia was really in need of yet another actor that absorbed funds otherwise directed to Bosnia via other channels, most likely NGOs. Increasingly, the NGO community came to regard these military efforts as competition and feared that the 'humanitarian sphere' was becoming increasingly politicized and militarized. Meanwhile, although all three divisions had some success, 'IFOR elements pursued

many projects that were unlikely to have a lasting effect and did not necessarily support long-term, post-war reconstruction efforts.'[145] What the reconstruction effort needed most of all was coordination. Kevin Mannion, a European Commission coordinator for development funds, gave a revealing account of what he witnessed in Sarajevo in 1998.

> You have all these different actors, SFOR, IPTF, OSCE, OHR, UNHCR and all the other organizations, all playing their part. They are all pieces of a jigsaw puzzle [...], but nobody has the picture of the finished jigsaw. So we don't actually know what we are supposed to put together. So we are just trying to move the pieces around all the time. [...] What we have done is, we have given birth to a baby, which is Bosnia Herzegovina, which has probably about a hundred different parents, all with their own ideas on how to bring up the baby. So therefore you have a very confused, underdeveloped baby, called Bosnia Herzegovina, which we maybe all will walk away from and leave to fend for itself. 146

Civic action was a proven method of facilitating military operations, and much good work was done by the military. However, in Bosnia the largely uncoordinated 'heart and minds' campaign had the pretension of providing structural solutions in military circles – even though funds spent by the military were minuscule compared to the many billions of dollars channeled through EU, World Bank and other civilian organizations over the years. Several years of peace, and a massive, but uncoordinated international effort brought only slight political advances while economic progress was negligible with unemployment still at sixty percent.

More damaging for the concept of CIMIC was that in Bosnia the acronym almost became synonymous for 'projects.' Voices in the development community were often raised, wondering why SFOR – instead of experimenting extensively with development tasks so alien to its primary function – did not interpret its security role more broadly. The focus on projects diverted attention from the much more essential civil-military coordination and support relationship between soldiers and the key partners in the creation of a lasting peace. These were first and foremost the international police force and international civil administrators monitoring and reforming the local institutions, much as the foundation of successful counterinsurgency operations was the triangular relationship between army, police and administration.[147]

While the practical emphasis of civil-military cooperation in Bosnia was on project development, the emergence of a CIMIC capacity within NATO pointed in another direction. US predominance in the field had prompted its European partners to fill the capability gap by creating a dedicated CIMIC capacity within NATO, although skepticism remained among many military leaders over the need to take civil-military cooperation beyond its narrow Cold War perimeters. The Americans, whose civil affairs reserve forces came under increased pressure from prolonged deployment, were the main driving force behind the creation of such an organization within the Alliance.[148] NATO's 'Bosnia Lessons Learned' was firmly of the view that future large-scale military operations needed a centralized, theater-level CIMIC command with a

specialized CIMIC Task Force in order to deal with the civil government and coordinate and support the primary international civil organizations. However, the need was also recognized for special staff elements at each level of command in order to better coordinate the Task Force's efforts with the tactical commander's wishes.[149]

In 1997 the NATO's defense ministers directed SHAPE to create a plan for the development of an operational CIMIC capacity.[150] The concept launched by SHAPE in 1999, called 'CIMIC 2000,' set out to tackle the issue in the fields of training and education, the development of doctrine, and the actual creation of a specialized force structure within NATO.[151] In NATO's doctrine, CIMIC was defined in 1998 as '[t]he resources and arrangements which support the relationship between NATO commanders and the national authorities, civil and military, and civil populations in an area where NATO military forces are or plan to be employed.' This definition was roughly the same as that of CIMIC during the Cold War years. To update it to fit the new operational environment, the doctrine added that such arrangements could include 'cooperation with non-governmental or international agencies, organizations and authorities.'[152]

It initially foresaw the creation of three CIMIC Groups centered on the Dutch, Italians and British within ARRC, which came under General Mike Jackson's command from January 1997. The only group that seriously got underway was the one chaired by the Dutch, eventually in close cooperation with the Germans. While Danes, Norwegians, Poles and Czechs joined this group, the other two lead nations wavered. The Italians, tasked to create a CIMIC group in southern Europe, were slow in getting an organization off the ground. The British, uncomfortable with the model presented by the Americans, decided on a different course than the one initiated by the Americans.

What later became known as CIMIC Group North focused on bureaucratic concerns with regard to the composition of large, sustainable CIMIC units. In the long run, hundreds of reserves specialized to perform a wide array of civil functions, were to be deployable for longer periods of time. Although somewhat more modest in size, it was largely modeled after the elaborate US civil affairs army reserve structure with its civil affairs commands, brigades and battalions. The ambitions expressed in the NATO-CIMIC model were tremendous. CIMIC Group North prepared to deploy CIMIC reserve officers to provide 'functional expertise, advice and assistance in identifying and assessing' in the areas of civil administration, civil infrastructure, economy and commerce, humanitarian aid and assistance and cultural affairs. Tasks foreseen in the administrative field encompassed – among others – advice on economic policy, public finance, legal assistance in rewriting existing laws and legal systems, spatial and environmental policy, educational and cultural policy, social policy, movement and transport policy, public health policy, security policy, media and communications policy and agricultural policy.[153] Meanwhile most European NATO members were hardly able to deploy fully trained CIMIC generalist staff officers in Bosnia or Kosovo in the late 1990s. More time was spent on CIMIC reserve force generation and composition than on the general dilemma of how dedicated CIMIC forces were to be employed.

The elaborateness of the NATO CIMIC scheme was inversely proportional to the degree of responsibility its officers were supposed to assume in future failed states. Most notably, NATO doctrine avoided all reference to executive administrative powers for the military. In other publications, even 'support' to civil organizations was often supplanted by 'advice and assistance.'[154]

While the Dutch and Germans diligently began developing their elaborate CIMIC framework, the British steered a different course. Although the British Army had lost its large civil affairs capability in the aftermath of the Second World War, a strong civil-military component had always been an integral part of British counterinsurgency doctrine and operations. The importance of handling relations with the local population, police and administration was recognized in Palestine, Malaya, Cyprus and Northern Ireland, but had not been translated into the creation of a specific civil affairs 'sub-profession' or a large specialized force structure to manage the civil-military interface. In the second half of the 1990s they continued to resist this US Army model with its strong emphasis on a separate civil affairs organization with large number of specialist functions. While acknowledging the need for a small pool of generalist civil affairs officers, a British officer involved in the creation of this Civil Affairs Group discarded the efforts by NATO's CIMIC Group North and the existing US civil affairs community by claiming with a hint of arrogance that seemed to annoy the Americans, 'we don't need that, we are already used to doing it in Northern Ireland.'[155]

The British emphasized the ease with which regular military personnel, most notably engineers and military police, but also regular staff and tactical units and the soldiers on the ground, could be used to bridge the gap, if only they were employed in the right manner and trained with the right attitude. In short, the British were arguing that their military tradition, with its more flexible interpretation of the military profession, made their soldiers better adapted to the civil-military interface in peace operations than the Americans. Overall, this proved to be the case, but the British leaned heavily on the theory of police and civil supremacy its officers had grown accustomed to in Northern Ireland as well as their colonial history. This ascendant theory was based on the assumption that a military force could support a functioning police and administrative structure that was working towards a common goal – the defeat of subversion or an insurgency. In Bosnia, local authorities were often uncooperative. In future operations in Kosovo, East Timor and Iraq in 2003, local authorities would initially be absent altogether and only slowly emerging. Nevertheless, the British approach seemed to be well suited to the integration of civil-military operations into military operations. As the British were bound to take the lead in NATO's next peace operation Kosovo, this would prove instrumental.

Conclusion

Bogdan Denitch, the writer of *Ethnic Nationalism: The Tragic Death of Yugoslavia*, called Dayton 'a terrible peace to end a terrible war.'[156] To mend some of its incongruities the authority of the initially hapless Office of the High Commissioner and

its subsidiary organizations was steadily expanded, but there was little doubt that the key to redressing the mistakes made at Dayton lay in the hands of the military. NATO's experience in Bosnia in 1996 pointed in two directions. One route was to stick to the minimalist option and prepare for a swift retreat, much like during previous military operations in Somalia and Haiti. The other route was to accept the failure of this exit strategy and swing IFOR's full weight behind civilian implementation. In retrospect, the choice would seem obvious, especially after IFOR's initially astounding military success. At the time, however, bogged down by fear of 'mission creep' and a deeply rooted aversion to military involvement in 'nation building,' the US administration – with the Europeans following suit – wavered until the spring of 1997 to make this choice. Hesitation would cost them dearly in the long run. Between March 1996 and the summer of 1997, a substantial share of 'mission erosion' occurred as NATO forces lost the initiative by failing to acknowledge that the military mission had to move forward into the civilian sphere – first and foremost into the field of public security. This was the consequence of the persistent effort to simplify what was the inherently murky dividing line between soldiering and policing in a post-conflict setting.

It took until the summer 1997 before NATO forces embraced a more vigorous stance by exercising – in concert with the key civilian players – authority outside the military sphere. Despite General Clark's incentives, SFOR still did so half-heartedly and with the so-called 'anti-Dayton power structures' firmly entrenched in Bosnian society, it often seemed too little, too late. Peacekeeping had been reinvented in Bosnia to fit the narrow parameters of the Weinberger-Powell Doctrine rather than to suit the peace process as a whole. Meanwhile, the ability of IFOR to flexibly respond in a proactive rather than reactive manner was impeded by the influential term 'mission creep' that had also been making headway in the European military establishment. Although not driven by the same inhibitions towards peace operations as such, European soldiers were on the whole comfortable with the leadership provided by the Americans. While no great strides were made towards lasting success in Bosnia, at least nothing went dramatically wrong. This counted for much after their previous experiences. The failure to exploit the possibilities presented by the power vested in the peacekeeping force, especially in that crucial first year, had dramatic long-term effects for the goal of recreating a multi-ethnic Bosnia. Cynics continued to wonder, however, if that goal had ever been attainable in former Yugoslavia.[157] The next ethnic conflict that had since long been smoldering, but was now fully erupting right next door in Kosovo, added fuel to their argument.

PART IV

Kosovo

Military Government by Default

9
The Kosovo Force: Entering the Wasteland

Three years separated NATO's first peace operation in Bosnia from the Alliance's first war over the fate of Kosovo in the spring of 1999. After the protracted bombing campaign forced Milosevic's security forces to leave the Albanian-dominated Yugoslav province, NATO inserted a large ground force that was to keep the peace, but found itself exercising de facto military governance in the ensuing power vacuum. Just as NATO officially never called it a war, however, it would not refer to the takeover as an occupation. Its Kosovo Force (KFOR) was mostly planned, perceived and referred to as a peacekeeping force. After all, by separating and controlling Serb security forces and the Albanian insurgents, soldiers were to create the military conditions for the parallel civilian mission, the UN interim administration for Kosovo. Just as previous civilian missions, however, it would take many months before the civilian mission was able to execute the civilian side of the UN mandate for Kosovo, which was the most ambitious project of truly international administration in the history of the United Nations.

NATO's peace operation in Bosnia was the primary point of reference for KFOR, but for the troops on the ground, such as a Dutch artillery battalion, the initial months of the operation bore closer resemblance to the anarchy found by the American-led force in Somalia. Apart from avoiding military entanglement in such a situation altogether, few lessons had been learned in America and Europe from this early experience of ad hoc vacuum filling. While focusing on the journey of the Dutch battalion in the provincial town of Orahovac in the second half of 1999, the following chapters explore why NATO failed to prepare for the power vacuum, how its forces improvised, and how they eventually performed in the fields of public security and civil administration by substituting and supporting civilians.[1] In many respects the municipality of Orahovac resembled a scale model of the ethnic conflict raging in Kosovo and the challenges facing NATO and the UN.

Stepping into the Void

By 12 June 1999, D-Day as it was inevitably called, a substantial NATO force of infantry, tanks and artillery was assembled on the Macedonian border with Kosovo. Among the troops was a Dutch field artillery battery attached to a German Panzer Brigade for which it would provide fire support. Together with four other multinational brigades under British, American, French and Italian command, they made up KFOR that was to deploy in Kosovo with the capacity to enforce the peace. Before

A Kosovar Albanian refugee in Macedonia cheers as NATO artillery moves into Kosovo on 11 June 1999.

crossing the Macedonian border into Kosovo, the gunners had already gotten a taste of what the Allied liberators must have felt like in some European towns forty-five years earlier. From a nearby refugee camp harboring 40,000 Kosovar Albanian refugees, which the soldiers had helped to build in the previous months, crowds of people gathered by the road, cheering 'NAH-TOE! NAH-TOE!,'' and waving as the troops passed by. Their tracked artillery pieces rumbled towards Kosovo in what seemed an endless column of troops and armour. When the troops crossed the Kosovar-Macedonian border they were dazzled by the lamps of TV cameras and floodlights from the international press, but then the road turned pitch-dark. Electricity and other infrastructure in former Yugoslavia's poorest province was badly damaged after more than a year of civil war, followed by almost four months of NATO bombing.

While rattling and shaking badly behind the turret machine guns of their noisy M-109 howitzers, 36 hours in total, the soldiers witnessed the chaos and destruction in the war-torn province. Entering a potentially hostile situation was at first a thrilling experience for the troops. It was everything that being a soldier was about, but the harsh realities of war soon sunk in. As the soldiers pushed into Kosovo, they spotted large numbers of civilian cars standing about on the side of the road with opened suitcases and clothes lying around. They had been abandoned at gunpoint by the

thousands of refugees during the preceding weeks. A few Albanians came out of hiding to applaud the troops, but the soldiers soon found out that war was still close by. In their headlights a body appeared on the road, part of its head missing. The victim, it later turned out, was a German journalist who had taken the risk of advancing into Kosovo ahead of KFOR. When the column shortly halted, an anti-tank shell flew right overhead and exploded nearby.

As the Dutch and Germans advanced on the town of Suva Reka at dawn, they saw the first Yugoslav troops casually standing around in the tree line. They were not nearly the demoralized soldiers NATO troops had expected after listening to their own propaganda over the previous weeks. There were clear signs of recent heavy fighting around Suva Reka and the Albanian population was obviously still terrified. Some people briefly lifted their curtains in order to wave, but of the few people that had stayed behind, no one came out to greet the KFOR troops. It soon became clear why. Just around the next corner the Dutch troops encountered the dreaded MUP casually standing around their armored vehicles. The Yugoslav special police were armed to the teeth and one of the policemen casually made a throat-slitting gesture to the KFOR soldiers as they drove by.[2]

In many ways, the tragic Yugoslav disintegration began and temporarily seemed to have ended in Kosovo. Close to two million Kosovar Albanians, Muslims by faith, made up almost ninety percent of the province's population and wished for greater autonomy from the Serb-dominated remainder of Yugoslavia. In 1989, Slobodan Milosevic had rudely revoked the autonomous status granted to the Kosovar Albanians by Marshall Tito in 1974. After disbanding its institutions of local government and police, direct control from Belgrade was imposed and the Albanian language was banned from schools and for other official purposes. Milosevic was clearly unwilling to yield on the province that, with its approximately 250,000-strong Serb minority, had been central to the radical nationalism that brought him to power in the late 1980s. In the eyes of Serb nationalists, Kosovo had historic significance as the cradle of Serb civilization. This belief went back to the medieval struggle between the Ottoman Turks and the Serbs over Kosovo that culminated in the infamous battle of Kosovo Polje on 28 June 1389. The battle was lost by the Serbia, and this was followed by five centuries of Ottoman rule over the area. The Albanians argued that they had been present long before Serbs arrived in the region in the seventh century. It had been the 600-year anniversary of the battle on 28 June 1989 that Milosevic had used to take center stage and promise to an estimated crowd of one million Serbs 'never again will they defeat you.' Within that same year Kosovo's autonomy was stripped.[3]

During most of the 1990s, the Albanians in Kosovo practiced an impressive form of passive resistance. Serbs formally ruled over Kosovo and held almost all positions as mayors, judges and police, but the Albanians organized their own elections and created parallel administrative structures, schools, universities and medical clinics. As traders and migrant workers in Western Europe, the Albanians quite often fared

economically better than most Serbs, who were on civil-servant wages from Belgrade. But after years of non-violent resistance to this form of apartheid, the moderates under the elected Albanian leader, a modest academic named Ibrahim Rugova, lost out to more extreme nationalist forces. An increasing part of the Albanian population supported an armed insurgency by the Kosovo Liberation Army, or *Ushtria Çlirimtare e Kosovës* (UÇK), a group that had emerged in 1997. The following year the world witnessed a rapidly escalating armed conflict between this guerrilla force and the Yugoslav Army, the Ministry of Interior Special Police (*Ministarstvo Unutrasnjih Poslova*, or MUP) and Serb paramilitaries that Milosevic deployed in increasing numbers. Prior to the summer of 1998, Milosevic was never seriously challenged by the Western powers for the brutality of his regime in Kosovo and neither NATO nor the UN addressed the legitimate fears of the Serb minority in Kosovo. In February that year, Robert Gelbard, the American special envoy to the Balkans, had actually continued to praise the Serb leader for his support of the Dayton accords in Bosnia and denounced the UÇK as 'without any question a terrorist organization.'[4]

The methods used to suppress the revolt were reminiscent of those previously used in Croatia and Bosnia. Albanian fighters were guilty of kidnappings, mostly of Serb civilians or others they considered collaborators, and attacked Serb police stations. Serb security forces burned down entire villages suspected of supporting the UÇK. As the news of atrocities in yet another Balkan civil war flooded Western TV screens and the front pages of newspapers, the call to do something about the human suffering again grew louder. In the second half of 1998, tens of thousands of Albanians were driven from their villages into the hills. NATO stepped up the pressure on Belgrade as the number of internally displaced persons and refugees reached 200,000. There were lingering regrets that the province had not been brought into the Dayton process in 1995. Richard Holbrooke, quite understandably at the time, thought this would unnecessarily complicate the negotiations with Milosevic who held the key to ending the war in Bosnia. Clinton's heavyweight diplomat was again called upon to broker a peace and with the threat of NATO air strikes against Milosevic to back up his diplomatic efforts, he succeeded in the fall of 1998. However, the armistice Holbrooke mediated failed to hold and the conflict continued under the eyes of 1,500 OSCE monitors from the Kosovo Verification Mission (KVM).

The escalating ethnic conflict raised concerns amongst Western politicians that the conflict would spread to Macedonia and possibly even engulf Greece and Turkey. Following the murder of 45 Albanian inhabitants in the village of Raçak, in response to the slaying of four Serb policemen by the UÇK in January 1999, the international community headed by the United States made a last attempt to solve the conflict. NATO's credibility was felt to be at stake. In February 1999, the parties were ordered back to the negotiating table in the French town of Rambouillet. A cease-fire agreement and the withdrawal of Serb forces were to go hand in hand with the deployment of an international peacekeeping force under NATO leadership. The options for a ground force in Kosovo had already been under consideration at SHAPE, NATO's military headquarters, since the summer of 1998, but planning was accelerated in the lead-up to the negotiations at Rambouillet. However, *Operation Joint Guardian*,

as the mission became known, appeared to be short-lived. It was shelved as NATO's dominant role in the peacekeeping force proved unacceptable to Milosevic in Rambouillet. The Serb delegation's fatal decision not to sign up to the agreement was at the time primarily ascribed to their attempts to emasculate the proposed peacekeeping force. However, some well-informed sources have since claimed that an annex to the Rambouillet Accord – which provided for unrestricted freedom of movement for NATO troops throughout the territory of Yugoslavia and not just Kosovo – was inserted by Western negotiators to provoke a rejection by Belgrade. 'I think the terms put to Milosevic at Rambouillet were absolutely intolerable,' British Defence Minister of State, Lord Gilbert, later conceded. 'How could he possibly accept them? It was quite deliberate.'[5]

Some political leaders within the Atlantic Alliance had grown increasingly determined to bring its force to bear for the sake of the latest breakaway mini-state on the Balkans – although those favoring armed intervention were not sure what the next step would be. Champions of a more interventionist policy, such as Madeleine Albright and Tony Blair, seemed quite eager to draw a line in the sand with Milosevic, who was again seen as a thoroughly destabilizing factor in the Balkans. They found their military exponent at SHAPE. 'Kosovo was simply an extension of Bosnia in the mind of Wesley Clark,' Holbrooke said. 'For Clark, Kosovo was the logical next step in his liberal interventionist attitude toward the use of force.'[6] The diplomat seems to have concurred. In the preceding years, the defensive Alliance had sought and found a new purpose and began to transform into an organization willing to project power across its boundaries and intervene to promote regional stability. Geopolitical motives, newfound confidence and a new sense of purpose certainly made NATO's reaction swifter and far more decisive than it had been in the first half of the 1990s.

After Milosevic refused to bow to Western pressure, NATO began a bombing campaign on 24 March 1999. Russia and China had blocked a resolution in the Security Council and therefore the Alliance went to war without UN approval.[7] NATO never called it a war. Instead the term 'humanitarian intervention' was often used to emphasize the official aim of intervening within the borders of a sovereign state in order to end widespread and grave violations of fundamental human rights. Hopes were vested in a limited punitive air campaign similar to the one against the Bosnian Serbs in the fall of 1995. Instead, the bombing campaign against this more formidable opponent drew on for weeks, then months, and caused much friction between NATO members over the scope of the offensive and even the specific targets selected for destruction.[8] It could even be argued that the air-offensive was counterproductive, since Milosevic used it as a pretext to expel some 863,000 Albanians from Kosovo. Several hundred thousand more had already been internally displaced in the previous year.[9]

The endless stream of refugees from Kosovo flooded neighboring Albania and Macedonia and it was feared that it would destabilize the ethnically diverse region as a whole. When the refugee crises in April and May surprised and overwhelmed the UNHCR and Western governments, NATO military forces played a humanitari-

an support role unequalled in size and scope since the end of the Second World War. Several thousand troops assembled in Macedonia under the Allied Rapid Reaction Corps (ARRC), commanded by Lieutenant General Sir Mike Jackson. By late May, this force had grown to approximately 10,000 troops. By then its primary mission had changed from preparing for the possible extraction of OSCE monitors to preparing for deployment into Kosovo as a peacekeeping force to possibly enforce the Rambouillet Accord. The force had not yet received an official name but was tentatively called the Kosovo Force.[10] During the bombing campaign, General Jackson and his staff had spent a long time planning and preparing for the unknown. The force commander had five brigade commanders under his authority and sufficient logistical units, 'but what we didn't have was anybody much to do the fighting.' On one occasion, Mike Venables, Jackson's political advisor, drew out a roots-and-branches diagram that suggested seven possible outcomes to the conflict. 'We all reckoned that the actual outcome would be the eighth that he hadn't spotted,' Jackson recalled. He tried to plan for each of these different outcomes. 'It was a period of great uncertainty which highlighted that uncertainty is absolutely a part of a soldier's job'. He clearly addressed a generation of officers that often still longed for the certainties of the Cold War years, when he added: 'not only should we not resent it but we should learn to embrace it.'[11]

Another NATO force called AFOR assembled in Albania. Its primary and official mission was to support the local Albanian authorities and the UNHCR in managing the refugee crises by providing security, logistical means and manpower.[12] When the air-war failed to render any result, the assembly of more troops on Kosovo's border was also a prelude to, and pretext for, preparations for a larger ground force in order to increase the pressure on Belgrade. However, the ground attack option was a card that NATO initially played poorly in its dealings with Milosevic, primarily because the Clinton administration had already publicly ruled out this possibility for domestic political reasons. There was still little enthusiasm for Clinton's interventionist, multilateral foreign policy within the Republican-dominated Congress. William Cohen, also a Republican and conservative in his view of the role of the US military, was still at the helm in the Pentagon.

Early June 1999, a combination of factors convinced Milosevic to concede to NATO's demands.[13] The prolonged and gradually escalating air-campaign, although insufficient to win the war alone, had certainly been taking its toll on Serbia proper. According to Wesley Clark, the signs of preparations for a ground attack played an important role in convincing the Serbian autocrat to bow, even though such an effort would have taken many more months to organize.[14] In the end, however, his capitulation would have been difficult without Russian-backed diplomacy during May and pressure by Moscow on the leaders in Belgrade. At that point, the sudden quick ending to the conflict actually came somewhat unexpectedly, since NATO had been bracing itself for the long haul. The Dutch NATO Ambassador Niek Biegman called the diplomatic accord forged by Finnish former President Marti Ahtisaari and Victor Tsjerdomyrdin, the Russian special envoy for the Balkans, almost 'too good to be true.'[15] Under NATO pressure, Belgrade had agreed to withdraw all its security forces

from Kosovo. The signing of the Military Technical Agreement (MTA) by Jackson and Serb military leaders on 9 June prepared the way for a coordinated Serb withdrawal and KFOR's deployment in its wake.[16] It would be a relief in place.

The Mandate

The next day, the Security Council passed Resolution 1244, which endorsed the situation NATO had created by means of force. Temporarily, the Security Council de facto suspended Yugoslav sovereignty over Kosovo and authorized a military force and civilian mission to deploy in Kosovo and assume these sovereign rights for an indefinite period of time. When KFOR troops entered Kosovo, there was no political settlement. The final status of Kosovo was left undecided and the NATO powers would not back the overwhelming desire amongst Kosovar Albanians to become an independent republic. An independent Kosovo, it was feared, would set a poor example for the dysfunctional multi-ethnic government of neighboring Bosnia. Moreover, there were serious concerns that an independent Kosovo would have a destabilizing effect on Macedonia with its large Albanian minority.

The assembly of military forces on Kosovo's borders prior to June enabled KFOR to enter the province swiftly. Rather than the usual months for the deployment of peacekeeping forces, the first 20,000 troops were inside Kosovo in two weeks. Nevertheless, the initial force entering Kosovo consisted of no more than nine battalions, four of which were British, and they were very thin on the ground for the wide array of tasks they were to perform. KFOR initially had no more than forty tanks, while the Yugoslav armed forces had survived the air campaign with the vast majority of their heavy equipment still intact – including four hundred tanks, according to Jackson.[17] Eventually KFOR would comprise some 45,000 troops, almost twice the size estimated in the Rambouillet plan and two-thirds of NATO's initial force in Bosnia three years earlier. The British were dominant in KFOR, especially during the early stage when, for a short time, they provided two full brigades, one armored and one airmobile, to assume control of the capital Pristina and its surroundings. With Jackson's ARRC in charge, KFOR took on a British hue, just as NATO operations in Bosnia in 1996 had been American-dominated. After having taken the lead in Bosnia and in previous months during the air campaign, the American government wished to minimize its own role and maximize European responsibility for both military operations on the ground and for Kosovo's reconstruction and proposed democratization.

On the military side, KFOR's primary mission was to deploy in Kosovo with the capability to enforce the peace and to deter renewed hostilities.[18] Thus, its first task was to secure the withdrawal of Yugoslav military, paramilitary and police forces and prevent them from further presenting a threat to the Kosovar population. The second part of this main military task was to demilitarize the UÇK, the details of which were left to be agreed upon at a later stage. It would not be until 21 June that an agreement with the UÇK was reached on its disarmament. Negotiations on its transformation into something other than a military force dragged on until August. Secur-

ing the withdrawal of the Serbs and demilitarizing the UÇK were KFOR's two strictly military tasks and can be seen as the first two layers of a complex security mission that was threefold. They were performed in order to 'establish a secure environment in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered.' These military tasks were thus defined as creating a framework of military security for the population and international civilian organizations to live and operate.

Subsequently, KFOR's mandate moved into the civilian sphere within that framework and inevitably became more vague. For the first time in history, the UN military mandate officially included the establishment of a secure environment 'ensuring public safety and order until the international civil presence can take responsibility for this task.' Public safety, the third layer of security for which KFOR bore responsibility – temporarily but for an unspecified period of time – soon proved to be KFOR's biggest challenge.

Civil implementation of the military peace agreement and UN Resolution 1244 were to be performed by the United Nations Mission in Kosovo (UNMIK), headed by the secretary general's special representative. This role was temporarily performed by Sergio Vieira de Mello, a United Nations veteran from Brazil. UNMIK had powers never before vested in a UN body. The special representative had full executive and legislative authority, with no representative body to control him. His powers included the administration of the judiciary, and the special representative was further empowered to appoint or remove any person within the civil administration, including judges.[19] UNMIK's powers were, however, inversely opposed to the means initially at its disposal, and thus its ability to achieve them. In early July, UNMIK was composed of just thirty officials, the majority of whom were based in the capital Pristina.[20] They were by no means able to assert any control in the districts and municipalities. As in previous missions with less ambitious mandates, such as in Cambodia and Bosnia, the deployment of civilian components turned out to be an arduous and time-consuming process. Given the short time that UNMIK had to plan for the establishment of nothing less than full trusteeship over a province with no governmental infrastructure, it was not too surprising that it took months to raise personnel that – other than the military – had to be recruited on an individual basis.

The civil component's organizational structure was like a classic Greek structure. UNMIK was the tympanum supported by four columns representing four major international organizations. The UN Secretariat was put in charge of the civil administrative component. This pillar included the essential international police force that eventually was to comprise 3,100 constables with unprecedented executive policing authority. For the next two of its pillars, UNMIK could build on local European organizations. The Organization for Security and Cooperation in Europe (OSCE) took on institution building and democratization while the European Union (EU) took charge of economic reconstruction. As in previous peace building operations, the UNHCR took responsibility for coordinating the humanitarian effort in Kosovo. This fourth pillar was in charge of the return of hundreds of thousands of Kosovar-Albanian

refugees. While profiting from the extended infrastructure and expertise of these three subcontracted organizations, UNMIK as an interim government would also suffer from their large bureaucracies.

Compared to previous UN military mandates, Resolution 1244 on Kosovo was relatively generous in ascribing military support for the civilian component. Lessons had been learned from Bosnia, but the mandate was hardly specific on this point. Soldiers were to support 'as appropriate' the international humanitarian effort and coordinate and backup the international civil presence under UN leadership. The meaning of 'as appropriate' would be determined by the military commanders on the ground and the usual caveats 'within means and capabilities' and 'on a case-to-case basis' were emphasized in military orders. Apart from the public security clause, that specifically tasked KFOR to temporarily substitute the UN civilian police force that was eventually to deploy, there was no mention of the military force substituting UNMIK in other fields of administration. Anything resembling military government was officially ruled out. The degree of support was largely left to the commanders on the ground to determine. The force commander would react to instructions and more informal signals he received from his political and military masters in NATO and national military and political lines of authority. His subordinate brigade and battalion commanders from different nations would do the same, reporting to their capitals and national military headquarters as well as to the force commander. As in all previous peace operations, the levels of military support to the civil power would therefore vary substantially between different national contingents. Support to the civilian side of the operation or substitution thereof, however, was hardly prominent in the minds of the first NATO forces entering a potentially hostile environment.

Task Force Orahovac

A small advance party of the Dutch artillery battalion had been among the first troops to enter Kosovo on D-Day, 12 June. They entered Kosovo's second largest city Prizren early the next morning with the first elements of the German brigade. Prizren would be the center of operations for the southern zone assigned to Multinational Brigade South. The Dutch had planned to establish their main fire base on a small airfield north of Prizren near the town Suva Reka in order to cover the German deployment while the Serb forces retreated. The other four brigades under British, American, French and Italian command fanned out in all directions in close coordination with the withdrawing Serbian forces.

Upon entering Prizren, KFOR's vanguard was confronted with the joy and the anarchy of what was a liberation to most and an occupation to some. In a momentous occasion in post-Second World War German history, its soldiers were welcomed with flowers and cheering by crowds of Albanians. However, confrontations between the oppressed and their former oppressors were inevitable. The few available NATO soldiers faced heavily armed and frustrated Serbs wanting to leave town and an Albanian population in a buzz of emotion and alcohol. Some were involved in looting and

Kosovo 1999: the depoloyment of KFOR's five Multinational Brigades.

rampaging. In the process, German troops killed two Serbian soldiers who had opened fire. In Pristina, two armed Albanians were shot dead in their moving car when British soldiers mistook their celebratory fire for a threat to KFOR. Overall, the Serbian security forces complied with the military agreement and despite several incidents, the UÇK refrained from harassing retreating Serb security forces, as promised to NATO. The most pressing problem would turn out to be imminent confrontation between the Albanians and the Serb civilians, some of whom left and some of whom stayed behind in fright.

Brigadier General Fritz von Korff flew in from Macedonia to join the vanguard of his units and set up brigade headquarters. Dutch battalion commander Lieutenant Colonel Anton van Loon accompanied him on this flight and functioned as his 'advisor and witness.'[21] For a number of reasons, the German commander had engaged the Dutch commander intensively in the planning for operations in Kosovo. He liked to highlight the multinational character of his operation, but at this stage the Dutch were the only non-German element in the brigade. Van Loon had been head of the Operations Division of the combined German-Dutch Army Corps in Münster in 1995 and had spent a year attending the British Army Staff College in 1993. This gave him added value for Von Korff, whose staff was less familiar with the English language and the distinct manners at the British-dominated KFOR headquarters where Van Loon knew people personally.[22]

In February, the Dutch government had pledged to provide Van Loon's artillery battalion to supplement the German armored brigade, which lacked artillery support. Since the Dutch were involved in the planning for the mission quite early, there was a relatively large number of Dutch staff officers at the German brigade headquarters. In April, the Germans asked if the Dutch were willing to take on an additional role and assume responsibility for an area within their sector in an infantry-type role. The Dutch government agreed to play this part and engaged their gunners in extra infantry drills. Patrolling and manning checkpoints were therefore part of the mission-oriented training that also included various scenarios played out to prepare them for possible situations in Kosovo. Von Korff needed the Dutch gunners to perform this role of a 'maneuver battalion' because his brigade was initially seriously under strength. Upon entry it consisted of no more than one reinforced scout battalion and one reinforced mechanized battalion. He pledged to strengthen Van Loon's unit with one of his own infantry companies, since an artillery battalion was only five hundred strong rather than the seven to eight hundred personnel in an infantry battalion. In the following months, the Multinational Brigade South would gradually be enlarged with a German airborne battalion and with two reinforced engineer battalions, one German and one Dutch. Later that summer a Turkish battalion, two Russian battalions, an Austrian battalion and a one-hundred-strong German CIMIC company would raise its total strength to some 8,000 personnel.[23]

For the time being, however, Von Korff was lucky if he could field one thousand men. Upon his arrival in Prizren he immediately made himself available to local representatives of all ethnic groups, but was overwhelmed by those airing their concerns such as the local abbot, the prefect. He placed static guards at the cathedral and at the Christian Orthodox monastery, where a large amount of Serbs had sought refuge, and concentrated the few available troops in areas where minorities lived, but often he could do no more than promise to do his best. Already, the speed of events was much faster than he and Van Loon had anticipated in Macedonia. For the Dutch, events took an even swifter and more surprising turn as Van Loon recalled:

> Amidst the haze of people that approached Von Korff with requests for support and protection appeared the local MUP commander with a couple of his officers

> in uniform. He declared that in accordance with the MTA he was ready to withdraw his convoy of armored vehicles, trucks and buses, some of which were known to be packed with looted goods. His unit was positioned on the 'wrong' side of town, the Albanian side, and he made clear that he would drive straight through the city center. Von Korff suggested that he drive his column around the city under German armored escort, but the MUP commander bluntly said 'no, can't do that; if you cannot provide adequate escort I will fight my way through.' After some serious discussion he suddenly gave an opening by demanding that, in return for an organized withdrawal around the city, KFOR send troops to the provincial town of Orahovac that very day. He was concerned about the large Serb minority there and the high concentration of UÇK forces around the city. Von Korff did not have much choice and said: 'OK, I will send troops to Orahovac today.'[24]

For Van Loon, this pledge had serious implications. Orahovac, twenty kilometers north of Prizren, was in the Dutch area of responsibility, but his force had not planned to deploy and assume area control for another two weeks. Until late June, they were to concentrate primarily on their fire-support role from nearby Suva Reka. Van Loon said he would go, but wondered with what troops. The first Dutch platoon had not even crossed the border and was not due to arrive until the next morning, while the battalion would not be complete for another nine days.[25] Von Korff therefore gave him a small force of predominantly German troops with some armored vehicles and two Leopard II tanks. It would prove the beginning of a successful Dutch-German integrated operation in what became known as Task Force Orahovac.[26]

Intelligence gathering prior to deployment in Kosovo had been poor and approached primarily from a military perspective. It was of course quite natural that the troops awaiting deployment in an uncertain and potentially hostile environment concentrated on the military aspects of things to come, but even from a traditional military perspective, intelligence gathering prior to entry into Kosovo was difficult. In Bosnia, with the UN on the ground, substantial transfer of knowledge had taken place between UNPROFOR and NATO troops in December 1995. As they entered Kosovo in June 1999, soldiers faced the unknown. The operational environment had been conceived in a traditional military way, emphasizing the terrain, infrastructure, weather and friendly and enemy forces. However, even this sort of military information was scanty.

The only form of 'human intelligence' – information from people actually on the ground – was provided by a lieutenant from the German Navy, who had served as an OSCE monitor in Orahovac in the previous year. With his first-hand knowledge of the area he proved invaluable as a scout. Quite a few of the OSCE monitors had been military officers in civilian guise. Both Jackson and the German brigade commander used them extensively. Most of the up-to-date military intelligence would have been provided by several German unmanned aerial vehicles, or 'drones,' that had photographed and filmed the area. Although there was almost certainly some

extra information available from talks with UNHCR workers, recently arrived refugees and special forces operating behind enemy lines, NATO intelligence failed to warn the Task Force of the presence of a full combat-ready Serb tank-battalion around Orahovac. This was what Van Loon and his men ran into that first evening as they arrived on the airstrip where they had planned to deploy. If they had known, they would probably not have gone. They would certainly not have arrived in the dark with only two tanks, because in a possible confrontation they would not have stood a chance against the twelve Yugoslav-built T-72 tanks they, to their surprise, encountered. However, the Serbs turned out to be quite helpful and were very well aware of one of the NATO force's biggest fears. They constantly said '*neme mine, neme mine*' (no mines), as they showed the Dutch and Germans around the little airfield.[27] The airstrip was surrounded by wineries and had previously been used by crop-dusting airplanes in the local wine industry.

The nature of the looming power vacuum was conceived as a matter of troop deployment and KFOR spent little time considering the implications of being the sole authority in an unruly province. The two weeks the Dutch had expected to spend in Kosovo prior to assuming control of Orahovac would have allowed them to do some of their own reconnaissance. They had no such luck. As far as information on local society was concerned, such as the composition of the population, the Dutch relied on some preparatory lectures on local culture back in the Netherlands. The commander further explored some general information from open sources. Having read the excellent short history *Kosovo: The Postponed War* by the Belgian historian Raymond Detrez 'a number of times,' Van Loon is likely to have been relatively informed on the complexities of Kosovar society and politics as far as the sources of conflict were concerned.[28] Nevertheless, the overall information about the sector was almost as scanty as that of the Dutch marines entering Cambodia seven years before in the early days of modern peace operations. More information was made available about the sort of animals the Dutch soldiers were likely to encounter in the hills around Orahovac than about the community leaders and the distribution of power and influence in the region they were tasked to secure and control.[29]

Soldiers were not warned about the corpses they would find around every street corner as they approached Orahovac. One Dutch soldier advancing from Prizren to Orahovac on June 13 described the road as the most dirty, foul-smelling place he had ever traveled.[30] The ferocity with which the civil war had struck this particular area soon became apparent. Driving through the destroyed village of Velika Krusa, he was confronted with the penetrating stench of death for the first time in his life. Decaying cadavers were everywhere. The area of operations assigned to Multinational Brigade South had been the scene of some of the conflict's most violent clashes between Serb security forces and the UÇK. Within the southern sector, Orahovac was the municipality with the highest concentration of mass graves. While they knew they would be assuming control over an area with a substantial Serb minority, there was little indication that the Dutch – either at the Ministry of Defense in The Hague or at various levels of military command – considered the explosive nature of the area and its ethnic composition. Both within NATO and in The Hague, planners had

been preoccupied with the Serb security forces and the humanitarian aspects of returning hundreds of thousands of Albanians.

The municipality of Orahovac, with its 65,000 inhabitants, was roughly divided along the same ethnic lines as that of the whole of Kosovo. Before the war, the city of Orahovac was populated by 25,000 Albanians, 3,500 Serbs and 800 other minorities, mostly Roma. This latter group had always been discriminated against in Kosovo, but they were now accused by the Albanians of collaborating with the Serbs and looting their property. Another 1,500 Serbs had lived in a nearby village called Velika Hoca. Over the first two weeks, as the returning Albanian refugees found the majority of the municipality's thirty villages burned to the ground, the population concentrated in the city would rise to 60,000, which certainly added to the tension.[31] The number of inhabitants and the quantity of refugees made the town comparable to Baidoa during the Australian operations in 1993 and to Sisophon during the UNTAC operations. However, the provinces the Australians and Dutch Marines had to control were much larger. The city of Orahovac was largely unscathed, like the province's larger cities except the western city Peç, which was systematically demolished and burned. The total number of Serbs in the area had dropped to approximately 4,000 during the civil war. They were concentrated primarily in one quarter in the higher part of the city and Velika Hoca. Outside the northern areas of the province bordering the Serb Republic, where the vast majority of the Serbs were concentrated, this was still one of the larger concentrations of Serbs.

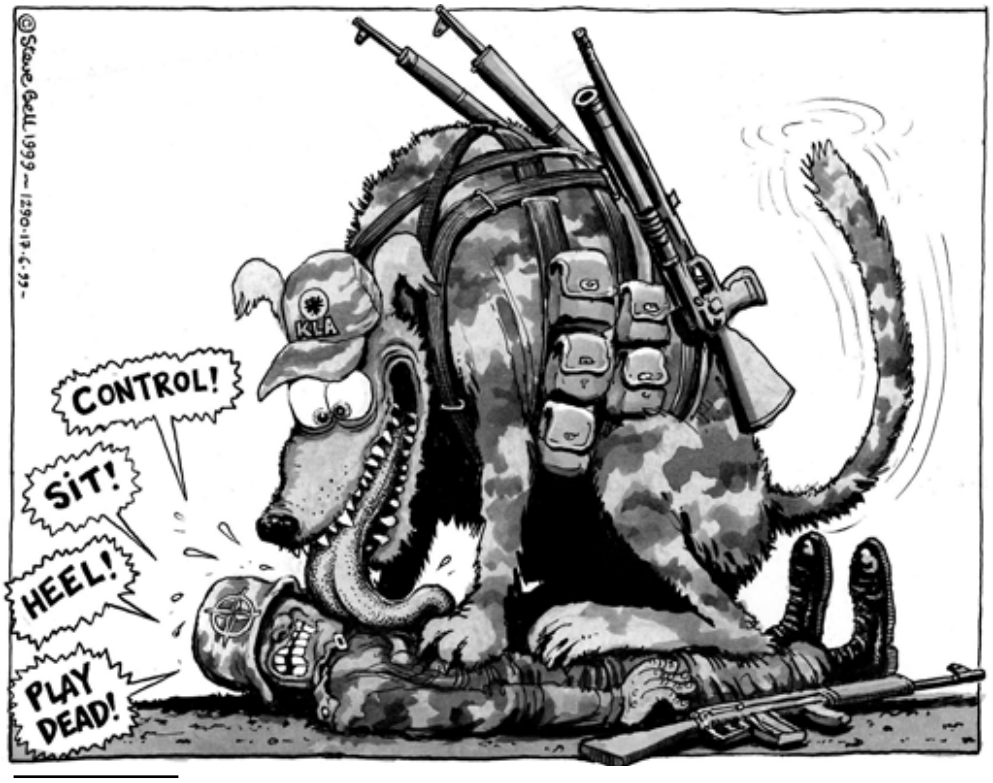
Upon their arrival in Orahovac, Dutch and German troops faced a tense situation. Serbian military and police forces left the zone under escort on 15 June, which meant one less worry. It also meant, however, that KFOR was the only internal security force present. Intense patrolling, both on foot and mounted, was crucial to convince the locals that the force was in control. At times this meant seventeen-hour working days, since it took nine days for the battalion to be complete. Task Force Orahovac relied heavily on the German company under its control. Getting in touch with the locals was important in showing that KFOR was there to protect both Albanians and Serbs. One of KFOR's most important missions at this point was protecting the Serbs and keeping them from fleeing the province – a 180-degree reversal from the original mission. Compared to other parts of Kosovo it was relatively quiet around Orahovac those very first days. Murder, assault, looting and arson were flaring up all around the country as tens of thousands of refugees crossed the border into Kosovo every day. With the majority of the population of Orahovac still absent, it was obviously the lull before the storm.

Taming the Kosovo Liberation Army

KFOR was an immediate success as far as performing its first, purely military task was concerned. The Serbs were supposed to withdraw their 40,000 security forces and six hundred pieces of heavy equipment and numerous other vehicles within eleven days. They impressed NATO commanders by achieving this in good order and with about eight hours to spare. KFOR had prepared a contingency plan for the

conventional defense of Kosovo, but renewed hostilities between the formerly warring parties were unlikely to occur in Kosovo.[32] Deploying with sufficient force and with the appropriate means and military mandate deterred renewed hostilities, as it had been more than three years earlier in Bosnia. Nevertheless, Jackson admitted that this was not just due to his or his force's excellent planning and execution. While evaluating the operation some months later, he emphasized, 'This operation took place in an uncertain but largely benign situation. Our potential adversaries were largely compliant and took no particular action to frustrate our plans.' After IFOR and KFOR, he was afraid that NATO would produce a generation of commanders, staff and, crucially, also political leaders who expected everything to go right. This would leave them mentally unprepared for the sort of reverses that 'can so easily befall those involved in military operations.'[33]

Although Serb security forces were for the most part compliant, the other former warring party would cause more difficulties. Taming the UÇK – NATO's erstwhile informal ally – became Jackson's primary challenge. While plans for the Serb withdrawal had been carefully drawn out, plans for this second part of the military security task had only just reached the drawing board. For the UÇK, the peace agreement contained two rather distasteful elements. It called on them to disarm and to



NATO forces had difficulty controlling the Kosovo Liberation Army (UÇK) in the summer of 1999 (by Steve Bell for The Guardian).

accept autonomy rather than their stated goal – independence for Kosovo. It would prove hard for the freedom fighters to give up their position of power – and the guns by which they tried to secure this position. From the perspective of many Kosovo Albanian fighters, their war was won and the victors should enjoy the spoils of victory as an army, police force or administration. However, with a multi-ethnic and democratic Kosovo as the proclaimed goal for armed intervention and the underpinning of Resolution 1244, there was little place for a vengeful guerrilla organization at the helm.

As German troops followed where Serb forces withdrew, several hundred UÇK fighters descended from the mountains into the urban Prizren. There, they fanned out into the streets, reminding NATO troops that they were bent on asserting a role in a new Kosovo. German troops in armored vehicles occasionally passed through a checkpoint that had been set up by the UÇK. They obviously had no intention of stopping and instead high-fives and salutes were exchanged good naturedly. For the time being, the newly installed UÇK headquarters in various cities around Kosovo were left alone.[34] It was not deemed opportune to remove the national heroes from the improvised local headquarters in schools and police stations – at least not yet.

Several days into the operation, with their two principal battalions on the ground, the Germans felt strong enough to start showing who was in charge in Prizren. However, clear instructions from Jackson on how to deal with the UÇK were still lacking as the general was still in the process of reaching a formal agreement with its political leader, Hashim Thaci. Von Korff was complaining that the oral instructions he had received were unclear and were not confirmed in writing. The general message up to then was not to confront the Albanian fighters too harshly.[35] Von Korff issued his own orders not to cooperate with the UÇK in the streets. Checkpoints set up by the Albanian fighters were to be disbanded and the arms of those manning them would be confiscated. Buildings occupied by the guerrillas, such as police stations and a border station, were to be taken over and foot patrols on the streets of Prizren were ordered for day and night.[36] It was vital to show the Albanians as well as the Serbs and other minorities that NATO took a much broader approach towards the establishment of a secure environment than the IFOR had done in Bosnia. The reports of harassment and murder of Serbian civilians started to pour in from different corners of the province, but a shortage of military manpower would remain a serious problem in the next month. In Prizren, this led the Germans to use air defense personnel to man checkpoints. Even cooks and mechanics were used for infantry support.[37]

As in Prizren, UÇK fighters left the hills and entered Orahovac soon after the Serbs withdrew. They staged a festive entrance into town on 15 June, with celebratory firing into the air and the planting of the Kosovo Albanian flag, the black eagle on a red surface, on the local police station. A number of armed fighters took up positions on various street corners and tension soon rose as part of the Albanian force concentrated around the Serb quarter of town.[38] In the absence of an official agreement between KFOR and the UÇK, the situation had to be defused by means of ad hoc arrangements that were left to the commander in the field to decide. Ini-

A German KFOR soldier watches in the background as Kosovar Albanian insurgents celebrate the withdrawal of Serb security forces from the Prizren region.

tially, the insurgents were told to point their weapons to the ground at all times. Thereafter, ahead of an official commitment to disarmament, the Dutch commander ordered the local UÇK commander, Skender Hoxhaj, to withdraw the bulk of his fighters behind the road between Malisevo and Suva Reka, clear of the city of Orahovac and the neighboring towns with their Serb minorities. Anyone openly carrying arms north of that line would be disarmed and arrested.[39] British paratroopers on the streets of Pristina and US Marines in Gnjilane took similar interim measures and confiscated weapons prior to an official agreement on disarmament. A broad interpretation of the rules of engagement allowed such measures, but not all contingents did so equally.[40] The French and the Italian, still short of troops and fearful of lacking backup in case of emergency, took a more standoffish posture in those crucial first weeks.[41] While the general ban on openly carrying arms in the Dutch area of operations was more or less enforceable in town, this proved impossible in the countryside at this point in time. Task Force Orahovac was not yet fully deployed and still heavily outnumbered by some nine hundred local UÇK fighters in the area. On top of that, it was officially not only in charge of Orahovac, but also temporarily in charge of the neighboring municipality of Malisevo pending the arrival of Russian KFOR troops there.

Obviously, the ad hoc measures towards disarmament taken by local KFOR commanders had to be formalized quickly. Talks towards this end between NATO and the Kosovar Albanians had already begun in Albania, prior to the entry into Kosovo, but Jackson had no policy and no direction as to how to treat the UÇK at that point.[42] It could be argued that demilitarization of UÇK should have been agreed upon before NATO took over. However, as long as the air campaign was ineffectual, propping up the local fighters for a possible ground offensive instead of disarming them had been at the top of NATO's agenda. Alienating the UÇK at that point was clearly not an option. Moreover, having witnessed the quick and disciplined Serbian withdrawal, the UÇK leadership was likely to have been far more complaisant than in a possible disarmament deal before KFOR's successful deployment.

On the night of June 21, an agreement was reached between Jackson and UÇK leader Hashim Thaci. This day, which became known as 'K-Day,' marked the beginning of the demilitarization. It had taken a combination of pressure and persuasion to the get the UÇK to surrender its arms and disband. It was made clear to Thaci that this was not to be considered an agreement between two equal entities, but a vow to NATO, listing a series of measures linked to a timetable that the UÇK committed to or 'undertook' to carry out. The document, entitled 'The Undertaking,' foresaw this as both the demilitarization of the UÇK and its transformation into a civilian organization. Disarmament was to be a process lasting ninety days, ending on 19 September. Within a week after K-Day, units were to report and register in assembly areas and thereafter only a limited group of officers and guards were allowed to carry arms and wear uniforms openly outside the secure weapon storage sites guarded by KFOR.

It would take until August 30 before the second vow of the Undertaking – the transformation of the UÇK – was agreed upon in detail by Jackson and the UÇK leaders. Although NATO had estimated the insurgents' effective war strength at 10,000, the force now numbered 17,000 registered fighters. In the agreement the UÇK pledged to reorganize into the 3,600-strong Kosovo Protection Corps (KPC or TMK). The TMK would be under the direction of KFOR and nominally agreed to a mission limited to dealing with civil emergencies. It was to have no military or policing role. The civil defense force was supposed to be become multi-ethnic in composition, with ten percent of the posts reserved for minorities. However, no Serb would ever serve in it. There was substantial criticism from international observers and Serbs that the TMK resembled a military or paramilitary organization with a military command structure, as well as green-grey uniforms and insignia that bore close resemblance to that of the UÇK. As for the former guerrillas as well as the majority of the Albanian population, there was little doubt about the expectations, or hopes. The TMK was to become the core of a future national militia or army of an independent Kosovo. The cigarette lighters, bumper stickers and red and black 'TMK-UÇK' shawls sold in the streets of Pristina in the following years were a silent witness to such vestigial hopes.[43]

As KFOR was soon to find out, the formally demilitarized UÇK was still a force

to reckon with. The political wing led by Hashim Thaci was in an ambiguous position after demilitarization. Its military commanders were still regarded as national leaders by a substantial part of the population. Despite their commitment to a gradual handing in of weapons, guns would still be readily available to those who sought to use them in this part of the world.

By late June, all efforts were concentrated on getting the guns off the streets. The temporary measures implemented by the Dutch in Orahovac were not revoked pending K+7. Ismet Tara, the local UÇK commander with whom Van Loon and his men had to deal from late June, was relatively cooperative. Tara had been commander of the 124th UÇK brigade since November 1998, when both his commanding officer and deputy commander were killed in a firefight with Serb armed forces. He was born and raised in Orahovac, which made him more considerate of the interest of the local population. Skender Hoxhaj, whose 125th brigade had been operating in roughly the same area as Tara's, was from elsewhere in Kosovo and had spent many years abroad in Switzerland. It was Hoxhaj who had been the first to enter the city after NATO forced the Serbs to withdraw. He claimed to be speaking for the population of Orahovac, but had in fact no popular support and was acting purely in his own interest and that of Thaci's UÇK. No one seemed to regret the redeployment of his unit to neighboring Suva Reka, where Dutch forces would run into him later in the operation. Although Tara had lost both his parents in the war, he had a less vengeful attitude than many other commanders.[44] Overall, it would prove hard to generalize about the cooperativeness of the UÇK. A large part of the force was made up of local farmers and laborers, who were glad to return to a more regular life. However, throughout Kosovo, there was a body of UÇK hard-liners operating outside their own environment. Getting this mixture of toughened guerrillas, soldiers of fortune and common criminals to give up their arms – and thus their positions of power – proved much more difficult. Their aim was to hold on to their military status and as many arms as possible.

The Task Force's resolve was tested on 24 June, at the KFOR checkpoint just outside the newly established Dutch main base in the vineyards of Orahovac. Tahir Sinani, the UÇK commander of the southern region that matched the German and Dutch area of responsibility, caused quite a scene. Driving with his bodyguards on the main road between Prizren and Malisevo, he should have been aware that assault rifles were banned on all main routes according to the Undertaking that had been signed only three days earlier. At the checkpoint he refused to give up the firearms and hand grenades that he and his men were carrying. Having been faced with an UÇK soldier pulling out the pin of a hand grenade several days earlier, the KFOR soldiers closed the barbed wire around the car and made it clear that disarmament was non-negotiable. As the Albanian commander started to rant and rave and still refused to give up his arms, back up was called in. Eventually a Dutch major, backed by a Leopard II tank that had pulled up and taken direct aim, convinced the men to hand in their weapons.[45]

By early August, General Jackson feared the 'honeymoon period' that followed KFOR's entry into Kosovo was coming to an end.[46] That month, as the 'K+60' dead-

line for handing in sixty percent of all the UÇK's small arms was imminent, there was a serious concern at KFOR headquarters of at least some elements of the UÇK refusing to disarm and 'going into the hills' and possibly start guerrilla-type activities. Operational analysts attached to Jackson's staff witnessed how UÇK non-compliance increased sharply as the deadline to disarm drew nearer.[47] KFOR's robustness, Jackson explained to his brigade commanders, had been 'a necessary and effective hallmark to success, allowing us to impose our will on a divided and irrational population.' However, the force commander warned his subordinate commanders and explained his overall intent:

> [o]ur robust stance is beginning to be seen as indicative of an occupation army, particularly by the UÇK, and I believe that we would be foolish to ignore this. To be successful KFOR must retain popular support, and this implies that we must show a greater degree of co-operation and courtesy than has previously been desirable, or necessary. This is particularly true in case of the UÇK.'

Jackson continued to explain how the former guerrillas 'rightly or wrongly' perceived themselves to be the victorious party. Although lawlessness, intimidation and criminal activity would not be accepted by KFOR, they had to be treated – like all sides of the community – 'with the respect that *they* believe is deserved.'[48]

Jackson had reasons to spare the UÇK. The deal he and De Mello's successor as UN special representative, the Frenchman Bernard Kouchner, had the UÇK military leaders agree to in August had moved a very long way from the Albanians' original proposals. While the UÇK would disappear as a military organization within ninety days, the Undertaking explicitly stated that the international community gave 'due consideration' to its aspirations to form a significant part of the future Kosovar police and civil administration, and to form 'in due course' an organization along the lines of the US National Guard.[49] Few of the Albanians' aspirations were met. For police and administrative functions, special consideration was given to UÇK members, but they still had to qualify on individual merit. As far as military aspirations were concerned, the UÇK's successor, the TMK, would become nothing near a US National Guard. The TMK's tasks were officially limited to disaster response, search and rescue missions, reconstruction duties, assistance to KFOR and UNMIK on request and the performance of ceremonial duties. The Corps was prohibited from playing a role in law enforcement, riot control, counter-terrorism or any other task involved in the maintenance of law and order. Most painful to the former Balkan warriors was the strictly limited amount of small arms to be carried by some staff officers and guards, which, according to the KFOR commander was the absolute minimum since an organization without any weapons 'would be viewed as sterile by the UÇK.' Nevertheless, Jackson credited them for being 'very clever in the way that they got into the Undertaking the transformation of their irregular army into something which would bridge from where they were to where they want to be, which is of course the army of an independent Kosovo.'[50]

Although Task Force Orahovac was lucky to be facing a relatively cooperative UÇK

commander, there were obvious signs of non-compliance, as in the rest of Kosovo that called for a substantial show of force. To maintain credibility in the eyes of his commanders and part of the population, UÇK brigade commander Ismet Tara had to assert himself as a credible leader. As KFOR's grip over the city was increasing and the Dutch kept a close watch on his headquarters in the city, he moved part of his activities to a building known as 'the white house' outside of town. The UÇK commander was inclined to hold on to a military posture by erecting roadblocks on all the roads leading up to this somewhat remote and barren makeshift command post in the woods. Although it concerned merely dirt roads leading up to a distant location in the woods, the Dutch commander decided not to tolerate 'such rubbish' from the UÇK, which amounted to an impediment to freedom of movement. A couple of Leopard tanks moved in on the white house while an armored engineer bulldozer shoveled aside the roadblocks. Tara could continue to use the building, but he had to abandon the pretence of running a military base.

A similar show of force was needed in Suva Reka in November towards the end of the tour of the first Dutch battalion. As the Task Force took control of the neighboring town they ran into an old acquaintance, commander Skender Hoxhaj. Although 'commander Skender' expressed his admiration for the 'successes' of the Dutch contingent in Orahovac, he had clearly seized the opportunity presented by KFOR's much looser grip on Suva Reka to assert himself as the local warlord.[51] In his new position as commander of the local TMK branch, he had turned his headquarters, the building of the former Environmental and Chemical School, into a fortress fenced off by barbed wire and with armed guards on the pavement in front of it. After several warnings to remove the guards and barricades, the Dutch commander had his troops move in on the building backed by an M-109 tracked howitzer, which according to Van Loon was almost like doing him a favor. Showing up with a bigger gun made it far less embarrassing for a soldier in the Balkans, raised in a culture of arms, to hand in his weapon.[52] In 1999, the M-109 carried the largest gun in Kosovo.

The UÇK was gradually disarming, but substantial arms caches were still found under dubious circumstances. In August, Dutch troops in Orahovac stopped a minivan that appeared on the verge of collapsing under its payload of 120 AK-47s. On 14 September, only several days before that same deadline, Tara was confronted with KFOR intelligence – an UÇK document on which he had signed for the transfer of some heavy machine guns, rocket-propelled grenades and explosives from the regional commander to his unit. Embarrassed by the evidence presented, Tara handed in the weapons without protest.[53] The closer the former guerrilla army came to the ninety-day deadline for its formal disbanding as a military organization, the harder it became to control them. Colonel Van den Aker, a Dutch deputy brigade commander at Von Korff's headquarters, felt that it was mostly the lack of any prospect of a credible position of power and influence after September – either as an army, police-force or as a civil administration – that was causing frustration, non-compliance and was a potential source of conflict. As an additional source of frustration within the UÇK, he pointed at the increasing stigmatization by international officials as well as the international media as a criminal organization, while the UÇK obviously still

liked to be regarded as a liberation army.[54] Just prior to K+90, the UÇK staged several parades and demonstrations in Pristina and elsewhere as a last show of force.[55]

The always-judicious International Crisis Group, with its vast experience in monitoring the performance of military peacekeepers and their civilian counterparts around the world, called the demilitarization of the UÇK 'a major accomplishment,' which it was.[56] Despite the critique of KFOR's dealings with what many considered a bunch of thugs, the institutionalization of the force prevented the guerrillas from going underground. Although nobody believed that the UÇK, now TMK, had completely disarmed, over 11,000 weapons and five million rounds of ammunition were turned in by November. Jackson admitted quite frankly that he had no idea how many weapons were undeclared, adding, 'The UÇK probably doesn't either. There are lots.'[57] The number of weapons in circulation in the Balkans would remain massive, and seizing them was therefore not even the most essential part of demilitarizing the former guerrillas. They would always have quick and easy access to new arsenals. Controlling the former guerrilla organization by giving it a formal status and banning weapons from the streets would prove more important in controlling the UÇK as a military organization.

Although the UÇK would gradually and grudgingly accept the inevitability of its military demise, rather than disappearing, it redirected its efforts towards other activities. As in Bosnia, NATO had raised the barriers sufficiently high with its credible military intervention force, causing the former belligerents not to pursue their goals by military means. The core of the UÇK, like ultranationalist 'spoilers' in Bosnia, would redirect its efforts into the policing and administrative sphere, while these activities tended to become entwined with organized crime that was already partly financing the insurgency in the Balkans. In order to stop the UÇK from attaining its strategic goal – an independent Kosovo ruled exclusively by Albanians – KFOR had to prevent the former insurgents from policing and asserting administrative authority over Kosovo. To accomplish this it had to move into the civilian sphere, supporting and even replacing the UNMIK administration and its police while it was being created and slowly deployed over the following year. First it had to do so by becoming a police force.

10

The Kosovar Constabulary
The Race between Order and Disorder

After Serb security forces left Kosovo in relative good order following NATO's entry, renewed hostilities between the warring parties were unlikely. KFOR appeared to be an immediate success as far as performing its primary military task was concerned. By intervening with force on humanitarian grounds, NATO had secured the well being of the Albanian majority of Kosovo. However, it was now up to KFOR to show the world that, on its watch, it would not allow reverse ethnic cleansing. Controlling the UÇK became the key to creating a secure environment for all Kosovars, Albanian and Serb. Not only was the UÇK to be disarmed, it had to be kept from becoming an internal security force in a civilian guise beyond NATO or UN control. The only way of doing so was for KFOR to assume the policing task that soldiers were officially not qualified to perform.

In the previous two years, NATO operations in Bosnia had finally triggered debate about the fundamental problem of the 'public security gap' between UN Civilian Police and military peacekeepers, and the dilemmas involved in cooperating with local police forces. The term 'public security gap' was first coined in a conference co-organized by Robert Oakley at the US National Defense University in 1998.[1] The former US Envoy to Somalia was one of those recognizing the gap to be a chronic problem in peace operations, while political and military leaders generally preferred to regard it as an aberration in their desire to segregate the two trades. Even those analysts who seriously addressed the public security gap hardly contemplated soldiers operating in a complete law and order vacuum similar to that facing UNITAF soldiers in Somalia six years earlier. During the conference held at the National Defense University, Michael Kelly, who had started publishing on the Australian experience in Somalia, was alone in arguing with foresight that the laws of occupation, or at least a temporary military takeover of certain law and order functions, was likely to be inevitable during peace operations.[2] However, this was an unwelcome idea. The lack of prior consideration and military planning for public security left KFOR woefully unprepared for a task it was eager to avoid and hoping to transfer to the UN Civilian Police force at the earliest possible date.

'Anarchy, or Something Not Far from It'

Around the time Serb security forces left Orahovac on 15 June, the Dutch reported on a quiet but tense situation in and around the town.[3] Tension rapidly rose, however, after the UÇK entered Orahovac and posted armed fighters around the town.

Meanwhile, Albanian refugees started to return from Albania and Macedonia in massive numbers, spilling back into Kosovo at a rate of close to 50,000 a day, mostly on their own initiative. A spokesperson for the UNHCR called the influx of refugees one of the largest spontaneous returns in the organization's existence.[4] Some 300,000 people had returned by June 25, still leaving more than half a million outside Kosovo. When these returning refugees were confronted with evidence of war crimes and the destruction of their property, a wave of vengeance and score settling erupted throughout the province. In other cases, common criminals seized the opportunity provided by the law and order vacuum. In both Orahovac and Prizren, Serb and other minorities looked towards NATO to live up to its promise to protect all Kosovars. In all, approximately 20,000 Kosovar Serbs – some 350 from Orahovac – had already left with the retreating Yugoslav security forces. The majority awaited what Kosovo under KFOR and the UN interim rule would bring them, but with their most essential possessions packed, they were ready to leave the province.

Dutch and German troops were posted around the Serb areas, but just as the Dutch battalion reached full strength, houses started to go up in flames all over Orahovac and Zociste, a small neighboring village with a mixed Albanian and Serb population. The houses burning in the city were those the Serbs had left behind in the predominantly Albanian lower part of town after leaving for Serbia or after taking refuge in the upper Serbian-dominated part. In the now-deserted Serb village of Zociste, not only houses, but also an age-old Christian Orthodox monastery burned to the ground.

Catching arsonists proved almost impossible for KFOR troops, particularly at night, when they were most active. The mostly young local males were swift and clearly at home in the streets and alleyways that felt so alien to the Dutch and German soldiers who, still in kevlar vests and helmets at this point, were pursuing them. In the rare cases when they were spotted they would just as easily disappear, most likely in houses of family and friends where KFOR would not usually follow them. The Dutch had not been issued night –vision goggles by the Dutch Army, since these were not among the basic equipment of an artillery unit. However, even the night vision equipment used by American soldiers under similar circumstances in their area of operations around the eastern city Gnjilane did not help the GIs much in preventing large scale arson. Their Apache attack helicopters proved of little value when hovering over the urban areas. Using what they had, the Dutch gunners shot illumination rounds from their howitzers 'in order to show that, if necessary, those pieces of metal could actually fire.' In addition, one of the German tanks fired warning shots for the sheer purpose of intimidation.[5] But for the moment, neither high-tech infantry equipment nor muscle flexing proved a match for a group of frustrated Albanians determined to intimidate and expel a minority population from among their midst.

The failure to protect Kosovo's minorities and their property has often been ascribed to KFOR's reluctance to step into the void. KFOR's poor preparations and some national contingents' hesitance in reacting to public disorder can be partly blamed, but a closer look at the difficulties faced by those contingents that reacted

The Dutch area of operations in Kosovo in 1999-2000 centered on the municipality of Orahovac.

to the best of their abilities showed the limits of what soldiers could do in those early weeks. It was frustrating for KFOR to have such a powerful military force at its disposal while unable to do much about the anarchy that was unfolding. In Orahovac, only four persons were arrested and detained for arson during those first weeks. Several other local Albanians were caught in the act, but they mostly had to be released because there was no place to lock them up. Additionally, the troops often lacked concrete evidence to justify an arrest. The Dutch hastily called a local fire brigade into being, but operating just one old fire truck it hardly proved effec-

tive in those crucial first few weeks. When Serbian-owned houses burned, the Albanian firemen were either drunk, coincidentally in the process of repairing their truck, or supposedly incapable of finding the fire. When an Albanian's house burned there was to no such delay.[6]

In Prizren houses went up in flames at an even higher rate. By 7 July, arson had become so common that the Germans reported: 'Today was a very quiet day. Lootings and burning of houses are still going on, especially in northern part of Prizren.'[7] Two days later, just five minutes after one of the frequent electrical power failures, several more houses belonging to Serbs and other minorities started to burn. The Prizren fire brigade also proved quite ineffective and the German brigade's own firefighters constantly had to roll out to extinguish the fires.[8] Looting went hand in hand with arson, and more dramatically, reports of murder and kidnappings started to pour in from all corners of Kosovo. Starting on 28 June, Von Korff imposed a 10 p.m. to 6 a.m. curfew in order to curb the burning and lawlessness. No such measures had been planned beforehand. The American brigade also introduced a curfew starting at 8 p.m. in Gnjilane and Vitina, but KFOR did not introduce the curfew Kosovo-wide. [9] To reduce the arson and murder rates in Prizren, the Germans also came up with a rather original crime-fighting measure. On the city's central square, they raised an open-air cinema to provide some distraction for the local population before the curfew. At least during these nights some houses and maybe some lives were saved by what became know as 'film-aid.'[10]

The Dutch battalion in Orahovac found no proof of an organized effort by the UÇK to burn houses or evict Serb inhabitants. Human Rights Watch also reported in 2001 that, while the vast majority of the violence was politically motivated, 'namely, the removal from Kosovo of non-ethnic Albanians in order to better justify an independent state,,' there was no evidence of a coordinated policy of terror and violence against minorities by the UÇK's political or military leadership.[11] There proved to be little need for incitement of Albanian civilians by politicians and military leaders. Nevertheless, as in the rest of Kosovo, there were clear indications that some UÇK individuals and units were responsible for violence against minorities. On the night of 30 June, a group of UÇK fighters led by a battalion commander was arrested in Orahovac for carrying arms while driving a car from the direction of one of the burning houses. Tara was summoned to the KFOR base and given a lecture on responsibility for the troops in his brigade by the Dutch commander. As a result of lack of definite evidence, the men were released the next evening by the two German *Feldjäger*, military police officers that had been attached to the Dutch-led task force.[12]

Powerlessness to stop the violence either caused apathy or triggered frustrated behavior among the KFOR troops on the ground. The Dutch gunners who arrested the UÇK members at their checkpoint in the above-mentioned incident had been told over their radio that the men coming towards them in the dark had been seen carrying a jerry can. This was the sort of evidence that could make a case for official arrest and transfer to the prison in Prizren. However, their search of the car soon proved fruitless. In their anger they nevertheless persisted in their heavy-hand-

ed quest, ripping the interior of the car beyond all recognition in the process.[13] In Gnjilane, US Army Major Glenn Tolle displayed similar behavior when a house was set on fire under his very own eyes. He had not been able to spot the arsonist in the large crowd. While the house burned the major ran into the courtyard where he found an elderly Serb couple whom he tried to help in the battle against the fire. They had already lost and soon the roof of the house collapsed with a roar. Tolle was pushed over the brink by laughter and cheering from the Albanian crowd outside. He dashed out in the street and pushed his M-16 assault rifle up to the first Albanian man he caught smiling from ear to ear, shouting: 'You think this is funny? What if this was your house.' He momentarily forgot that this was in fact the condition in which many Albanians had recently found their houses.[14]

Policing without Instructions

Different from three-and-a-half years earlier, when IFOR soldiers watched as Sarajevo's suburbs burned, most of KFOR's contingents at least made an effort to stop the anarchy.[15] Running after elusive arsonists may not have produced the desired results, and KFOR's firefighters were hardly able to save most of the burning houses, but their effort was an important signal to the Serbs, the returning Albanians and the world outside. Jackson's troops were certainly not equipped or prepared to conduct wide-scale policing with a force package and orders similar to the mission in Bosnia. It lacked sufficient military personnel with specialized skills such as military police forces, military lawyers and civil affairs units. Lieutenant General John Sanderson, who had led his peacekeepers into Cambodia seven years earlier, watched fascinated when Australian television showed two young British soldiers patrolling the streets of Pristina explaining how they were attempting to come to terms with their new role in Kosovo. Sanderson had retired from the Army and was now governor of the province of Western Australia. 'We're supposed to be responsible for law and order,' one of the British soldiers said, 'but we don't know which law we are supposed to be following, so we are applying British law.' Seven years earlier, Sanderson had tried to keep his thinly spread UN troops from being sucked into the public security gap in Cambodia. However, after thirty years of continuous internal security operations in Northern Ireland, the General considered professional soldiers of the British Army to be familiar with the issues involved in applying force under emergency legislation. He was worried about soldiers from other nations lacking that sort of experience when confronted with the complex task of law enforcement.[16]

Van Loon recalled that when he entered Orahovac he had only one clear reference to civil law and order. The Security Council assigned to him 'ensuring public safety and order until the international civil presence can take responsibility for this task.' The explicit reference to public safety in conjunction with the more common and broader but military-style mission 'the establishment of a secure environment' was unique. While soldiers had become more or less involved in public security tasks by default in previous peace operations such as Somalia, Haiti and, to a lesser extent, Cambodia and Bosnia, no earlier UN Resolution had directly assigned executive

Kosovar Albanians pass a Dutch checkpoint near Orahovac in the early days of the operation. Dutch and other KFOR troops received almost no training for public security tasks and initially had no instructions for their policing role in Kosovo.

responsibility for law and order to a military force. Other than that, however, KFOR troops awaiting deployment in Kosovo were largely left in the dark as to how the problem of law enforcement was to be addressed.

KFOR's poor preparations for the law and order vacuum resulted from a number of factors. Given that any plan is only as good as the assumptions that underlie it, KFOR's planning effort had the wrong point of departure. Most of the early planning effort within NATO for a peacekeeping scenario was based on the Rambouillet Agreement that never was. This document was the only political guidance for planners, but was based on the assumption that Serb civil authorities would stay in place until relieved or reformed, while the army and the special police would be gradually reduced and withdrawn. This would have created a situation more similar to that faced in Bosnia in 1996. The Bosnia scenario already prevailed in the minds of policymakers, military leaders, tactical commanders and troops as they prepared for deployment in Kosovo. The post-war environment in Kosovo was therefore seriously underestimated and, as a result, SHAPE had defined its plan for *Operation Joint Guardian* in almost exclusively military terms in the months before NATO troops crossed into Kosovo. Maybe the Bosnia scenario prevailed because the alternative –

military involvement in filling the law and order vacuum – was considered undesirable. If the assumption that the Serb civil police would stay after Serb military forces had withdrawn was really underlying NATO planning, the post-war environment and the civilian dimension of the mission were dramatically underestimated. Focused on the primarily military mission with its many uncertainties, Jackson's ARRC completed military planning and preparations in considerable isolation from the civilian aspects the mission was likely to entail and from the civilian organizations with whom soldiers would have to cooperate.

Nevertheless, there are some indications that NATO considered a breakdown of law and order. One of KFOR's legal advisors remembered how NATO's planning orders prior to the bombing campaign in March 'already mentioned law and order as a possible responsibility for KFOR.' His and his colleague legal advisors' first reaction was: 'Sure, give us a thousand extra lawyers. But we had no idea what this would imply. We had to fill a vacuum, but we had no idea how.'[17] Especially toward the second half of May 1999, the looming power vacuum started to be considered. It became more unlikely that Serb authorities would be able to remain temporarily in place after the expulsion of hundreds of thousands of Albanians during the war with NATO. By May, NATO spokesman Jamie Shae mentioned the 'law and order vacuum' KFOR was going to face and the need for a 'heavy force to deter any further breakdown in law and order.'[18] Wesley Clark was clearly no novice in the field of peace operations and he predicted before entry that with any form of government lacking in Kosovo, the mission was going to be very challenging.[19] Nevertheless, the vacuum was primarily approached as a matter of troop deployment, not as a question of authority. KFOR's preoccupations with separating the retreating Serbs and vengeful irregular UÇK fighters left little time for KFOR staff to contemplate what would soon become the most critical part of the mission.

The gap between the UN public security mandate on the one hand, and the military plans and orders on the other, was partly the result of the myopic assumption that the civilian 'others' would soon pick up these tasks. This assumption went hand in hand with the prevailing notion in the NATO planning circles that taking on civilian responsibilities would only lead to civilian dependency on the military component, the so-called 'dependency reflex.' In an interview, General Jackson predicted that the key to success in Kosovo would be the UN police force.[20] During his first conference with De Mello's UN military liaison officer in Pristina, the General immediately asked when the UN civilian police force would arrive.[21] As a former divisional commander in the first British IFOR contingent, an experienced soldier and peacekeeper such as Mike Jackson was well aware that such police forces always deployed at a snail's pace. As a British paratrooper with experience in dealing with emergency law and military support to the local police in Northern Ireland, Jackson was not the man to shun support to civilian tasks or picking up public security himself on the dogmatic grounds that prevailed in the US military.[22] Nevertheless, it would be only after entry that he had his legal staff prepared a directive on law and order tasks. Although 'preventing a power vacuum to emerge' was frequently heard within KFOR in May, emergency legislation or martial law were never considered, or even men-

tioned prior to entry. It is important to bear in mind that openly mentioning law and order tasks for NATO soldiers during the force generation process may have almost certainly had a stifling effect on the offers of troops for KFOR during the force generation process.[23]

The underestimation of, or the blind eye turned to, the law and order vacuum at the strategic level, caused commanders such as Van Loon and Von Korff to believe that the UN would take over 'soon.' The Dutch commander recalled how he and the Brigadier 'had the simplistic notion that after our physical presence had been established everything would be tip-top. Then those guys from the UN would show up.' A time-schedule was never articulated, but he and his fellow field commanders interpreted 'soon' as two or three weeks rather than months.[24] In his memoirs of the Kosovo war, Clark says he established as one of the 'measures of merit' for KFOR troops prior to entry to prevent anarchy: 'get all Serb forces out, stop any crimes of revenge or Serb ethnic cleansing.'[25] If this was the case, such concerns for the law and order vacuum were hardly translated into military instructions.

The operational plan for Kosovo failed to address public security in any detail, and the Rules of Engagement for *Operation Joint Guardian* addressed the issue of detention in very broad terms, similar to those provided to UNITAF troops in Somalia. Although the formal power of 'arrest,' with its legal implications, was not mentioned as a formal course of action, detention was allowed in several cases. KFOR could detain members of the warring parties as well as civilians for self-protection and for the protection of those explicitly defined in its mission: UNMIK officials and other international workers in NGOs, for instance. As in Somalia, and in Bosnia after the Rules of Engagement were broadened in September 1996, the only direct and practical directive referring to the protection of the local population concerned the possibility that peacekeepers caught someone in the act of committing a 'serious crime', or if they could prevent murder, rape or serious assault. They could even use 'deadly force' to prevent such serious crimes, as long as the provisions for 'minimum use of force' were taken into consideration. According to the Rules of Engagement, peacekeepers had the right to detain murderers, rapists or assailants, whether they were a member of one of the warring parties or a local civilian, but officially they had to be caught in the act before KFOR soldiers could act. Property-related crimes, such as theft and arson, were not included in the rules prior to entry.[26] Detention as a military measure did not appear on KFOR's pocket-sized Rules of Engagement cards issued to the troops on the ground.[27]

Follow-up procedures for detainees were hardly considered. Those apprehended for committing a serious crime in the presence of the force were to be transferred to 'an appropriate civilian agency.' This would have to be UNMIK, since there was no other administration present. If no such interim authority was present – which was not the case throughout most of the summer of 1999 – the nearest KFOR military police unit would somehow have to deal with the problem of handling a detainee, which would most likely result in treatment along the lines of prisoners of war.[28] Despite a much broader mandate than that of the military forces entering the power vacuum in Somalia, NATO troops had come almost as poorly prepared as far as guide-

lines and procedures were concerned. The operational directive and Rules of Engagement provided in mid-June to the Dutch troops by the Chief of the Defense Staff in The Hague were even more meager and confusing on the issue of public security.[29]

Basic public security policy guidelines and instructions for KFOR gradually emerged on the tactical level and found their way through the operational level to the strategic decision-makers as the operation unfolded. Interestingly, the German brigade beat the force commander to it by issuing a law-and-order directive several days ahead of KFOR headquarters. Already, Von Korff had been irritated by the lack of instructions on how to deal with the UÇK. Ten days after encountering Prizren in anarchy, the Germans, known within NATO for their preference for operating by the book, came forward with concise instructions on basic police work. Aside from some well-known clichés on Germans' national characteristics, the most likely reason for the German's timely reaction was a visit of the German minister of defense, Rudolf Sharping, and his Army chief of staff to the troops in the field. The Minister's visit to a recently uncovered mass grave in the village Velika Krusa near Orahovac was most likely an attempt to accentuate the humanitarian motives of the military intervention that had been controversial in Germany. However, for German and Dutch troops in southern Kosovo, the most immediate result of their presence was a swift approval and introduction of 'Directive No. 8' on law and order.[30]

What set the German public security directive apart from previous instructions was that it first mentioned and put emphasis on the need to arrest and detain a person *suspected* of criminal activity. Apart from moving beyond merely catching offenders in the act, the directive allowed soldiers to act in more than just the cases of 'serious crime' mentioned in the KFOR Rules of Engagement. The directive allowed soldiers to act on genocide, murder, manslaughter, rape and deportation, but also on cases of arson, intimidation, looting, assault and armed robbery. Directive No. 8 also set forward procedures for handling detainees. Although the German directive was quickly followed by instructions from Jackson's headquarters, it remained the primary reference for German and Dutch troops.

Even though there was little enthusiasm in The Hague for soldiers arresting civilians, the German directive on public security, while relatively broad in scope, was accepted without reservations by the Dutch Ministry of Defense. Two Dutch officers at key positions had put their weight behind acceptance of the directive. The highest-ranking Dutch officer in Kosovo was Brigadier Herman Bokhoven. As the national contingent commander of all Dutch forces in Kosovo, which soon included a reinforced engineer battalion, he was outside the KFOR chain of command. He reported instead to the Dutch chief of the defense staff and the minister of defense. His role, like that of contingent commanders in IFOR and SFOR, was primarily that of the Defense Ministry's watchdog. He was to see that Dutch tactical commanders acted in line with national instructions – and not just as part of the KFOR chain of command. The contingent commander's interference in daily affairs in Kosovo was reduced by his stationing on KFOR's primary support base in distant Macedonia.

Nevertheless, he had substantial influence over the daily affairs of the battalion – not always to the liking of the troops who usually felt their primary allegiance was to the force commander.[31] In this sense much had changed since the days when Dutch marines operated in Cambodia. While the Marines in 1992-1993 could operate virtually unimpeded by the Ministry of Defense, the disastrous situation in which Dutch troops found themselves in Srebrenica in 1995 had made the Ministry tighten its grip over its soldiers in the field. This development in the relationship between governments and their military contingents in peace operations occurred in most NATO member states during the 1990s.

In recommending that the minister accept the German directive, Bokhoven followed the advice of Colonel Peter van den Aker, the senior Dutch officer and deputy brigade commander at Multinational Brigade South. Van den Aker knew the instructions on public security were important to the Germans and seemed to anticipate resistance from The Hague to the broad German interpretation of the public security clause of UN Resolution 1244.[32] Bokhoven therefore cast his argument in a larger context. Along with Van den Aker, he argued that the Dutch troops might lose their area of responsibility – and with it their influence in the brigade and thus in KFOR – if they would put national restraints on the use of their troops in enforcing law and order in Orahovac. This was the sort of incentive to which policy makers reacted.

About a week after entry, Jackson had his legal advisors work on an amendment to his original operational order, which was finally issued on 25 June. His directive was more detailed and broader in scope than its German equivalent, since it tried to address the fundamental but thorny issue of what law KFOR was actually to apply. Since Kosovo officially still remained part of the Former Republic of Yugoslavia, its laws formally applied in Kosovo. He therefore advised to follow this law as far as practically possible. However, since there were obviously no lawyers within KFOR with any knowledge of Yugoslav penal codes, Jackson advised the various contingents to broadly follow the procedures of their own national legal codes. Clearly, this did not solve the problem of what law actually applied. Nevertheless, the new orders firmly established the right to perform basic police functions, such as stop and search, and arrest and detention of suspected criminals. Details on detention, criminal investigations and the role of KFOR military police were also addressed more extensively.[33] The emphasis remained on catching a perpetrator in the act, but arresting civilians on the basis of mere suspicion was allowed. Dutch Major Bart Haverman, who was involved in drafting the directive as a legal advisor at KFOR headquarters, recalled: 'We intended not to become entangled in especially complicated police work, since we were not equipped and prepared for that task. Arresting someone merely on the basis of suspicion was allowed, but only if witness accounts or other evidence were overwhelming and we could not get around arresting someone.'[34]

To complete the reverse chain of command, the political leadership of NATO, the North Atlantic Council (NAC) deemed the time ripe to address the public security vacuum. They did so several days after the force commander had issued his orders. In Brussels, after a short discussion the national representatives reaffirmed that under the three-week-old UN resolution KFOR troops had full authority to perform police

tasks. During lunch on 29 June, the NATO ambassadors agreed that Secretary General Javier Solana had to give Wesley Clark instructions on this issue. The Supreme Commander was to order general Jackson to issue orders to his brigade commanders to arrest 'looters and arsonists.' Emphasis was to be put on consistency in the implementation of the public security task across all five brigade sectors.[35] Luckily, Jackson had already done so. However, harmonizing KFOR policy toward law enforcement proved difficult.

The international press castigated NATO for its inability to stop the anarchy. When asked in early July why KFOR troops could not do more to stop the violence, Wesley Clark defended his forces on the ground by explaining:

> There are hundreds of thousands of people coming back. There have been some terrible things done in that country. There are all kinds of emotions running rampant. And there are Serbs still there, some of whom may have participated in that, others who are just afraid they're going to be taken for guilty because of their ethnicity. There are gypsies who are also being discriminated against. And so there's some legitimate efforts to get property back, there's some revenge-taking, there's some score-settling. One doesn't really know, but it's a very difficult time. Our troops are there. We're doing everything we can, but of course we're not police [...] no matter how well-trained, organized, equipped and led our troops are, there's simply not a substitute for local police in terms of knowing the neighborhoods, knowing the patterns of activity, knowing the people, knowing how to stop individual events. And so they're doing the best they can, going to where the intelligence-tippers indicate there might be trouble. We've put curfews in place in some cities. We're stopping people that are armed, we're enforcing the demilitarization of the KLA, for example, and this afternoon we picked up some Serb soldiers who had wandered into the area without an invitation to do so. And so we're out there. There's probably an awful lot that we're preventing from happening that you'll never know about, but it's a big place, despite the fact that it's only the size of Connecticut. And you're dealing with a million and a half people.[36]

Clark again pointed to the extremely rapid pace of political events in late May and early June, which he admitted had somewhat surprised NATO at the time. However, the supreme commander was asked no further questions as to why KFOR was so ill prepared for its role as vacuum filler. If he had answered truthfully, the general would have had to admit that NATO had underestimated the situation and was simply caught off guard.

Controlling the Streets of Orahovac

In the past, the mixed population in Orahovac had probably lived a more integrated life than in any other part of Kosovo, but it was now entirely segregated. By the end of June, the violence had forced the entire Serb minority of Orahovac and refugees from the nearby village Zociste, about 2,500 in total, to concentrate in the Serb quar-

ter in the upper part of town. An additional one thousand Serbs in the village of Velika Hoca would stay put. Both communities were now guarded around the clock by KFOR, even though the Serb communities were themselves still heavily armed. The German reports from Prizren on the 'quiet days' in late June with looting and burning houses all over town seemed awkward, but can be explained by similar Dutch experiences in Orahovac. While the nights in and around the Serb and Roma areas were extremely tense, with KFOR soldiers chasing after arsonists in the narrow streets, for most Albanians a semblance of normal life and safety was returning that they had not experienced in previous years. Shops were restocking, cafés were opening and there seemed to be a positive determination to regenerate the country and, as KFOR headquarters reported, 'enjoy the freedom presented by NATO.'

While a substantial part of the local UÇK brigade was looking forward to returning to civilian life, the group of predominantly young fighters from other parts of Kosovo had little to return to. Clinging to their position of power and prestige was obviously more appealing to them than an almost certain return to unemployment. It was particularly this group of 'hot-heads' within the local UÇK that started to appear all over Kosovo as *Policia Ushtarake* (PU). During the war, this UÇK military police force had been created for internal UÇK policing, but in the course of July, the PU transformed itself into a self-styled police force under the direction of the UÇK Ministry of the Interior in Pristina. Its personnel were dressed in black uniforms with 'PU' on their armbands and displayed a passion for chromium-plated pistols. The swelling of its ranks was hard to monitor for KFOR. While in mid-June all UÇK fighters had been dressed in the hodgepodge of uniforms generally associated with an irregular force, it now emerged in more regular fatigues with the military police recognizable in black. The Dutch were under the impression that the number of those posing as UÇK was actually swelling as the refugees returned. Its new members were often teenagers, 'snot-nosed little bastards' as Van Loon called them, who had never seen combat, but were determined to put on a uniform and hoping to carry a Kalashnikov.[37]

Ismet Tara argued that he and his men were forced to fill the void as long as the promised UN police force was unable to assume responsibility for policing on the streets of Kosovo. The argument that the UÇK was the only credible police force was heard throughout Kosovo. Tara was frustrated that KFOR tried to prevent his men from patrolling the streets and conducting criminal investigations. While he generally respected NATO's 'liberation forces,' and Van Loon and his men in particular, he considered his military police to have far more local knowledge than the Dutch and German soldiers. To no avail, he even offered to cooperate with the Task Force in public security and complained to the Dutch commander that in other Kosovar municipalities KFOR was far more lenient towards UÇK involvement in policing.[38] However, it was fear of exactly this UÇK attitude and the need to curtail its initiatives that drove Dutch and German KFOR troops in Orahovac to extend their policing effort. Having the responsibility for the beleaguered Serb and Roma minorities made it impossible to take on the more passive attitude adopted by some KFOR contingents.[39] As long as there was no functioning UN police in Orahovac, Van Loon

tried to assert KFOR's monopoly on the use of force in Orahovac – traditionally considered the prerogative of the state.

The Task Force's main effort was concentrated on preventing and combating serious crime such as murder, rape, assault, arson and looting. However, the Dutch also had to act on lesser offensives. For instance, Tara was eager to solve reported cases of theft, especially when it concerned cars and tractors stolen from Albanians by Serbs. Obviously, this had the potential of escalating into inter-ethnic conflict, so the UÇK was blocked from assuming this function, to Tara's dismay. Consequently, the Dutch ended up returning stolen cars to their former owners.[40] Another, less serious, problem was illegal logging when the winter approached. In an area that was economically dependent on its vineyards, logging had always been strictly regulated to prevent erosion of the steep slopes. The UÇK was quick to spot this opportunity to execute authority by planning for the supervision of logging and the imposition of sanctions. To thwart their efforts at asserting their authority, KFOR was therefore forced to temporarily supervise woodcutting.[41] Little energy could be devoted to such menial police work, but it was clear that the boundaries of KFOR policing in Orahovac were primarily determined by the need to curtail these UÇK policing initiatives.

During July and August, the Task Force's resolve in preventing the UÇK from dominating the streets was severely tested. On 15 July, four uniformed UÇK with PU armbands were seen patrolling the streets of the Serb quarter. They were told to remove their armbands, but the Dutch patrol commander refrained from apprehending them. Instead, they were merely threatened with arrest for non-compliance if caught policing again. Tara was summoned to the base and told that this was seen as a direct provocation. He was told that any more such actions would be treated as non-compliance with the *Undertaking*, followed by his detention at the German brigade's prison facility in Prizren.[42] Van Loon considered punishment by detention counter-productive at this point. It would undoubtedly lead to a serious disruption of relations with the local UÇK and, while the Task Force's relations with the Albanian majority were excellent at this point, it would have seriously stressed community relations. Tara was from Orahovac and a more reasonable commander than many of his colleagues, so his replacement was likely to be of a worse kind. This turned out to be a valid judgment, for the UÇK was not caught policing in the Serb quarter again.[43] Nonetheless, this did not mean that the PU activity in the Albanian areas of Orahovac ceased. Initially, UÇK patrols in their own communities in the city and surrounding villages were warned and registered rather than directly arrested. For the most part they were unarmed when in sight of KFOR patrols.[44] Altogether, the Task Force made eighteen arrests on charges of unauthorized policing during those crucial early months. Before the UNMIK police force officially took the over the lead in policing in November, twenty persons were formally arrested and detained for illegally carrying weapons.[45]

Relations between the Task Force and the UÇK deteriorated in the course of the summer as the former insurgents continued to try to see how far they could go. Meanwhile Van Loon was organizing his troops for more vigorous policing.[46] In

order to settle scores from the war, the local UÇK started its own investigations into war crimes and looked for easy prey. The Roma population was accused of collaborating with the Serbs during the war and several men were rounded up or summoned to the UÇK headquarters for questioning – allegedly about their participation in atrocities during the war or their knowledge thereof. Roma were an easy target for intimidation and retaliation since their numbers were small. Moreover, they had no access to firearms, which the Serbs still owned in large quantities. On several occasions, the Dutch reacted to reports and found men held for questioning, or what the UÇK called 'informative talks.' At one point, a Dutch major walked straight into the UÇK headquarters after being tipped off by a family member. He found several Roma men, one of whom had clearly been beaten, and immediately sent them home under KFOR escort. Subsequently, the Albanian officer present was informed that these actions would be interpreted as non-compliance. Again, Tara was summoned to the base and given a lecture, but no formal action was taken.[47]

Despite the fact that the Dutch had posted guards around the Serb quarter around the clock, there were constant reports of Serbs disappearing, allegedly after being abducted by Albanians from what publicly became known as 'the Serb ghetto.' According to an OSCE report on human rights in Kosovo, an estimated fifteen kidnappings occurred in Orahovac in mid-June and possibly thereafter. From early July, however, these reported kidnappings proved impossible to verify, despite the fact that the Task Force acted dozens of times on such allegations by searching Albanian-owned premises.

The Dutch started to look for motives behind the recent conduct of the UÇK. During talks with Albanian officers, it became clear they felt they had the right to police the Kosovar population for whose liberty they had fought. Their decreasing physical presence on the streets and disarmament as a result of the demilitarization agreement with KFOR prompted them to assert their authority by other means in the civilian sphere. Investigating atrocities committed during the war was important for the local UÇK commanders' prestige among the local Albanians.[48] Although he was more cooperative than many of his colleagues, Tara was not without his own needs and goals. In the coming months, the UÇK would try to assert authority in various ways, as his position in a future Kosovo was becoming increasingly uncertain. Again, the only effective way for Task Force Orahovac to counter these initiatives was for the intervention force to assume them, but this would prove problematic as it stretched the mandate beyond its vaguely defined parameters. Moreover, an artillery battalion organized and trained primarily to put 155-millimeter shells on target was hardly organized for policing.

Makeshift Police

Putting soldiers on the streets was obviously not enough to fill the public security gap. Nonetheless, numbers alone were a serious problem for KFOR with only half the force, 23,000 troops in all, deployed in early July. Only by mid-August did the force reach 40,000 soldiers. What the makeshift police force lacked even more than

Dutch soldiers detain Kosovar Albanian teenagers caught looting during ethnic tensions in Kosovo. The emphasis gradually shifted to a support role, but in many parts of Kosovo soldiers would continue to substitute for the UN police until late 2000.

sheer numbers was the adequate organization and specialist support to fill the law and order vacuum, since there was nothing in Kosovo with which to work. The vacuum encountered by NATO forces in Kosovo in 1999 was very different from the situation faced by Allied troops in Western Europe in 1944-1945. Even in most of Germany, a more or less functioning police, court system and local administrations were found in the wake of the military advance. With the passing of the front, the existing institutions were often temporarily disrupted, but the institutional infrastructure was mostly still there. In post-war Japan, the government and its institutions were found completely intact and largely left to function by the Americans. In Kosovo, there was nothing. As Serb authorities, police, administration and judges withdrew, they took anything they could carry with them and destroyed much of the rest. 'Court buildings looked like a plague of heavily armed locusts had swept through,,' one commentator wrote, 'scouring the ground for anything valuable and leaving broken windows and ripped out electric sockets in their wake.'[49] There was nothing resembling the Allied civil affairs organization of an earlier time to replace the collapsed institutions.

What KFOR missed the most in those first days – apart from a plan and clear

instructions – were public safety officers. These civil affairs officers, often former police in military uniform, had played a crucial role within the British and American civil affairs detachments in occupied Germany, either as overseers of the selectively cleansed German police, or as vacuum fillers in cooperation with the military police and tactical troops in direct post-combat situations. Although the challenges faced in post-war Germany were colossal, the German population was homogenous and almost quiescent after five years of war. The Kosovars were fired up by a short civil war; they were ethnically and culturally divided while NATO had propagated a multiethnic society as its strategic goal in Kosovo. However, half of Kosovo's Serbs already appeared to have fled the province, some not even awaiting the return of the Albanians, and some fleeing the violence after KFOR failed to protect them.

Military police units were the best NATO had to offer to fill the void, even though they were for the most part not trained to do community policing in their various countries of origin. MPs were also in short supply, while insufficient planning caused them not to be activated until rather late. Task Force Orahovac dramatically lacked expertise on police matters. During the first six weeks in Orahovac no more than two German military police officers were available to provide some form of professional police support.[50] Although a maximum of forty-two Dutch military police personnel were deployed in Kosovo and Macedonia in the second half of 1999, the Dutch Ministry of Defense had not envisaged the *Koninklijke Marechausee* in a public security role. Twenty of the MP*s* were 'blue' *Marechausee*, trained for the traditional MP role of policing the national military force. These were not controlled by the tactical commander, but under the Contingent Commander. The remaining twenty-three MP's 'green' *Marechaussee* were part of KFOR, but were to be employed primarily for traffic tasks, such as convoy escort, and for static guard tasks around military objects.[51] The MP contingent was supposed to perform these two roles in support of all two thousand Dutch troops in theatre, and not just the approximately six hundred Dutch troops in Task Force Orahovac. No more than twelve 'blue' MP's, trained in criminal investigations, were at any one time deployed in Orahovac.

The Task Force had nevertheless already established what started to resemble a police station in a centrally located building used by the OSCE mission in 1998. This had clearly not been a predetermined plan. Several days after entry, two experienced non-commissioned officers were put in charge of what was initially known as the 'complaints bureau,' but became widely known as 'NATO building' to the locals.[52] The idea was to divert the locals who frequently came up to KFOR patrols to a central point, where the scarce interpreter capacity could be used efficiently. The Dutch had arrived in Kosovo without translators and would have to work with locally recruited personnel throughout the mission. At this improvised police desk, the angry and frustrated returning population could sit down and file their complaints. Hundreds of testimonies were taken in those first weeks. The issues discussed varied from theft and arson from that very day, to rape, assault and mass murder committed during the war. All information was typed into laptop computers. Information also started to pour in from patrol commanders, during other regular contacts with the local population, and from the locally recruited interpreters. Initially, the

Dutch had to rely predominantly on oral sources, but an increasing amount of documentation was found, confiscated or delivered to KFOR by locals.[53]

The 'complaints bureau' turned out to be one of the most fruitful initiatives of the operation. Not only did it provide acknowledgment of the serious need for recognition of the harm that had been done in the previous months, it also resulted in an enormous information database, which proved to be one of the most vital sources, if not *the* most vital source of intelligence during the remainder of the operation. The database contained information on local leaders, their political affiliation, their position in, for instance, the UÇK or the MUP, or their ties to those organizations. It would prove useful for combating common crime, ethnic violence, and also proved to be important in the pursuit of war criminals. The database was shared with the UN police and the ICTY once they became operational in the area.[54] However, while important to a population that desperately needed to blow off steam, by providing that outlet, the Dutch would also raise expectations for future action.

Local Dutch initiatives soon needed a more structured approach in line with the brigade. In order to find out how the Germans were addressing the public security gap in Prizren, the Dutch military police commander and the Dutch contingent's legal advisor, also attached to the national contingent commander, visited the German military police in Prizren two weeks into the operation. They were particularly interested in how the German Directive No. 8 was executed and how the German military police was deployed.[55] The key to public security in Prizren in the early days was a *Feldjäger* company. Dressed in army fatigues but distinguishable by their bright-red berets, the German MPs were extensively used for street patrolling and criminal investigations. German brigade headquarters was located in a factory complex just outside the city center. Large groups of people initially flocked to its main gate and formed long queues in order to file their complaints. This had prompted the Germans to establish in the city center what was first called 'KFOR-office,' but soon became a makeshift police station or '*Feldjäger* station.' As in Orahovac, this became a busy place in those chaotic first weeks and here too, reports on war crimes poured in.[56] The German and Dutch initiatives to form makeshift police stations, however similar, were not part of a coordinated, planned effort or as a result of instructions from KFOR headquarters. In both cities, the police stations grew out of necessity and susceptibility to pragmatic solutions in post-war chaos.

Whereas the Dutch only used their police station to collect information, the Germans directed police operations from their *Feldjäger* station. It was from here that the decision was made on the size and composition of the unit that was to perform an arrest. A force could be dispatched depending on the seriousness of an offence, the possible risks involved, and of course, the availability of troops. When arrested, suspects were detained in the local prison, registered and medically examined if the necessary staff was available. The MP major in command of the military police unit was also in charge of the local detention facility. On top of that, he acted as a delegated judge and decided – broadly in line with German law – whether a suspect was to be held in custody or not. In case of doubt, he would turn to the brigade's legal advisors.[57] Van Loon also had access to the German legal advisors, whom he

used at times but whom he found to be very cautious in providing legal guidance and not always practical in their approach. His request to The Hague for his own legal expert was turned down.[58]

In late June there were still only twelve *Feldjäger* available for the public security task in Prizren. They played a central role in helping to establish some form of public order and their number would steadily increase during in the course of summer. Tasks such as taking testimonies from the local population were extremely time consuming. Not surprisingly, problems occurred as regular soldiers, lacking any form of training in the maintenance of law and order, performed the vast majority of the arrests. While reporting an apprehension, they tended to be inaccurate in describing the circumstances and often handled evidence clumsily, making it hard to draw up a legal record. Another problem facing KFOR troops – a problem similar to every peace operation in the previous ten years that involved a high degree of interaction with local civilians – was the lack of translators, and, in some cases, their reliability. The local translators used by the Dutch were young Kosovars who had learned English or German in their unofficial Albanian schools in the previous years, or as immigrant workers, but most of all from satellite TV.

Overwhelmed by crime of all sorts, KFOR was accused by various sides of not living up to its promise to create a secure environment for all ethnic groups. Most harmful to NATO were the accusations coming from Belgrade. German troops certainly lacked no dedication when it came to making arrests. Their efforts caused the MPs at the police station to be overwhelmed by relatively light offences such as theft. This left little time for the more serious cases of murder, rape, arson and large-scale plunder.[59] Kosovars praised German KFOR for quickly establishing some semblance of order in and around Prizren. The Germans even became renowned throughout Kosovo for installing one-way traffic in the anarchic and congested old city streets of downtown Prizren. But while they were doing pretty much all they could to stop the violence, even the 'hands-on' approach of the Germans did not help to protect the Serbs and large Turkish minority or stop the intimidation, extortion, and protection rackets often run by ex-UÇK officials.[60] Virtually all Serbs left the Prizren area between June and October, leaving Orahovac as the only place in the south with a substantial Serb minority.

Close German-Dutch cooperation resulted in an overall consistent operational approach to the public security vacuum in those early weeks, when they were the only two national contingents making up Multinational Brigade South. Von Korff and Van Loon continued to cooperate smoothly as they had done while preparing for deployment in Macedonia and during the entry phase. The Brigadier gave the Dutch battalion commander much leeway and without too much formal coordination the commanders seemed to come up with similar measures and agreed on solutions.[61] Few units could have been operating in a more integrated fashion, or 'combined' in military jargon. However, even within the close-knit German-Dutch operation in southern Kosovo, there obviously remained differences in the measures taken, their overall bearing, and the way troops were employed. One difference was caused by the arbitrary nature of some of the orders from KFOR headquarters in

Pristina. The Germans, like the British, had started to remove the UÇK from the police stations they often selected as local headquarters. Oddly, in the *Undertaking*, KFOR had designated the former MUP station in Orahovac as a local UÇK assembly area.[62]

The most notable difference between Dutch and German troops for the local population was their overall posture towards the local population. The Dutch soldiers had an overall good-natured and relaxed attitude and were often seen joking with most of the population as they patrolled the streets, which tended to charm the Albanian majority. While highly regarding the Germans, the Albanians had difficulty understanding their serious and sometimes surly demeanor. Although the Dutch started off on a good footing with the Serbs, their relations with this besieged and increasingly desperate community became strained in the course of the operations.[63] It has to be taken into consideration that on the whole, the Serbs were torn between the images of KFOR as the enemy in the wake of the NATO bombing campaign and KFOR as their protector against the vengeful Albanians. In retrospect, the Serbs in Orahovac tended to regard the Germans as more even-handed – probably because of their overall rigid posture. They had an easier time winning over the Serbs when they took over from the Dutch in the mid-2000. However, Serb appreciation for the Germans and negative memories of the Dutch were also related to the changing circumstances. Whereas the Dutch were associated with the times when their houses were burning and war crimes suspects were being arrested by KFOR from within their midst, the Germans took over in the relatively tranquil times. The fact that the Dutch were heavily leaning on German troops and operating under German command had by then faded from public memory.[64]

Another difference between the Dutch and Germans was their use of, and accessibility to, military police support. Whereas the Germans – like most major troop contributors – allowed their commander to employ national military police personnel in a law-and-order role by actively patrolling the streets, arresting and investigating crime, the Dutch Ministry of Defense restrained the use of its *Marechaussee* unit in Orahovac, which only gradually grew to twelve MPs. The Task Force had quickly started using the two Dutch MPs that were initially available for collecting and processing data on crime in support of the two non-commissioned officers who were diligently taking testimonies in the 'NATO building.'[65] While they continued to aid in criminal investigations, taking testimonies from the public and advising the regular troops while arresting and detaining, the Dutch MPs role would officially be limited to 'advising and assisting' the tactical units.[66] The operational staff of the *Koninklijke Marechaussee* in The Hague – a separate military service in the Netherlands – recommended that the Ministry of Defense not give the Dutch MPs in Orahovac clearance to use their investigative authority and power of arrest. Officially they were only to act on German requests for support. The lack of flexibility in The Hague angered Bokhoven who considered it 'too mad for words' that while the highest political authority in NATO, the North Atlantic Council, had reconfirmed that KFOR would assume police tasks, gunners were allowed to do the arrest while the ministry was restraining the use of its military police.[67] While KFOR seemed to be

faltering in its assigned mission to ensure public safety and order under the watchful eye of the world media, the ministry emphasized that policing the Dutch contingent would remain their absolute priority for its MPs in theater.

Consequently, other than in Prizren, where the German military police major had been put in charge of specific public security functions in Prizren, Van Loon assigned his intelligence staff officer, Captain Chris Brouns, to coordinate the Dutch and German policing effort in Orahovac.[68] Together, the commander and Brouns decided whether a case was serious enough to be transferred to the Germans in Prizren. Otherwise the suspect was to be released after filing a report and a brief detention in the improvised prison at the Dutch base – a sea container with a window and bars cut out. Apart from formal detainees that were sent to Prizren, some offenders were locked up overnight to 'cool down' after having committed misdemeanors.[69] Other people were only taken in for questioning. The Dutch made it a habit to give all these people a ride home who were taken in only for questioning or those who proved clearly innocent after further investigations. The odd drunk taken in for beating up his wife would have to walk home the next morning after spending the night in jail. UÇK commander Tara said he expected nothing less from KFOR. According to Van Loon, the population agreed with these measures and accepted them as completely normal. Even a drunk who had gotten into a brawl would regard this 'an appropriate punishment.'[70]

In addition to the police organization, the battalion's only two CIMIC officers played an important role in overall relations with the local community. Captain Wim Speth was the eyes and ears of the battalion on the streets of Orahovac and felt like a beat cop. He was the most frequently seen Dutch officer in town, visiting people in their homes and monitoring the general mood among the Albanian population. Major Arno Schouwenaars, the other CIMIC officer, had the less rewarding task of liaising with the Serb community in Orahovac and Velika Hoca. Since his name was unpronounceable for the local population, he soon became know as Shevernadze, while Speth was called Spethi, 'fast' in Albanian, for to them he seemed to be everywhere at the same time. Their names, together with that of 'Colonel Valion' were well remembered in Orahovac several years later.[71]

During the second half of July and early August, as the offensive to maneuver the UÇK out of policing reached its climax, the need for more military police became critical. Although the 'blue' MPs could be employed as criminal intelligence gatherers, the Ministry of Defense continued to curtail the use of its MPs. Van Loon therefore turned to the Germans for more police support, since the Germans MP's could be used more freely for executive civil policing. Von Korff was very much aware that the situation in Orahovac was potentially explosive and promised to send a platoon of German *Feldjäger*. However, the twenty promised Germans MPs were unlikely to arrive soon since the Germans themselves were short of police specialists in Prizren, where organized crime and intimidation was on the rise. The situation irritated Captain Brouns since, paradoxically, the approximately thirty 'green' MPs attached to the Dutch engineer battalion, were supporting the German *Feldjäger* on the streets of Prizren. Initially, their task was to be limited to taking testimonies, but soon they

were also actively patrolling, where they ended up dealing with serious crime. 'I expected to go to Kosovo to direct traffic,' one MP said, 'but our task is much broader. We are doing real police work, from kidnapping to rape, from theft to shootings.'[72] To match the armament of their German MP colleagues, they were equipped with assault rifles, not just the sidearm they would normally carry. This made them 'feel better' on the violent streets of Prizren.[73] After all, for the Kosovar population, the size of a gun still often determined who was to be taken seriously and who could be ignored. When reported by a newspaper in the Netherlands, the use of these 'green' MPs to act as beat cops on the streets of Prizren with the Germans caused a row since they were not fully trained for such civil policing responsibilities.[74] Again, regular KFOR soldiers were still performing most of the 'police patrols' and arrests, but this seemed to escape most of the Dutch media.

The policing effort in Orahovac was substantially professionalized when the German police platoon finally arrived on 30 July. Led by a military police captain, the platoon soon reached its full strength of approximately 25 men. It worked from the NATO building, taking over and formalizing the unofficial police station. The German MPs reached a good working relationship with their Dutch MP colleagues who were officially still only allowed to 'advice and assist' in police work and concentrated on criminal investigations in Orahovac.[75]

There was a scramble for extra military police support throughout the brigades. Some had come better prepared than others. The British quickly deployed a contingent of 140 royal military police, including thirteen detectives from its Special Investigation Branch. The International Crisis Group reported in August on the excellent work done by these specialist crime-detection units in KFOR, but regarded their numbers as too few to handle the scale of the law and order problem.[76] The French deployed 150 gendarmes and the Americans eventually deployed a battalion of their heavily armed MPs.[77] In July, KFOR planned to have some nine hundred military police personnel deployed in Kosovo over the following two months. Overall, the heavy units that made up most of KFOR were far from ideal for the main task NATO faced in Kosovo. KFOR needed light infantry and far more military police units.[78] However, the number of military police was not the primary indicator of how the public security gap was addressed by each contingent. Tactical commanders had relative autonomy in their approach to the problems they faced and their national governments had much influence in determining how their forces were to be employed.

Different Approaches

A British brigadier serving at KFOR headquarters noticed how the line between policing and military activity in peace operations was seen very differently by different nations. While some units undertook public security as an ongoing part of their own mission, others shunned it as an unwelcome civilian task.[79] Different approaches to the public security gap resulted from injecting a large number of national contingents with very different institutional attitudes in a law and order vacuum with a mission that was full of ambiguity. Forty years of combined operations within NATO

had produced standardized procedures and equipment for fighting wars, but confronted with the public security gap, these differences became highlighted by a mixture of military cultures and political directives from each of the contingents' national authorities. Moreover, unity of command had always been considered a problem particularly relevant to UN peace operations, but in NATO the force commander had no more command authority over his units.[80] 'One of the most important things I learned in Kosovo' Jackson's successor German General Klaus Reinhardt complained bitterly, 'is that the man who is KFOR commander, in fact doesn't have anything to command.'[81] Jackson would have agreed. The force commander's directives to the various national contingents were constantly referred back to their governments for approval.[82]

Accepting the limits of his command and the inability to prescribe methods, Jackson put little weight behind the formal standardization of policing practice. Instead, on 20 July he laid down his 'commander's intent' in broad brush strokes for his subordinates down to company commanders. He told them he was not looking for centralized command, but for unity of effort by sticking to his intent. Jackson prioritized the public security mission and emphasized the need to arrest and detain those suspected of crimes. Support for UNMIK, 'including core civil functions,' was of the utmost importance, even if this put an extra strain on resources on short-term requirements for a secure environment. For this 'subtle and complex' mission he called on his subordinates to move among the people and be highly visible by engaging in foot patrols rather than mounted patrols in order to counter fear and insecurity and diffuse incidents before they occurred. Jackson wrote:

> 'I seek a 'hearts and minds' campaign at low level, creating trust and mutual understanding. As relationships build, so will the flow of information allowing KFOR to pre-empt conflict. [...] It is an operation amongst the people, whose perception is the Center of Gravity: that all inhabitants of Kosovo are better off with UNMIK / KFOR than without, that we jointly offer a better future.'[83]

Although he may not have had much choice in the matter, the force commander apparently decided that giving the necessary latitude to his subordinate national commanders would produce the best results in vacuum filling. His ideas and assumptions of how the brigades would fill in their broad mission seem to have been shaped by what he knew would be the British brigade's approach to the gap – which was to adapt flexibly to the challenges as they emerged in the field and accept emergency law enforcement as part of their ongoing mission. 'This is what we do well,' said the British commander of Multinational Brigade Central in January 2001. 'What Americans do well is provide a guarantee of overwhelming force. This [situation] plays to our strengths in ways that do not necessarily play to American strengths.'[84] They were widely lauded for their robust, but overall restrained, approach that was, as always, explained by referring to their operational experience in Northern Ireland.[85] However, Alice Hills of the UK Joint Services Command and Staff College argued that, while British soldiers may have been familiar with supporting the Royal

Ulster Police and local administration, police primacy remained a fundamental tenet for the British Army. British soldiers had no experience or training as an executive policing force. Arresting and detaining offenders, let alone investigating crime, were never among their powers in Northern Ireland. In Kosovo there was no set of emergency legislation in place as in British counterinsurgency operations and there was no civil authority to support.[86]

Nevertheless, an American civil affairs lieutenant colonel attached to KFOR headquarters in 2000 was amazed by the way the British went about their business. 'Presence patrolling is conducted almost entirely dismounted, especially in built-up areas, and through the same villages and neighborhoods by the same soldiers, much like beat cops, with an emphasis on direct contact with local civilians.'[87] When Jackson defended KFOR for doing as much as it could, he referred to the example of British soldiers living in Serb apartments where they were isolated – something no other KFOR unit would ever do. 'We even escort little old ladies to the bread shop to buy their bread,' the General recalled. He added, however, that such intense efforts to convince the Serbs to stay would just as easily be offset when on the way to the shop a Kosovar Albanian teenager would give the sign of throat-slitting to her face.[88] The British were renowned for operating close to the population regarding good relations and the resulting flow of information as the best form of force protection. This is not to say that they were always subtle in their methods. In Pristina, a Serb family was repeatedly threatened by Albanian men over a property-related dispute. The British went on a stakeout and when they caught them 'they really beat the shit out of them,' an American NGO worker recalled. Their argument was that with the lack of a functioning justice system, the Albanians would be out on the streets in no time to terrorize the Serbs. They needed to be taught a lesson.[89]

On the other end of the spectrum were the Italians who were widely seen as passive, especially in the early months of the operation. While the soldiers in different brigades were generally too busy to pay much attention to their neighbors, the overall impression the Italians left on the Dutch forces in the adjoining sector was that of a force unprepared to leave its armored vehicles. Initially they did not consider detaining people part of their job.[90] When Ismet Tara was complaining to Van Loon that other KFOR units took a far more lenient approach towards UÇK-policing, he was clearly referring to the Italians. The main challenge in the Italian sector was the UÇK, which had traditionally been strong in the area and were granted the opportunity to rapidly entrench themselves in the summer of 1999. Humanitarian workers and administrators wanted to see the Italian troops on the streets to give the people a sense of security and thus provide a viable alternative to the UÇK police. One UNHCR worker who worked in both the Italian and German sectors recalled:

> In Djakovica we [the UNHCR] were the ones to inform Italian KFOR that the Roma quarter was on fire, or that a Roma was beaten up, kidnapped or killed. We had to push and beg them to come out and if they decided to come – often only after an official written request – they came in armored personnel carriers and just stood by, doing nothing but sticking their heads out of their vehicles showing off their

> sunglasses. We found ourselves on several occasions driving past their military vehicles into a burning area of town, trying to prevent further arson, looting or attacks from happening. The Italians would simply refuse to come out, claiming that it was too dangerous, and stand by like wax dolls. The perpetrators could have just passed behind them. The Italians never did foot patrols and apart from two CIMIC officers, one of whom hardly spoke English, had no contact with the local population.[91]

Although 'some good old Italian flirting by the troops went on from behind car windows,,' the female UNHCR field officer found their higher-ranking officers hard to approach, their pride closing them off from any suggestions or criticism from the civilian organizations with whom they were to cooperate.

Like the Italians, the French were relatively passive and hesitant in arresting civilians in the initial weeks. Even after Jackson had given his instructions on public safety, they refused to actively engage in apprehending offenders. The French brigade commander claimed that arrests in foreign territories by French soldiers were only possible under French law in the presence of a certain national official. Jackson flew into a rage, ordered his French subordinates to put this official on a plane that very same day and start arresting.[92] The French were not as aggressive as some other contingents in disarming the Albanian and the Serbs and were blamed for ignoring and denying the fact that Serbs, including paramilitaries, were vigorously policing northern Mitrovica. They lost the momentum early in the mission when armed Serbs blocked the only remaining bridge across the Iber River and effectively cut off the northern part of Mitrovica from the Albanian-dominated south. Their reluctance 'to exert authority in the remaining Serb-controlled areas led to the entrenchment of informal systems of law enforcement, such as the 'bridge-watchers' in northern Mitrovica.'[93]

KFOR's failure to effectively control northern Mitrovica was a severe blow to the Albanian population and to UNMIK, since the North held the city's main facilities, such as the hospital, food warehouses and the university. The separation of the city and lack of control over its northern part would remain NATO's and the UN's most serious operational failure and a source of serious embarrassment in the years to come. Already on 24 June 1999, General Wesley Clark expressed the fear that Mitrovica would become a divided city like Berlin during the Cold War. The analogy with another closer and more recent trouble spot in NATO's history would have been more appropriate. In NATO's presence, the Bosnian city of Mostar had effectively become divided between Croats and Muslims. Its beautiful, delicately built centuries-old bridge that united both sides had been deliberately destroyed by artillery shells and had become a symbol of the civil war in Bosnia. Mitrovica's was nothing like its equivalent in Mostar. What the large bridge lacked in aesthetics, it more than made up for in concrete. However, with continued ethnic strife in Kosovo it would gain the same symbolic value. While all NATO troops were aware that the French had probably ended up with the toughest assignment in one of Kosovo's most explosive regions, the French were severely criticized for letting the situation get out of hand by losing control over the population.[94]

The US contingent displayed much of the same behavioral patterns of earlier missions, partly as a reflex, and partly in reaction to policy guidance from Washington with its usual emphasis on force protection. The Americans were criticized by Kosovars of all ethnicities for hardly venturing beyond the gate of their vast, 775-acre, $32 million new Camp Bondsteel, thereby failing to establish the visible presence necessary to make people feel more secure. Within this virtually impregnable fortress, the US military was creating 'a little piece of home,' complete with two gymnasiums, two dining halls, a library, a chapel, a Burger King and a pizza parlor. The camp housed roughly five thousand soldiers, three-quarters of the American troops in Kosovo.[95] The *Washington Post* reported:

> The base, about a mile east of Urosevac, seems to do justice to the American military's reputation for going in heavy and making a large footprint. It is already attracting gibes from officers in European brigades also deployed here as part of the NATO-led peacekeeping force. They have dubbed the base 'Disneyland' and suggest the concentration of so many soldiers in a single, isolated location will hinder their ability to perform peacekeeping tasks.

One senior British officer was reported saying that although it was 'an obvious sign that the Americans are making a major commitment to the Balkan region and plan to stay, their desire to drive the risk of casualties to an absolute zero can be a major distraction.'[96] There was the usual emphasis within American units on mounted patrols in relatively large convoys, and lack of flexibility in always wearing kevlar vests and helmets. In Kosovo, as in earlier operations, the constant display of weapons put a substantial distance between American troops and the population, which they intentionally seemed to keep at arms' length. According to one American legal officer, 'their appearance as such often intimidated as much as reassured the local populace.'[97] Nevertheless, the American's took an overall robust stance on disarmament and showed more flexibility to the public security gap than during previous operation in the 1990s. Like most contingents, their MPs and combat soldiers would become essentially the police force in Kosovo.[98]

In the course of the summer there was more coherence in the detention policy, but there would remain substantial differences in the amount of arrests between the contingents, which can be partly explained by the different levels of chaos in the five sectors. With the extremely high number of prisoners released without any form of process and with reliable statistics hard to come by, structurally comparing the numbers of arrest in different sectors is difficult. NATO was not exactly boasting about the numbers of arrests its soldiers made, probably because this would raise many questions in the different parliaments of its member states. However, there are some figures that give an indication of the different approaches. During the first three weeks the different interpretations of the mission by each multinational brigade were clearly revealed in the number of arrests made. By 7 July, the German-led brigade topped the chart with ninety-six arrests. The British had taken a similar active approach to law and order, which had resulted in fifty arrests. American troops brought in fif-

teen looters and arsonists, while the Italians and the French closed the chart with five arrests and one official arrest, respectively.[99] By the end of that month, KFOR was holding some two hundred Albanian detainees, which was about all its improvised prison facilities could hold at the time.[100] In total, KFOR military police handled 1400 criminal cases in the month of July.[101] The Prizren detention facility processed 1487 'guests' for the entire Multinational Brigade South between June and early November, when UNMIKPOL took over the primary responsibility for policing from the Germans with 325 police officers.[102] In the course of the first year in Kosovo the Americans handled 1,800 detainees at their detention facility at Camp Bondsteel.[103] The total amount of official arrests made by Task Force Orahovac until late October was 75. Additionally, an estimated two dozen detainees were released after one night at the base prison instead of being sent to Prizren. Around that time, Klaus Reinhardt had taken over as force commander from Jackson. The German general was shocked when the UNMIK police director, his compatriot Uwe Schweifer, informed him that of the four hundred Kosovars arrested by the UN police until then, ninety percent had been released without a court procedure. Until then not a single case had appeared before a court.[104]

The Justice Triangle

Soldiers arresting people was clearly not enough to restore basic order to Kosovo. The lack of a judicial system and civil police in the streets had enabled lawlessness to thrive and organized crime to flourish. The complete justice triangle of police, a judiciary and prisons had to be restored and – last but not least – agreement had to be reached on what legal code applied in Kosovo. There was still no agreement between UNMIK and UN lawyers in New York on what legislation to apply. Jackson had instructed his troops to stick to Yugoslav law 'as far as practically possible,' but the Albanians were vehemently opposed to having the law of their former oppressor imposed on them once again. To them, it was like asking Nelson Mandela to reintroduce Apartheid laws in the new South Africa. Their alternative was the old Kosovar law that had been in place before 1989. However, since this would seriously infringe on Yugoslav sovereignty in Kosovo, and since Yugoslav law was far more modern and practical, NATO and the UN were initially not willing to yield on this point.[105]

In the early months of KFOR operations, the whole discussion on what law to apply was rather academic, since there was hardly any appropriate legal expertise within KFOR and there were insufficient English-language versions of the Yugoslav Code. In order to approach the Yugoslav law, Jackson ordered his troops to stick to their own national criminal legislation as a basic guideline for arrest and detention. This seemed the most pragmatic solution at the time as it appealed to the basic feeling of justice harbored by officers and men and gave military legal advisors something familiar with which to work. However, different national interpretations of law enforcement in different military sectors did not enhance consistency in the implementation of the public security task, which had been set as a goal by the North

Atlantic Council.

In the course of summer, KFOR started to provide haphazard support to all aspects of public order and the judicial process. The public security directive issued by KFOR headquarters underlined that a detainee was to be handed over to a civilian agency as soon as practicable, but in the absence of indigenous institutions and the UN interim administration, KFOR had to temporarily execute some of these functions. No military courts had been envisaged, but with no functioning local courts and no international judges in place, KFOR legal staff would at least have to review whether there was sufficient basis for holding civilians in detention. During these first months, Jackson's legal advisors were fully consumed with these probable cause hearings and other matters related to emergency law and order, such as Rules of Engagement, coordination with UNMIK legal staff and the brigades. There were two British legal officers and one Dutch legal officer attached to KFOR headquarters, while one US Marine Corps judge advocate from the American brigade unofficially supported them. They were of course too few and they delegated as much responsibility as possible to the legal advisors in each of the five brigades.[106] Legal staff would, to the best of their ability, review each case and wait for courts and lawyers to emerge in order to put them on trial. Initially detainees could be held only up to twelve hours without a hearing, but in the late summer legal procedures were put in place to allowed suspects to be held up to forty-eight hours and later even seventy-two hours before a military lawyer reviewed their case.[107]

In July, the UN special representative appointed what became known as 'the traveling circus of judges,' consisting of Albanian judges and prosecutors, most of whom had been active prior to 1989. The problem was that by the late 1990s, of a total of 756 judges and prosecutors in Kosovo, only thirty Albanians were left.[108] Kosovo's Serb judges had all fled the province. Judicial structures under UNMIK supervision would only slowly emerge in the course of 1999 and 2000. One of the newly created teams of judges and prosecutors was based in Prizren and another two, consisting of several judges, prosecutors and the accompanying defense council, started to make their five-day rounds through Kosovo, visiting the different temporary KFOR detention centers to provide follow up detention hearings. Jackson ordered his brigades to provide full logistical support to these teams. Starting on 6 August 1999, UNMIK finally had access to sufficient funds to pay the Kosovar legal personnel, as well as hospital staff and custom officials.

Of all the tasks KFOR performed in order to substitute for and support the justice triangle, it was least willing to run prisons. Both Jackson and Reinhardt made this very clear to UNMIK.[109] While most KFOR contingents eventually accepted basic police tasks, the job of prison warden was often regarded as beneath them. Nevertheless, each brigade ended up running a prison facility and KFOR's regular soldiers and MPs performed the job of wardens. In Prizren's jail, dozens of prisoners were held at any one time and Dutch airmobile infantry from a company attached to the Dutch engineers temporarily supported the Germans while performing this task. The American contingent initially had its engineers build a small temporary detainment facility with a capacity to hold forty-eight detainees, as they believed that the UN

would take over quickly. When this miscalculation was realized, a larger facility for 130 detainees was built.[110] In spite of these improvised measures, the combined capacity of the detention facilities operated by KFOR of some 250 detainees proved woefully inadequate. Lack of detention space thus continued to force KFOR to refrain from arresting offenders – even if they were caught red-handed – or let known criminals walk free after their arrest. Releasing suspects had a disastrous effect on KFOR and UN credibility, especially among the Serbs, who saw it as a confirmation that NATO or the UN were hardly interested in protecting them. The International Crisis Group in its many critiques of the handing of the situation wondered why those suspected of arson and violent attacks against Serbs and other minorities could not be held in even more basic temporary facilities. If refugees could live in tents, one UN official later reasoned, so could criminals.[111]

Once the situation got out of hand in the summer of 1999, martial law as a possible solution for the security vacuum was brought up in meetings between UNMIK leaders and KFOR headquarters 'on a number of occasions.' It was eventually dropped since neither leadership liked it. For UNMIK, handing all civil powers to the military would be an admission of its failure at time when the UN was trying to regain some of the ground it had lost in the international arena. Meanwhile, NATO was not willing to assume the formal responsibility for exercising the civil powers it entailed. This would after all have amounted to military government over Kosovo.[112]

In retrospect, Bernard Kouchner much regretted the approach taken in the early days. 'We were arrogant to apply a modern judiciary system, with detailed consideration of human rights and so on,,' he said. 'We should have kept it simple by rapidly creating a very basic interim justice system.'[113] In his pre-departure press conference on 17 December 2000, Bernard Kouchner said the primary lesson of Kosovo was that 'peacekeeping missions need to arrive with a law-and-order kit composed of trained police, judges and prosecutors and a set of security laws. This is the only way to stop criminal behavior from flourishing in the post-war vacuum of authority.'[114] By the year 2000, calls became more frequent for readily deployable 'law and order packages' comprised of civilian police and mobile courts with a skeleton staff of lawyers and judges. This was basically what the Australian lawyer Mark Plunkett had called for after his pioneering, but ill-fated, assignment as the UNTAC prosecutor in charge of addressing major human rights violations in Cambodia in 1993.[115] Even after 1999, little progress was made in this field in terms of rapidly deployable civilian capacity.

Exaggerated hopes had been vested in a UN police force during the planning phase leading up to KFOR's entry. Both NATO and the UN were responsible for raising expectations that three thousand international police officers could rapidly fill the void. The military alliance was seeking to avoid as much responsibility for law and order as possible, while the UN had its own motives. It has been argued that the problems encountered in the early phase of the police mission resulted from the overambitious attempt by the UN to relaunch itself after the marginal role it played

during the Kosovo war.[116] The UN's aspirations also resulted from a more general marginalization of its role in military peacekeeping in the latter half of the 1990s, when the bigger missions – inevitably those where Western interests were at stake – were increasingly taken over by 'coalitions of the willing,' rather than UN forces.

The UN civilian police branch, which had accompanied peace-building missions in the last decade, reinvented itself in Kosovo. From its ill-fated monitoring role in Cambodia, after a somewhat better equipped but still unarmed monitoring task in Haiti, Bosnia and Eastern Slavonia, the international police force took on executive policing for the first time in history. Although international police missions had made excursions into executive policing before, traditional UN civilian police missions had officially been limited to supporting, monitoring, reconstructing and training of local police forces. The fundamental change of concept took place rather haphazardly. Another factor raising the demands on the UN civilian police was that the shortcomings of the IFOR and SFOR, with their narrow interpretation of the military mandate, had exposed the 'public security gap,' a topic that rose to some prominence from 1998 in think tanks and academic institutes with an interest in peacekeeping. With 'mission creep' still considered a soldier's worst enemy in peace operations, and with this influential but ill-defined term regarded as synonymous for military involvement in public security, the common wisdom had been to strengthen UN Civilian Police, thus allowing the military to ignore the problem of the security gap.

Jackson briefed NATO diplomats in early July and painted a gloomy picture of the possibility of the transfer of police responsibility. He expected that it would take a full six months before the UN would be able to take over the police task completely.[117] Meanwhile, in August, UN as well as NATO officials in New York and Brussels were publicly exaggerating the figures of police officers already deployed. They pledged that the envisioned complete strength of 3,000 police would be reached by late October and that, with some continued KFOR support, the UN would be able to take over responsibility for maintaining law and order in two months.[118] In reality, even Jackson's gloomy estimate proved overly optimistic. Not just its lack of personnel and resources hampered the UN civilian police mission. As in previous missions, the UN Civilian Police would have a serious image problem. Driving around in their shiny red-and-white Toyota police jeeps, the Kosovar population soon dubbed them 'Coca Cola Cops' or simply 'Coca Colas.' As always, it was a colorful display of the world's police forces in a wide array of national uniforms. The national contributions varied from tough but retired and sometimes cynical cops who had been fighting crime in the streets of America's cities to Indian police chiefs who lacked any experience walking a beat. All were lured by the exuberant UN wages. Particularly in the central streets of Pristina, around UN police headquarters, the red-and-white jeeps started to make a large contribution to the already severe traffic congestion. By November, the center of the capital was buzzing with many friendly international policemen at all hours of the day. However, many of the police officers initially failed to gain respect for their performance. A Pristina resident wondered why Kosovars were not employed directing traffic. She figured that they had to be the most expensive traffic cops in the world. Especially beyond the capital the build-up of international police remained slow.[119]

After the UN police had assumed formal police primacy from KFOR in Pristina in August, the Prizren region was UNMIK's second priority for the deployment. By November, Task Force Orahovac was in the lucky position to be formally relieved of its official responsibility for policing by a contingent of UN civilian police officers, initially all from the United States. It had taken until early September for the first 'Coca Colas' to reach Orahovac, but they were well led by Albert League, a burly retired police chief from New York City, who praised cooperation with Dutch and German KFOR troops in the sector.[120] Also the OSCE called the work of the police in Orahovac effective and lauded the cooperation between the police and Dutch and German troops.[121] By late August, Van Loon reported that regular crime was a relatively small problem in Orahovac.[122] By autumn 1999, the Task Force had successfully blocked the UÇK from overtly policing and the former guerrillas seemed to be losing their grip on the local Albanian population. This had been accomplished most of all by providing the Kosovar Albanian population of Orahovac with a sense of security, thereby enabling them to put their trust in the KFOR with the international police in its wake.

In most of Kosovo, the military was still substituting for rather than supporting UN police in law enforcement during the winter. Both Jackson and Reinhardt regularly emphasized that it was time for the UN police to take over from soldiers untrained for the job, and both Generals called on the member states to contribute more personnel to the police force. However, in December 1999, with a combination of increased ethnic violence and a surge in organized crime, General Reinhardt was compelled to send his troops out in force to back up the 1,800-member UN police force that was simply not able to cope.[123] In most areas, it was only after a year that the emphasis of KFOR's work shifted from executive policing to supporting the UNMIK police.[124] As the international community failed to provide the number of police personnel, the UN police by then had no more that 3,626 officers out of its authorized strength, which had been raised to 4,718 police officers.[125]

Just as it was hard to generalize about any aspect of KFOR operations because of the differing political and tactical situations in each area, so was cooperation between soldiers and police uneven, depending on the resources, capabilities, but also very much on personalities and the cultural backgrounds of the troops and police officers involved. Joint operation rooms for KFOR and police were starting to be created in the summer of 2000 in order to direct and coordinate public security tasks from one place, but the process of integrating military and police responses to incidents was only slowly spreading throughout the province.[126] In addition, transfer of responsibility over Kosovo's prison facilities to UNMIK was a lengthy process. In Pristina, the British were able to make the transfer in August 1999, and by the end of the year two other detention facilities were run by the UN, but the other two remaining prisons were still operated by KFOR in 2001.[127]

After the UN police gradually assumed police primacy, the next step on the way towards the end goal in the field in public security was the build-up of a local Kosovar police force. The Kosovo Police Service (KPS) was recruited and trained under the auspices of the OSCE. With initial KFOR support, UNMIK took a patient and

thorough approach compared to the hastier job done during operations in Somalia and Haiti in the early 1990s. The process was slow and suffered from insufficient resources, but in the late summer of 2000, some 1,400 Kosovar police officers were patrolling the streets. By September 2002, their number passed the projected 4,000 with another 1,500 police cadet graduates ready to graduate by the end of that year.[128] The thorough approach seemed to pay off as the KPS had a good reputation, even though much of the patrolling by the KPS in 2002 was still done jointly with UN police.[129] The whole security structure was likely to collapse without KFOR keeping the former insurgents at bay, since the TMK undermined the position of the KPS as the only legitimate law enforcement agency in Kosovo.[130] Nevertheless, the effort to construct an indigenous police force was a major accomplishment, mostly because the Kosovar Police Service was the only multi-ethnic success. It was the only institution in Kosovo that was truly ethnically diverse with seventeen percent of the police academy graduates being from minority groups. Nineteen percent of the police officers were women.[131] General Joseph Ralston, Clark's successor at SHAPE in April 2000, said that the newly formed police force in Kosovo operated so professionally by late 2001 that he would like to see it replicated in Bosnia, where the local police force was troubled by inefficiency and corruption.[132] Starting from scratch in a complete vacuum had a few advantages, but KFOR and the UN had come close to losing their credibility among the Kosovar population. Most Serbs in Kosovo had lost their faith in the international civil-military presence in the summer of 1999 and showed this by leaving the province. Since Orahovac still harbored a substantial Serb minority, the Dutch found themselves at the forefront of the struggle to avoid reverse ethnic cleansing.

11

Peacekeepers in Pursuit of Justice
Protecting and Prosecuting Serbs in Orahovac

The multi-ethnic ideal propagated by NATO and the UN for the Balkans was sorely tested in Kosovo. Like most sizable military interventions in the 1990s, both the military and civilian components fell victim to the law of unintended consequences. Officially replacing Serb with international rule, but failing to effectively establish interim authority in the short term allowed the former victims to become perpetrators, and the dominant elite to become victims.

The prime concern was to prevent Kosovo from being emptied of all minorities in the summer of 1999. This scenario, which became more likely with every act of ethnic violence, would represent an outright political failure of KFOR and UNMIK. Protecting the Serbs and other minorities therefore became the military force's primary mission. However, the accountability of Serbs for war crimes was regarded as one of the key contributing factors to long-term interethnic reconciliation in Kosovo. Apprehending suspected war criminals was a civilian responsibility, but as with almost every element of civil implementation, the military would play a substantial role. The Dutch-led Task Force Orahovac became more actively involved in the matter of crimes committed during the war than any other contingent by actively contributing to the investigation of war crimes and the arrest of lower-level war crimes suspects. Different interpretations of the poorly defined mandate for the arrests would result in controversy over this particular military role.

Russians

As previously stated, Orahovac resembled a microcosm of Kosovo's problems and KFOR's challenges in 1999, with its proportional Serb minority, the rapid emergence of an ethnically segregated enclave and the dilemma of the Serbs as both victims and perpetrators. However, there was one unique factor, the impending takeover of the area by Russian KFOR troops, which requires elaboration before addressing the protection of the Serbs and the military role in the pursuit of war criminals. The Russian deployment was, after all, the dominant theme throughout the presence of the first Dutch artillery battalion and permeated every other element of its mission. The battalion's attention should have been fully directed at consolidating KFOR and UNMIK control over local society, but the crisis and the resulting media attention continued to drain energy from the commander and his men.

However hard KFOR and the emerging branches of UNMIK would try, Orahovac would not return to anything resembling normalcy as long as the Albanian pop-

ulation was preoccupied with the Russians coming to take control of their municipality and city. The Albanian population was vehemently opposed to their presence in the area and could not address any subject without bringing up 'the Russians,' who they perceived as allies of the Serbs on the basics of their historic, ethnic and religious ties. They also claimed that Russian fighters had been involved in war crimes in the war of 1998 and 1999. These rumors were partly based in fact, but the Albanians were clearly not ready to distinguish between these mercenaries and regular Russian troops.[1]

At the international summit in Helsinki held between 16 and 18 June, US Secretary of Defense William Cohen and his Russian colleague Igor Sergejev had agreed on the details of Russian participation in KFOR. The Russians sought to be deployed in Serb-dominated territory near the Serbian border, but in order to avoid the emergence of a Serb enclave under Russian protection, it was agreed that the Russian troops would disperse over more centrally located regions in three out of the five existing multinational brigades. Two Russian battalions were scheduled to deploy in the German zone. The controversy over their deployment in Orahovac was primarily the result of the use of outdated maps in Helsinki. This had led the Russian negotiators to believe their area of responsibility would include not just Malisevo but also Orahovac which, with its substantial Serb minority, was an important prize for the Russians, who liked to see themselves as the protectors of the Slavs. However, the municipal boundaries had been redrawn ten years earlier and Orahovac and Malisevo had become separate administrative entities. Nevertheless, the Russians were within their rights claiming Orahovac and the Allies knew it.

As the Albanian population of Orahovac became aware of the agreement reached in Helsinki, it staged daily demonstrations in the city and even marched to the entrance of the Task Force's main compound in the nearby vineyards. Here they started applauding the Dutch troops while waving red flags with the Albanian double-headed eagle. When General Wesley Clark came to inspect the situation in July he was given twenty thousand signatures collected against the arrival of Russian troops by the 'Coordinating Committee of the Protests,' led by former Albanian mayor and director of the local wine factory, Agim Hasku. The smoldering crisis came to a full confrontation in the course of August. On 23 August, as the replacement of Dutch troops by a Russian unit was imminent, the population moved tractors, trucks and other vehicles onto all roads into town. At the main roadblock, about fifty protesters who had spent the night behind barbed wire barricades, held banners in Albanian and English saying 'NATO yes, Russians no,' 'We don't like Russians' and 'Russians are criminals.'[2] A local inhabitant who appreciated the political importance of Russian participation in KFOR asked the press why they were not sent to a place like Gnjilane, in the US sector, claiming 'only three people died there during the war.'[3]

If the will had been there and – Van Loon later argued – if the deployment had proceeded earlier, more gradually and without making too much fuss, the Russians could have settled down just as easily as they had done in neighboring Malisevo in late July.[4] Serious fighting had occurred in this city during the war, but the Russians

deployed there mid-July after initial protests from the local population and some obstinacy by the UÇK. Together with Dutch and German troops they had started joint patrols and ran joint checkpoints. The problem in Orahovac was not only a well-organized and motivated population, but also the rather undiplomatic moves of the Russians, NATO officials and the Dutch government. The tactless posture of the Russians was certainly unhelpful in solving the crisis. Russian armored vehicles often appeared in the city unannounced and the many Russian generals involved in negotiations seemed determined to treat the local Albanian representatives in an icy and haughty manner, refusing the coffee offered to them and hardly looking the Albanians in the eye.[5]

The Dutch government was certainly not amused by the whole episode. During his visit to Kosovo, Dutch Minister of Foreign Affairs Jozias van Aartsen, turned control over Orahovac into a matter of national prestige – as the Russian had already done – by telling Jackson that 'the Netherlands may not become the NATO's doormat,' and rather undiplomatically ruled out any form of shared Dutch-Russian responsibility.[6] The Dutch government and its armed forces, both still in the process of overcoming their trauma over Srebrenica, were very content with their operation in Kosovo. Its large contribution of over two thousand military personnel was highly publicized and the riskiest part of the operation seemed to be over. The Dutch ministers of defense and foreign affairs did not want their party spoiled by the Russians.

Most of all, however, NATO lacked the will to accommodate the Russians in Orahovac. This tendency was apparent from the soldiers on the ground to the highest NATO circles in Brussels. The Dutch battalion was not at all eager to leave the municipality and its population, with whom they had come to identify to a certain extent. Higher echelons within the NATO hierarchy also lacked a sense of urgency to let the Russians take over the disputed zone.[7] In July, General Clark had reassured Niek Biegman, the Dutch ambassador to NATO, that he clearly preferred a Dutch presence in Orahovac to Russian control, which was expected to have a destabilizing effect on the region and possibly on Kosovo as a whole.[8] The supreme commander's political advisor, Michael Durkee, even told the Dutch ambassador that the Dutch should not be 'so damn cooperative.' Instead, he advised the Dutch to stall and to coordinate this dilatory effort with the Germans, whose NATO ambassador Joachim Bitterlich appeared most willing to cooperate in delaying the Russian deployment.[9] Although General Jackson is unlikely to have been eager to please the Russians after the stunt they pulled deploying at Pristina airport ahead of his British paratroopers in June, the general was probably more genuine in his acceptance of a Russian takeover than Brussels. After all, having the population of a provincial town effectively blocking freedom of movement of a particular KFOR contingent was a blatant case of non-compliance and obstruction of KFOR in performing its mission. He also wanted to solve the crisis swiftly, for as long as the Albanians were allowed to block Russian movement, he could not act against the Serb blockades in Mitrovica.[10]

NATO's top officials chose to be largely passive throughout the crisis in Orahovac. Although the contested troop deployment resulted from an international political agreement at the highest political level, Solana, Clarke and Jackson left the mat-

ter to be solved by the Dutch and German tactical commanders, hoping the dust would eventually settle.[11] Reinhardt would blame Jackson for failing to deal with the blockades when he took over in October, but soon found the problem to be tougher than he had expected. In the end, however, the blockade crisis was indeed solved primarily because the Russians simply lost interest. The local generals had long since lost enthusiasm to assume control over the recalcitrant Albanians, and Moscow became preoccupied with the second Chechen war. The Albanians in Orahovac lifted the blockade in November after they received some assurances from KFOR that the Russians would not deploy 'without a proper dialogue.' The threat of the withdrawal of international aid organizations and the desire to get the people off the very cold mountainside had helped persuade the protesters, but in the end they won because after November it was very unlikely that the Russians would ever come.[12]

The Beleaguered Serbs

The Dutch were clearly driven by a desire to stay in charge of what they had come to consider 'their' town, but there was a genuine concern for the safety of the Serbs. Throughout Kosovo, providing security for the Serbs was KFOR's biggest challenge and arguably its biggest failure. NATO had vowed to protect all ethnic groups in Kosovo, but despite an overwhelming international military presence in Kosovo, it could not stop civil war from raging on by other means. The fact that NATO's appearance on the ground turned the tables on the Serb minority did of course not come out of the blue, but both the magnitude of the Serb exodus and the scope of the ethnic violence surprised senior KFOR and civilian officials. 'We knew the hatreds ran deep,' the UNHCR wrote, 'but we did not believe that the refugees and the victims UNHCR had helped in exile would soon become the oppressors, employing many of the same disgusting tactics that had once been directed at them.'[13] Although the level of violence would steadily drop, the ethnic conflict continued in the following years. Since NATO's strategic goal in the Balkans was not to allow warring parties to redraw the region's borders along ethnic lines by force, this meant that after its tactical victory – protecting the Albanian population from being crushed by Milosevic – the Alliance could still be heading for a strategic defeat. The Serb leader could after all rightfully claim that NATO was not living up to its promise to protect all ethnic groups and demand the return of his own forces since NATO was not complying with the United Nations resolution.

The number of Serbs leaving Kosovo was the most tangible indicator of KFOR's success or failure. Estimating the remaining Serbs therefore became an important tool in the propaganda battle, or 'the numbers game,' raging between NATO and Belgrade. NATO seemed to be losing the battle when a UNHCR spokesperson claimed that no more than 30,000 Serbs were left in Kosovo and that they were 'mostly old, poor or weak men and women.' This figure became widely used in both the Serbian and Western media.[14] With nearly 35,000 NATO troops on the ground it was particularly embarrassing since it allowed the Yugoslav government to claim that there was at least one soldier for every remaining Serb in Kosovo. This left no other expla-

The Dutch commander of Task Force Orahovac tries to reassure residents of the 'Serb quarter' on 18 June 1999. Fearing reprisals by the Albanian majority in Kosovo, many Serbs were anxious to leave the province.

nation than that the Alliance was tacitly supporting ethnic cleansing. KFOR countered with its own more accurate estimate of 97,000 remaining Serbs, an estimate later confirmed by the UNHCR, but the Alliance had to acknowledge that over 100,000 persons had already left for Serbia and Montenegro.[15] Other figures used by Kouchner and Jackson in their joint media briefings to contradict claims that they were failing to perform their assigned task showed a dramatic drop in murder rates. The number of murders was now below the statistical level of that in Washington, DC and the South African capital Pretoria, and similar to that of Moscow.[16] These statements were echoed in the media, but it took little time for the pessimists to point out that the declining crime rates were primarily the result of a dramatic drop in potential targets for ethnic crime, most notably Serbs and Roma. Serbs, by now only constituting six percent of the population, were twenty times more likely to become victims of a murder attempt than an Albanian.

Orahovac was one of those enclaves where Serbs lived dangerously close to their hostile Albanian neighbors. Although the city's different ethnic groups had lived more integrated lives than in most other parts of the province, the war had left little tolerance between them. Soon after KFOR's entry, the Serbs were faced with the

question of whether to stay or leave the Serb quarter and Velika Hoca, were they had concentrated in the second half of June. The houses left behind by those who lived outside these areas were almost instantly looted and burned despite the Task Force's early efforts to put an end to this.

It will come as no surprise that convincing the Serbs to stay in Kosovo – a task of strategic importance to NATO – was a difficult and unrewarding job. This effort was complicated by a steady stream of misinformation about the living conditions of the remaining Serbs in the city and Velika Hoca. Although their precarious situation hardly needed exaggeration, hyperbolic claims of mass-starvation, massive abductions by the UÇK, demonstrations, denial of medical treatment and the lack of water, electricity and garbage disposal services kept appearing in the press. Most frustrating for the Task Force was that KFOR headquarters and UNMIK in Pristina often took these rumors seriously. Although the food and general supply situation for the Serbs was at times somewhat worse, Albanians in Orahovac were often suffering from the same shortages while KFOR and various civilian organizations were clearly trying their very best to relieve the situation. The Serbian humanitarian committee in Orahovac, in charge of coordinating all humanitarian efforts and requests for evacuations and escorts, was reported to have told the Dutch there was overall enough food, and confirmed their suspicion that a few radical Serbs gave false statements to enhance chances for UNHCR evacuation. The committee also considered the humanitarian convoys from Belgrade no longer welcome since their personnel was creating unrest amongst the resident Serbs.[17]

Many of the grievances were spontaneously aired by the local population, but some of the rumors were clearly being instigated by Belgrade in an attempt to incriminate NATO. The Dutch had a lucky break in their effort to counter the orchestrated stream of disinformation when in July an Italian electronic warfare unit tipped them off to the presence in Orahovac and Velika Hoca of two radio transmitters spreading propaganda messages. After several days of investigations a German infantry platoon – better trained for this sort of mission – raided the first house in the upper part of the city. Backed up by Dutch gunners, they arrested six persons, who turned out to be MUP officers. Orahovac, Pristina and Mitrovica were the last three regions where the MUP was still suspected of being active.[18] The radio station was in fact a small operational headquarters and was apparently still receiving instructions from Belgrade. Several arms, a computer, files and the transmitter were confiscated and the special police officers were expelled to Serbia for non-compliance. Three days later a similar move was made on a house in Velika Hoca in a nighttime raid. In their enthusiasm German engineers placed a somewhat oversized explosive charge to blast the door, enabling the troops at the main base five kilometers away to hear the raid taking place. Obviously, such actions left an unfavorable impression on the general Serb population. A similar facility was discovered, but this time the operators had already left. While the Albanians were very pleased to see the remains of control from Belgrade removed by KFOR, these actions caused much anxiety amongst the Serbs.[19]

Radical Serb elements continued to orchestrate a slanderous campaign, even after

the radio transmitter was taken off the air. Most of the complaints, however, were spontaneously reported by the local population that simply wanted to draw attention to their perilous position. Within the Serb community it was mostly the displaced persons who made their case for rapid evacuation to Serbia by painting an ever-gloomier picture about the humanitarian and security situation in the upper part of Orahovac. The most serious of all charges concerned murder, abductions and disappearances at the hand of Albanians in general and the UÇK in particular. This threat was very real and traumatic for the Serbs, as kidnapping and murder were taking place all over Kosovo. However, inter-ethnic crime did not take place at the rate claimed by many Serbs. During the lawless first week following KFOR's entry there were four verified cases of kidnapping and murder in Orahovac. A 'drive-by shooting' by Albanians at a bar left one elderly man dead and two wounded in August. The angry Serb population became very aggressive when a Dutch officer came to pay his respects the next day. There was also an example of a Serb shooting another Serb and a Serb shooting two Albanians. The constant stream of reports on abductions and the claim that KFOR was doing nothing about them continued throughout the first months, but was contradicted by the UNHCR, whose local officer claimed that 'the fact that so few security incidents have happened' in Orahovac was proof of their 'military professionalism.' Additionally, her boss, Deputy Special Representative for Humanitarian Affairs Dennis McNamara, found all the international organizations he encountered during a visit very positive about the Task Force's protection role.[20] Dozens of times, the troops pulled out to check Serbs' claims of Serb men being held in buildings around the city, but after June, when one person abducted by the UÇK was recovered by German troops in the village of Mala Krusa, none of the claims could be confirmed. The problem was that the Serbs gave KFOR criminal investigators little to go on in these cases, while their claims were often highly exaggerated. Claims made to the press about missing husbands and sons were often presented as recent incidents, while they had most often occurred in the previous year. 'This was the main problem we faced,,' Van Loon recalled, 'there was always a nucleus of truth in their stories, but they had a strong tendency to exaggerate. If one person had been killed they had to make it ten, otherwise they feared they might not be taken seriously.'[21]

Although the claims of Serb transgressions that were filed by the Albanians were also often hard to verify and at times implausible, the trust they displayed in KFOR allowed Dutch and German MPs to conduct serious investigations into their allegations. An attempt was made to create a mechanism for the Serbs to officially file their complaints with KFOR at a desk in the Serb quarter, but so soon after the NATO bombardments and occupation that upset their lives so dramatically, there was a lack of trust in KFOR. 'We were after all still the enemy,' Van Loon acknowledged.[22] He therefore asked Astrid van Genderen-Stort, a Dutch UNHCR field officer responsible for the area, to open a bureau for Serb complaints and collect testimonies. She also had to acknowledge, however, that the Serbs presented little verifiable or concrete evidence and little was to come out of the initiative until the following year, when Serb trust in KFOR and UNMIK was growing locally.[23]

Dutch operations were complicated by the problem of being viewed as partisan by the Serbs. 'The sooner the Dutch leave Orahovac, the better. They're worse than the Germans,' said Mirjana. 'The soldiers are not so bad,' another woman from Orahovac argued, 'but the officers are terrible.' In both Orahovac and Velika Hoca, Serbs offered the troops coffee and, despite some outbursts of animosity after incidents, the soldiers were mostly engaging in friendly conversation with the population. The officers, however, were often seen as taking unpopular measures and were continuously countering or nuancing the claims made by Serbs to the world press. Dobrila Vitosevic, who later worked for the OSCE, remembered many friendly Dutch soldiers. She found them mostly sympathetic, often very young and nervous at times when patrolling the narrow streets of the Serb quarter at night. Three months into the operation she perceived the Dutch as overall more neutral.[24] But it was the arrest of alleged war criminals that left the most negative impression of the Dutch amongst the Serbs.

An icon of the stream of negative publicity against KFOR in Orahovac in those early months was Milka, an elderly woman notorious for her wild claims to the press corps. As cameras flocked to the Serbian quarter of Orahovac during the visit of UN Special Representative De Mello in late June, she told the assembled journalists that her husband had been kidnapped by the UÇK from her house the previous night. When the Dutch commander, already familiar with her wild allegations, heard her make these claims he demanded to be immediately shown the room from which her husband had been taken. Milka was suddenly less eager and was only willing to do so after the Dutch officer repeatedly insisted they get to the bottom of this. Upon entering the alleged crime scene, cameras present, the room turned out to be full of spiderwebs and covered in a thick layer of dust, with no footprints or other sign of recent activity. Several weeks thereafter, a CNN reporter approached Van Loon to show video footage of a Serb man who was allegedly mistreated by local Albanians. 'This man had definitely had one hell of a beating,,' the commander recalled, 'no doubt about it.' The American reporter then asked for a direct reaction from Van Loon, confronted him with his claim to be doing all he could to protect the Serbs. She left the video tape running in the background and on the screen appeared Milka, claiming that this was her husband. The previous day, however, Milka had claimed to another journalist that her husband had been murdered. Confronted with the miraculous resurrection of Milka's spouse, CNN destroyed the tape.

A very real problem was the lack of freedom of movement for the Serbs. Although they were protected rather than interned by NATO forces, there was no denying that they were living in a ghetto. The Serb press particularly liked to draw a parallel between the Serb quarter in Orahovac and the 'Warsaw Ghetto.' The Yugoslav government website called it 'the first ghetto since the Second World War.'[25] The Serbs had apparently learned, most likely from the well-known pictures of Bosnian Muslim 'concentration camp' victims in Trnopolje in 1992, that evoking memories of the Second World War was still a very effective way of making one's case vis-à-vis the Western powers. The media quickly picked up the historically charged term, which was also used for other Serb enclaves such as Kosovo Polje.[26] Even Van Loon open-

ly used the term ghetto, but he argued there simply was no other way of guarding the vulnerable minorities. Serbian media subsequently gave a spin to this remark, making it sound as if 'the ghetto' was created by KFOR and considered 'a good thing' by the Dutch commander.[27]

The problem of the protection of Serbs and other minorities was similar elsewhere in Kosovo. 'We tried everything we could to avert revenge attacks, but we just did not always succeed,' Van Loon acknowledged.[28] As long as they stayed inside the cordon provided by KFOR, the soldiers could protect the Serbs reasonably well, but once they left the secluded zones, they immediately became targets. This became dramatically clear when fourteen Serb farmers were brutally murdered as they tried to work their fields in Kosovo Polje in the central British zone of Kosovo. For the British, it was particularly painful that this atrocity took place in their sector, as they were generally lauded for the close protection they provided to the Serbs and other minorities. Unlike some other contingents they seemed to let the mission – the creation of a secure environment – prevail over force protection measures. The departing Force Commander Mike Jackson felt his troops had reached the limit of what they could do. Upon his return to Britain in November 1999, the general was satisfied with many of the aspects of the mission his force had accomplished under extremely harsh circumstances, but public security remained the most worrying task. 'As I left, it was the only thing I felt we had not yet got to full grips with,' the general admitted, but he did not regard this the result of a lack of effort on the part of his troops. He used the example of British soldiers living in Serb apartments where they were isolated to underline that he felt that KFOR had reached the limits of what a military force could do, since soldiers could not change 'attitudes, cultures and people's perceptions.'[29]

In Orahovac, a substantial part of the Serb population was eager to leave, but Serbs could not possibly march to the Serbian or Montenegrin border safely. A group of four men who tried to run the gauntlet went missing on their way to Montenegro in the Italian KFOR zone near Peç. Escorted convoys therefore had to be organized. In this process, neither KFOR nor the UNHCR, in charge of the evacuation of refugees and displaced persons, could do much right in the eyes of the Serbs. 'We don't escort individual Serbs out of Kosovo,' Major Roy Abels told the press. 'We don't want to be seen deporting Serbs. They must leave on a flagged UN convoy.' In Orahovac, Van Genderen-Stort was faced with the daunting task of managing the UN refugee agency's evacuation list. Belgrade accused the agency of helping to 'ethnically cleanse' Kosovo of Serbs, while Albanians were suspicious that she was helping alleged Serb war criminals to escape.[30] Although the vast majority of those Serbs who had been involved in war crimes had left Kosovo prior to KFOR's entry, a number of suspects remained at large in the province. And while the Serbs complained about a lack of sufficient protection and a lack of freedom of movement, the Albanians blamed KFOR for not doing enough to bring these Serb war criminals to justice.[31] These two problems, the protection of Serbs and the Albanians' preoccupation with the criminals among them, were closely entwined and formed the trickiest part of an already delicate balancing act performed by NATO troops in Orahovac.

War Crimes

The legacy of war crimes in Kosovo was a highly politicized issue in the direct aftermath of the war. The Dutch military found themselves smack in the middle of the controversy over the role that NATO soldiers were to perform in the pursuit of justice. Their intense involvement in the investigations of the atrocities and in the more divisive role in the apprehension of indicted war criminals resulted from the convergence of incentives on the political-strategic level and on the tactical level. The subsequent controversy over this military task was the result of a serious underestimation of the implications of the unprecedented public security mandate bestowed on a military force.

On the political-strategic level the first motive for the relatively active policy in pursuit of war crimes suspect was the view – generally accepted in western policy circles by 1999 – that without justice chances of reconciliation and peace between the formerly warring parties and ethnic groups were slim in a post-war society. Intervening forces had been hesitant in bringing the perpetrators to trial in places such as Cambodia, Somalia and Bosnia. NATO forces in Bosnia, mainly as a result of fear of 'mission creep,' the loss of neutrality, escalation and reprisals against troops, had only slowly and grudgingly accepted its role in the arrests of suspected war criminals. Many would claim this was one of the key factors contributing to the faltering long-term peace process in Bosnia.

In Kosovo, there was a second force at work on the political level. NATO's credibility in the aftermath of the war drove Western powers to become more eager in the pursuit of justice than before. The bombing campaign had been – and continued to be – the subject of heated debate amongst diplomats, politicians, international lawyers and academics, with some claiming it was illegal because it was not explicitly authorized by the UN Security Council and others arguing that it was legal under the evolving body of international humanitarian law.[32] Western governments backing the intervention and other adherents of the latter view were eager to show the world that Serb atrocities in the previous two years at least legitimized NATO's 'humanitarian intervention' in Kosovo. Moreover, late May 1999, the International Tribunal for the Former Yugoslavia had indicted Slobodan Milosevic and four other Yugoslav top government officials for war crimes committed in Kosovo. The timing of the indictment – at the height of the ever-more controversial bombing campaign – was clearly no coincidence, particularly since it preceded his indictment for war crimes committed years earlier in Croatia and Bosnia.

On the tactical level soldiers, were not particularly interested in justifying the bombing campaign. It was the way the region's recent history affected their daily work that drove the Dutch to become heavily involved in the issue of war crimes. The municipality over which the Dutch-led Task Force exercised temporary authority had been particularly hard hit by the Milosevic regime in its indiscriminate efforts to eradicate the UÇK in the previous two years. It was also amongst the first to be ethnically cleansed after NATO had started the bombing campaign in late March. Serb security forces had left the municipality with one of the highest concentrations of war crime sites in Kosovo, which were primarily located in the triangle between

The municipality of Orahovac had one of the highest concentrations of mass graves in Kosovo.The International Criminal Tribunal for the Former Yugoslavia (ICTY) was in charge of uncovering and investigating mass graves with victims of the civil war.

Orahovac, Zrze and Mala Krusa.[33] Although the 'intense emotional anger' that one UNHCR worker found in Orahovac was perhaps even stronger than elsewhere, this still did not make Orahovac unique. What created this specific problem in Orahovac was the unforeseen consequence of the rapid advance – ahead of the officially agreed schedule in the Military Technical Agreement – by Dutch and German troops on the area on 14 June and the subsequent withdrawal of the Serb security forces. This caught many Serbs who had considered escaping the area by surprise, including some of the small minority of those directly involved in some of the atrocities, who were now locked up in the upper part of town and in Velika Hoca.[34]

On the very first day the Dutch entered the area, they were confronted with the legacy of war crimes. The local UÇK commander agreed not to interfere with the withdrawing Serb troops and special police, but on the condition that as soon as Serbs had left the area, the Dutch commander would visit Velika Krusa, a request to which Van Loon agreed. After the uninterrupted withdrawal of the Serb forces, he and his intelligence officer, Captain Chris Brouns, followed Ismet Tara to the village ten kilometers south of Orahovac, where they approached a little barn adjoining a house. As they closed in on the building an unbearable smell of rotting flesh

made it almost impossible for them to breathe. What they subsequently witnessed there undoubtedly influenced their future actions. Upon entering the barn, they had to be careful not to step on decaying, half-burned corpses that filled the hallway. 'On your birthday,' one of the officers wrote to his wife, 'instead of decently calling you, I visited my first mass grave. By now, I seem to have grown accustomed to such scenes, but the first forty-five burned corpses is something I will never forget.'[35] Velika Krusa's crime site was the first to be uncovered in Kosovo after the war and, together with the killings in nearby Bela Crkva, the atrocity was among the six incidents listed in the ICTY's initial indictment of Milosevic.

Three weeks later, Chief Superintendent John Bunn of New Scotland Yard, the British detective the ICTY put in charge of uncovering and investigating the first graves at Bela Crkva, summed up his findings of the crime in a matter-of-fact way. 'There were sixty bodies, all shot,' he whispered to a reporter as they stood quietly to the rear of an emotional reburial ceremony. 'There were seven children under twelve, including a four-year-old. There were three women, one over sixty. They were killed in individual little groups along the river. It was all quite deliberate.' Four others were killed elsewhere.[36] More crime scenes were soon uncovered in the area, amongst them the burial site of the more than one hundred men summarily executed in Pusto Selo. In April, this site had become widely noted in the Western press after NATO had released imagery taken by an aerial reconnaissance flight of two long parallel lines, each made up of several dozen mounds of dirt. This evidence had become disputed after the Dutch daily newspaper *Algemeen Dagblad* and *Agence France Presse* ran a story casting doubt on NATO claims of a gravesite.[37] The Alliance turned out to be right this time.

KFOR was obliged to fully cooperate with the tribunal, but the two ICTY teams were still pleasantly surprised by the generosity of the Task Force and the nearby Dutch engineer battalion.[38] 'We could not have operated effectively without the assistance of others, particularly the Dutch army,,' Bunn wrote to Van Loon after finishing his assignment. The support provided to the forensic teams ranged from around the clock protection of mass graves, de-mining and extensive logistical help. In a letter to General Jackson, the ICTY chief of investigations in The Hague, John Ralston, thanked the battalion for doing 'virtually everything we have asked of them in a prompt and efficient manner.'[39] The support of the investigations went far beyond what was expected and included investigations by Dutch and German MPs of crime sites with less than five victims, which were outside the scope of the ICTY's responsibility at that point.

This brings us to the second reason for the Task Force's intense involvement – or in this case entanglement – in the war crimes issue. The Dutch partly brought the intensity of its involvement in the pursuit of war criminals upon on itself by their proactive stance taken directly after entry. The 'complaints bureau,' the initiative that gave the local population the opportunity to air their grievances at the makeshift KFOR police station, was initially aimed at relieving some of the emotional pressure in Orahovac. However, it soon posed the commander with a dilemma. While lecturing to young cadets at the Royal Military Academy in Breda two years

later, he confronted them with – what was to him – a rhetorical question: 'do I really want to know all this, for if I know, I will have to do something.'[40] Clearly, the initiative entailed the danger of raising the expectations among the Albanian population that KFOR would take the next step and start arresting. In the early weeks, the commander repeatedly informed the Dutch Ministry of Defense that KFOR would have to move on war crimes suspects at some point and these intentions even made the headlines of a local newspaper in The Hague.[41]

As the battalion's staff officers grew increasingly confident of the reliability of the criminal investigations conducted by the MPs and intelligence section, they became eager to move on the suspects, or at least to not let them escape to safety on UN-flagged convoys under KFOR protection. The pieces of the puzzle started to fall in place as a substantial number of the eyewitness accounts were corroborated by documentary evidence. Early in July, the UÇK handed over to the Task Force's intelligence section the remains of a MUP archive it had seized from the police station after the Serb withdrawal. This archive included personal files with pictures of all adult inhabitants of Orahovac and names of units, their commanders and the areas for which they had been responsible. In nearby factories, lists of reserve police and their working schedules were found while pictures of paramilitary units and lists of weapons distributed to army reservists were discovered in houses in which they were billeted during the war.[42] The Task Force's steadily expanding intelligence database included over two thousand names of Serbs war crimes suspects, their families, witnesses, as well as information on UÇK members and their political affiliations.[43]

Van Loon's confidence in his men's investigations showed when, during the second inter-ethnic encounter in Orahovac, an UÇK representative started questioning the records of the Serb delegates in the past massacres. The commander boldly intervened, claiming, in the words of the UNMIK representative present, 'he had made enough investigations and had sojourned sufficiently long in the area to know who was a war criminal and who was not.'[44] By temporarily taking the chair of the judge, the commander may have stepped out of line, but his defense of the Serb delegates appeared effective in silencing the representative whose sole aim was to obstruct inter-ethnic rapprochement. ICTY investigators acknowledged the quality of the Dutch military investigations, calling it 'solid investigative information' and the 'very professional reports' were transferred and used by the International Tribunal in The Hague.[45]

The third and, from the local commander's perspective, decisive motive for actively seeking out suspects was its pivotal role in the accomplishment of the primary mission. Bringing perpetrators to justice and thereby preventing the UÇK from undermining KFOR's temporary monopoly on the use of force touched upon the very heart of 'creating a secure environment.' Paradoxically, the most unpopular measure amongst Serbs – singling out war crimes suspects from their midst – was the most important measure to protect the Serb community that was harboring them. The presence of these suspects was one of the key contributing factors to the radicalization of the Albanian population and therefore one of the prime motives for violence throughout Kosovo.[46] Obviously, this argument would fail to appease the Serbs, as

they were often in denial of much of the atrocities that had taken place during the war, but especially now that the UÇK was in the process of losing its grip over Kosovar society, it was feared that former guerrillas would move on Serbs and Roma individuals they suspected in order to assert their authority. The UÇK was angry for being controlled, disarmed and curtailed in their actions, while they felt that Serb war criminals were let off the hook and allowed to remain in control of large stashes of arms.[47] Taking a proactive stance by arresting thus became a way of telling Ismet Tara and his men to back off, to refrain from taking the law into their own hands and to leave the issue to KFOR and UNMIK to solve.[48] In addition to asserting KFOR's authority and maintaining credibility toward the UÇK, the Dutch deputy brigade commander in Prizren, Colonel van den Aker, argued to the Dutch chief of the defense staff that arrests were likely to eventually contribute to an amelioration of inter-ethnic relations, since most suspects were influential men in Serb society.[49]

Arrests

The Task Force was ready to take the next step and arrest when the opportunity arose, but Bernard Kouchner and KFOR headquarters initiated the first action.[50] Both UNMIK and KFOR were eager to show the world – and the UÇK – that their policy towards war criminals would be different from that in Bosnia. In pursuing their goals, both organizations temporarily ignored two legal obstacles. KFOR's mandate did not allow troops to actively seek out war crimes suspects. The Rules of Engagement allowed KFOR to arrest ICTY indictees only when encountered in the course of 'normal activities' and nobody but Milosevic and his top officials had been indicted for crimes committed in Kosovo.[51] However, there was a precedent that made it very likely that no more than a few eyebrows would be raised over such creative interpretation of the rules. Acting without an official indictment or warrant, British troops had arrested the first war crimes suspect in late June in the village of Slovinje near Pristina. To the delight of local Albanians, they actively sought out Serb militiaman Dragisa Peica and held him under provisions of British military law. The British acted on three eyewitness accounts from the returning local Albanian population, who accused him of involvement in the murder of 43 village residents two months earlier.[52] Although this was clearly not the preferred method, a lynching party was likely to have been averted, and the protests of a few local Serbs were unlikely to be heard amidst the avalanche of news coming out of Kosovo.

Despite the absence of any formal indictments and a clear policy for search and arrest operations UNMIK and KFOR decided to push ahead in Orahovac, where the best opportunity for arrests presented itself. In the course of July, both headquarters had become aware of the Task Force's elaborate criminal investigations into the actions and in some cases whereabouts of possible war criminals.[53] Moreover, the German brigade headquarters had proven its willingness to engage in arrest by giving an overall broad interpretation to the public security mandate. Orahovac therefore seemed the right place to start. With the expected arrival of the Russians in Orahovac in the second half of July, both KFOR and UNMIK in Pristina were becom-

ing restless.[54] Substantial support from the local unit was necessary to execute such actions successfully and apparently, KFOR expected no such cooperation from the Russians. Primarily from evidence gathered by the Dutch investigations, KFOR and UNMIK legal staff drew up a list of sixteen suspects. The majority of them were from Velika Hoca, a traditional stronghold of radical Serbs which, as well as producing some of the worst offenders, had also been a prime target of UÇK attacks and atrocities during the war.[55]

On 25 July, KFOR headquarters ordered the German brigade commander to arrest these sixteen Serb suspects within a week.[56] Although he was offered British Special Air Service (SAS) and US Special Forces to perform the job, it would prove totally unrealistic to capture this many people in so little time. In Bosnia, months of preparation usually preceded any such operation. In Kosovo, Van Loon came to understand why NATO had such difficulty arresting people like Karadzjic and Mladic as long as they were moving around in their own community. Of the majority of the sixteen persons, he reported back that – if they were indeed still in the area – they had simply not yet been traced.[57] The Dutch themselves were particularly keen on one man on whose actions their MPs had collected horrendous witness accounts. However, even though his wife was still living at home in Velika Hoca and while he was expected to be moving around the area, the Task Force never tracked him down. Finding such a person would have taken several months of intense observations and search operations and once found, the Dutch expected him to put up a fight, if given the chance.[58]

Over the next few weeks, KFOR gradually scaled down its ambitions from its original list of sixteen persons. In that process, the targets were selected on the basis of the feasibility of their arrest – the certainty of their whereabouts and risk involved – rather than the severity of the charges against them. The commander of the unit of German Special Forces, the *Kommando Spezialkräfte* (KSK), whom the German brigade commander had flown in for the mission, made the final selection of three persons.[59] Weeks of intense preparations and observation in the area preceded what became known as 'Operation K-3.' The German commandos inconspicuously joined the regular KFOR patrols to perform reconnaissance in the area and to assess the risks involved.[60] The Dutch minister of defense agreed to the mission, but made it very clear that its own Special Forces in Kosovo, the *Korps Commando Troepen* (KCT), were not to be used for this or any other arrests and were to stick to their original assignment that – undoubtedly much to the commandos' frustration – was strictly limited to force protection and reconnaissance.[61] The actual operation was swift and highly successful. The three men brought in were the former mayor Andjelko Kolasinac, the doctor Vakoslav Simic and the local bar owner Stanko Levic. They were rapidly handed over to UNMIK police and transferred to Prizren, where a hearing was held that same day at the newly created district court. Although it had been KFOR investigations and KFOR forces performing the action, UNMIK – with KFOR's silent approval – tried to make the operation sound like a UN show in their joint press statement.[62]

The Albanian population was delighted, while the Serbs were angry. Representa-

tives of both groups offered sharply contrasting accounts of what occurred that morning. From hearsay, a resident of the Serb quarter recalled a dangerous and violent operation, that involved shooting, while little children were in the streets. An Albanian interpreter present at the scene was most of all impressed by the swiftness and professionalism of the operation, which according to him involved little or no violence.[63] Serb frustration over the arrests was understandable. To the extent that the Serbs were willing to acknowledge the crimes committed the previous years – and as far as they were aware of what had taken place – they argued that the real criminals had already fled from amongst their midst prior to the arrival of KFOR.[64] Their anger was fuelled by the apparent lack of willingness on the part of KFOR and UNMIK to arrest UÇK leaders involved in war crimes committed against them during the civil war. In Orahovac alone, they claimed there were some forty cases of missing Serbs since the war started a year earlier. Although the new ICTY prosecutor, Carla del Ponte, proclaimed that her office would investigate civilian and military leaders of 'whichever party to the conflict' who were suspected of committing crimes during the conflict, KFOR was letting UÇK leaders to hold on to influential positions in the newly formed TMK, at least for the moment.[65] KFOR and the UN police would arrest several former UÇK members on charges of war crimes after December 2001, but in 1999 the prosecution of NATO's erstwhile allies, whose cooperation was indispensable at this point, was low on the list of priorities of the Western powers.[66]

The impact of the arrests on the Serbs became apparent in the days that followed. Having wielded its authority and feeling strong and confident, the Task Force exploited the shock-effect in an attempt to seize their substantial arsenal of small arms. Troops on patrol put up posters calling upon the Serb population to turn in their weapons voluntarily on the next Saturday in the little square in the Serb quarter. The threat of house-to-house searches and the possibility of arrest for illegal possession of arms after the deadline made the result nothing less than spectacular. That Saturday, people were standing in line until midnight for their turn, handing in hundreds of weapons. They even came to the collection point with wheelbarrows loaded with guns and ammunition. Most of the weapons were high-quality Kalashnikovs, but the Serbs also handed in machine guns and a vast amount of ammunition. The most interesting catch of the total of 461 arms handed in was ten sniper rifles – the exact number the battalion's intelligence section expected to be in Serb hands.[67] From the archives they had seized, the Dutch got a pretty good idea of the number of weapons held in the Serbs areas. The action was repeated in Velika Hoca and resulted in 96 similar weapons. Although a substantial number for a village of approximately one thousand people, this was unlikely to have been anything near their total arsenal. The Serbs of Orahovac and Velika Hoca had been sitting on enough small arms to equip an army battalion or almost enough to arm all men of military age. The weapons seizure was an important step in curtailing the UÇK by preventing Ismet Tara from using their presence as an argument for obstinacy.

After the action on 20 August, KFOR stopped search-and-arrest operations in the area. Apparently reminded of the complexities of such operations, KFOR headquar-

ters refrained from pushing for the arrest of the 'list of sixteen.' There also seemed to be less hurry, since the blockades were effectively keeping the Russians out of the area. Instead, the Dutch were left to pursue their own policy of arrest, which relied on the opportunities provided by the encirclement of the two Serb enclaves by hostile Albanians. War crimes suspects were amongst those most desperate to leave the enclaves and avoid prosecution by seeking sanctuary in Serbia proper. However, since the Albanians were on the prowl, they were left with no other option than to join the UNHCR-organized convoys, or stay. The escort provided by KFOR to these convoys allowed the soldiers to screen the evacuation list, thereby enabling them to close the net around the city and Velika Hoca. This method was far less risky, but required patience and a certain freedom of action, since the Dutch and Germans had to act swiftly as opportunities for arrest arose during the screening at a roadblock. Another possibility for arrest was for KFOR troops to spot a suspect when on a regular patrol.

By acting on opportunities for arrest as they presented themselves in the field, Task Force Orahovac chose not to merely wait for the UNMIK prosecutor to formally seek KFOR assistance on a case-to-case basis. Although acting on formal indictments by the prosecutor was the preferred and often followed procedure, his office was not sufficiently organized during those first months, and continued to function poorly for some time. KFOR was at this point UNMIK's primary source of information, since the military was the only institution capable of conducting criminal investigations. In seizing the initiative, the peacekeepers entered uncharted legal waters, but Van Loon was confident he had sufficient KFOR and UNMIK backing for this policy. He was supported by his German brigade commander and was working under the Dutch translation of the German public security directive that clearly allowed arrest in cases of *suspicion* of genocide, murder, manslaughter, rape, deportation as well as common crimes, even in the absence of a court order.[68] Moreover, in late June he had reached an understanding with the first UN special representative, Vieira Sergio de Mello, his German legal advisor Hansjörg Strohmeyer and the local ICTY representative, all of whom had become aware of the potentially explosive situation during their visit to Orahovac. Under this agreement with UNMIK, the Task Force was allowed to initiate arrests on the basis of its own investigations and intelligence while handling cases according to Dutch and German legal practice.[69] Local KFOR troops would only arrest while performing their normal duties and not actively seek out suspects in their homes. At the earliest possible time detainees were to be transferred to UNMIK, whose prosecutor was to review those not yet indicted within 24 hours. In all cases, the arrests performed by KFOR were confirmed by formal indictments. Meanwhile, the ICTY and UNMIK agreed in July on a basic distribution of labor for Kosovo as a whole. The prosecution of 'smaller fish,' the local henchmen, was left to local UN-organized courts, enabling the court in The Hague to aim for the 'big fish,' the political leaders and military commanders who were believed to have ordered these crimes. The ICTY would review its own role in the prosecution of the smaller cases at a later stage.[70]

Having soldiers progress from catching offenders in the act to arrest and deten-

tion on the basis of investigations of crimes committed several months earlier was like entering a legal minefield. However, UNMIK's fear of suspects escaping prosecution clearly surpassed worries about delegating its powers of arrest to KFOR troops, who could be making procedural mistakes. Without this policy based on criminal investigations performed by the military, most suspects would after all have easily slipped through the judicial net, which was still under construction and far from complete.

It was not long before the fourth Serb war crimes suspect from Orahovac, Nenad Matic, was arrested by the Task Force. In early September, shortly after the UNMIK court issued his arrest warrant, Matic was found trying to leave the enclave on a medical convoy of 130 persons. Four other Serb men had been denied access to this convoy on the grounds of ongoing investigations against them.[71] Matic's arrest caused relatively little excitement amongst the Serbs. The controversy would only start in late September as another four suspects on a UNHCR convoy were arrested during a thoroughly prepared operation at a KFOR checkpoint, which had been strengthened for the occasion by two armored vehicles and German MPs. The Dutch suspected all four of participation in mass killings, but UNMIK had issued an arrest warrant for only one of the four, Danilo Misic. The other three, his brother Radosav Misic, Cedomir Jovanovic and Novica Krstic, were indicted after their transfer to UNMIK. These arrests caused quite some anxiety among the Serbs and some short-lived hostility, which was felt by the officers who went to the Serb quarter to explain the action, but no physical violence ensued. The Dutch noticed how 'the people stopped greeting us and stopped talking German.' Foot patrols were initially suspended in the Serb area, but resumed the next day when the situation appeared relatively calm.[72]

UNMIK did not actively participate in the arrest on 24 September, but the Dutch Ministry of Defense nevertheless emphasized the role of the UN police. KFOR still had the primary responsibility for policing and performing the arrests and the action was led by a Dutch officer.[73] The next suspect, Arsenije Vitoshevic, was arrested on 7 October. He was arrested during a 'routine patrol,' but his arrest warrant, issued by UNMIK several days earlier, is likely to have made his neighborhood a popular destination for KFOR patrols.[74] Later that month, four Serb men reported themselves to KFOR after having been denied access to a planned UNHCR-convoy on the basis of ongoing investigations. After a conference with the UN prosecutor in Prizren, two of the men were cleared of charges. The other two, Nenad Misic and Miograd Gjinovic, turned out to be indicted and were subsequently arrested by Dutch and German MPs in the presence of UNMIK police. The international police were preparing to take over the lead in public security and already contributed to investigations, but had no official jurisdiction at this point.[75]

Controversy

The Serb war crimes suspects in Orahovac were arrested with relative ease and KFOR encountered fairly limited hostility from the population after the initial shock and

indignation. This begs the question as to why the Dutch Minister of Defense Frank de Grave and his principal military advisor the Chief of the Defense Staff (CDS) Lieutenant Admiral Luuk Kroon were eager to restrain their troops in the pursuit of what appeared to be a successful policy. None of the actions involved any shooting and no serious resistance was encountered during any of the actions. Moreover, the German brigade commander, UNMIK, UNHCR, OSCE and visiting representatives from the Dutch Ministry of Foreign Affairs had all expressed their support for the active policy of local Dutch troops. The Dutch ministers of defense and foreign affairs had also pledged in parliament 'to interpret the mandate to support ICTY in the broadest possible way.'[76] Quite remarkably, attention from the Dutch media for the actions was almost nil, which meant that no thorny questions were being put forward in parliament.[77]

However, similar to his colleagues in most troop-contributing nations, the Dutch minister of defense was not enthusiastic about peacekeepers sticking their necks out further than he considered necessary. The Dutch-led Task Force was clearly more active than others in the pursuit of war criminals, arresting in a mere four months eleven of a total of approximately forty suspects apprehended by KFOR and UNMIK police between June 1999 and August 2000.[78] At the Ministry of Defense there initially had been little awareness of the implications of the policing authority it had allowed its troops to assume in Kosovo. Alarm bells only started to go off at the chief of defense staff's operational center, the *Defensie Crisis Beheersings Centrum* (DCBC) after the arrest of the four Serbs in late September triggered criticism in Serb circles.[79] Van Loon was called upon to explain his policy and procedures for arrest and detention. His elaboration on the joint local ICTY, UNMIK and KFOR policy was apparently news on the home front.[80] He emphasized the coordinated civil-military effort, the absence of violence or any serious risk to his troops, and the essential role played by these arrests in keeping the Albanians from taking the law in their own hands. However, his arguments failed to sooth his national taskmasters. Rudely awakened to the implications of the broad interpretation given to the mandate by its troops in the field, the Dutch Ministry of Defense stepped on the brakes. By early October it instructed its troops to act only on specific requests for support by UNMIK, which first had to be forwarded to the chief of the defense staff in writing – preferably but not necessarily prior to action. Despite worries over the lack of policing skills among regular troops, the instructions emphasized again that the Dutch MPs in Orahovac were not to assist in any arrests since they were a national asset and officially not part of KFOR.[81]

Although no arrests followed after 8 October, serious trouble started three two weeks later when the UNHCR complained to KFOR headquarters that by the continued screening of convoys for war crimes suspects, the peacekeepers were hampering the flow of Serb refugees from Orahovac, who 'could regard it as *de facto* detention.'[82] To Van Loon this critique came as a surprise since cooperation with the local UNHCR branch had been good. Moreover, only one month earlier the chief of UNHCR in Kosovo, Deputy Special Representative Dennis McNamara, had visited Orahovac and emphasized the importance of the early arrest of war crimes sus-

pects in decreasing ethnic tension. He specifically allowed evacuation only after 'prior clearance by ICTY and resident KFOR contingent' and to that end he called for the evacuation of those Serbs eager to leave to be phased over a number of weeks.[83] In refuting the UNHCR's critique, the Task Force commander was strongly backed by the new German commander Brigadier Sauer, who dismissed the charges that KFOR was restricting freedom of movement and engaged in 'collective punishment.'[84] Sauer explained to the Force Commander Klaus Reinhardt: 'I don't like to explain why a suspected war criminal with the assistance of KFOR was able to leave Kosovo and avoid trial. Therefore I encourage further all soldiers under my command to continue to detain suspected war criminals.'[85] Reinhardt was generally supportive of an active policy of arrest, later claiming, 'these war criminals by their very existence make us toothless tigers. Everybody sees them there, still running around and showing that you are weak.'[86] Also his predecessor General Jackson, dwelling on his Bosnia experience, was clear about the need for the military to apprehend war criminals. 'They are a force for bad, as long as they remain at large, even if they're no longer in any official appointment. Their influence is like that of Rasputin: it pervades, it sits there in the back.'[87]

In The Hague, such consideration – however crucial to the long-term success of the mission in Kosovo – seemed to have lost out to concerns over the risks and political implications of an active arrest policy. Dutch troops had received negative attention, more of which followed shortly when a UNHCR convoy escorted by Dutch and German KFOR troops was attacked on its way to Montenegro by an angry Albanian mob in the streets of Pec. Moreover, anxiety in The Hague over the unresolved blockade crisis persisted. As soon as 'police primacy' was transferred to UN Police on paper on 27 October 1999, the Dutch Ministry of Defense sought to strip its forces of any remaining law and order responsibilities. Although KFOR was no longer finally responsible for police matters in the Prizren region, the transfer of police primacy did not limit KFOR's right to enforce criminal codes, conduct investigations or make arrests.[88] It merely transferred the lead to UN police and was interpreted as such by the Germans in Prizren and the British, who had transferred police primacy in Pristina two months earlier. Both contingents were still heavily involved in policing and would continue to be so for the time to come. Giving the lead to UNMIK should have been sufficient guarantee to put an end to what The Hague feared most, the Task Force's 'own policy of arrest.' The commander had already acquiesced to acting only on official UNMIK arrest warrants. After all, since November his intelligence officer and the Dutch and German MPs were cooperating closely with the UN Police in Orahovac and sharing the criminal investigations and an intelligence database. The fear of suspects slipping through the cracks was therefore substantially reduced. The Task Force wanted to keep the possibility of instantly acting on the opportunity to arrest while executing their regular task or react immediately on a call for support from UNMIK, which required freedom from prior clearance of individual cases with The Hague.

On 12 November, the Ministry of Defense instructed Van Loon to stop arresting any further war crimes suspects, even if UNMIK requested support for the appre-

hension of indictees.[89] This would lead to a rather awkward situation. Under their KFOR mandate and the German public security directive, Dutch troops would be allowed to arrest a common murderer, or to assist UN police in the arrest of persons involved in an ordinary bar-fight, as had happened in the Serb quarter the previous day, yet national directives would prevent them from arresting or even assisting in the arrest of someone involved in multiple murders of innocent civilians. Van Loon protested, regarding it as unjustifiable to sit back and do nothing. He was supported by the new Dutch Deputy Brigade Commander Colonel P.K. Smit and, after a conference with NATO headquarters, the national directive was quickly modified. It now allowed support to arrests by UNMIK, but on the sole condition that the local prosecutor submit a written request for support prior to action, to be reviewed and approved by the chief of the defense staff in The Hague.[90] Apart from assuming a rather inappropriate legal role, he thus continued to involve himself in micromanagement of the worst kind that would be unworkable for an officer on the ground in charge of a checkpoint or foot patrol directly confronted with a suspect or with an immediate request for support from UN police.

Although founded in a healthy democratic aversion to military involvement in law enforcement, the prime argument used by the chief of defense staff for restraining Dutch troops was risk aversion.[91] Apart from worries about the lack of the necessary skills among soldiers and fear of violent reprisals by the Serbs, there was an understandable fear of procedural mistakes and resulting legal complications. Apparently, there was a lack of confidence in the judgments of the German and Dutch commanders on the ground, who regarded these risks as at best small, and at worst acceptable for the accomplishment of the mission, which did allow for a continued role in law enforcement until the civilian police were fully up to the job. In retrospect, Van Loon argued that arrests were the best force protection measure:

> If the Albanians would have taken revenge and started shooting each other with Kalashnikovs – and I am one hundred percent sure that this would have happened if we would have sat back and done nothing – me and my men would have been caught in the middle, which would have inevitably resulted in dead and wounded soldiers.[92]

A wide gap thus existed between the commander on the ground and The Hague in their appreciation of the operational risks and the scope of the actual mission. However, further friction was averted when it became clear that the North Atlantic Council in Brussels was preparing new guidelines for KFOR's role in the arrest of war crime suspects. The confusion over the powers of arrest was after all the result of projecting soldiers into a law-and-order vacuum with an unclear mandate, consisting of a hodgepodge of Rules of Engagement, orders and national instructions that – all combined – left much room for interpretation.

There were three related causes for the ineptitude of KFOR's mandate for arrests. First, although there had been no fundamental argument over KFOR's involvement as there had been in Bosnia, the persistent tendency of troop contributors to curtail

the role of the military was a recipe for an unclear policy. Dutch political and military leaders were certainly not alone in their fear of getting soldiers in over their heads, and they followed a policy on war criminals in Kosovo that seemed in line with that adopted by the Americans. While NATO's political and military leaders may have been eager to show the world the mass graves over which it had said to have gone to war, and keen on seeing to it that those responsible faced trial, this did not imply that they wanted to put their own troops and possibly their own careers on the line. This tendency was the least strong with the British and the Germans, who had proved willing to arrest in Bosnia and who had been amongst the staunchest supporters of the war on Milosevic. It was strongest amongst the French and the Italians, who had been inactive in Bosnia and who were hesitant in the arrest of common criminals in Kosovo. When Javier Solana proposed by mid-June to stretch the Rules of Engagement on arrest of suspected war criminals, the French and Italians were joined by the Greeks in their attempt to block a broader mandate for KFOR. The Italian ambassador to NATO made it clear that Italian troops were far too busy to support the ICTY in the pursuit of war criminals. The Greeks strongly opposed any form of 'search and arrest' operations, while the French went as far as opposing a strong liaison between KFOR and the ICTY in Kosovo. Support from the Canadian, Norwegian, Danish and Dutch ambassadors to a broader mandate envisaged by the secretary general had resulted in a well-intentioned but murky compromise in late June, calling for a strong liaison between KFOR and the ICTY and instructing KFOR to take 'a proactive stand within means and capabilities.'[93] This meant that KFOR was stuck with the original Rules of Engagement that only allowed the arrest of persons who were indicted by the ICTY or UNMIK encountered by KFOR troops 'while performing their assigned task.'[94] This rule had been directly copied from SFOR Rules of Engagement.

Second, as was so often in the case Kosovo, there was a downside to the assumed applicability of the experiences in Bosnia. In Bosnia, the ICTY and the military had gradually grown accustomed to each other's missions and to working together, which did much for NATO's acceptance of a role in the pursuit of post-war justice. Yet, despite the different situation and mission in Kosovo, the narrowly defined role played by SFOR prevailed in the perception of the peacekeepers role in both Brussels and national capitals such as The Hague. To complicate matters, the execution of this role in Bosnia was actually inconsistent with SFOR Rules of Engagement. Although arresting 'in the course of their normal military operations' was the rule, SFOR troops did nothing of the sort. Instead, it had become common practice in Bosnia that, after a formal ICTY indictment – usually of a 'big fish' – and a request for support to NATO, SFOR would mount a secret search-and-arrest operation. After months of preparation, Special Forces were flown in from outside SFOR, who would deliver a detainee directly to an ICTY-team in the area. For a local contingent there was no other role than securing the outer ring of such an operation. The Dutch government wholeheartedly supported this type of operation, as it was initiated by a fully operational international tribunal, ordered by NATO and performed by specialists, and therefore entailed no direct responsibility or little political risk.

The third source of confusion over KFOR's mandate was that in Bosnia, this type of arrest operation was perceived and performed as an operation on the margin of the mission – like all other SFOR responsibilities outside the direct military scope. Also in Kosovo, arrests by KFOR or support arrests by UN police continued to be regarded by political and military leaders above the operational level as a role outside the ongoing military mission to provide a secure environment. This followed from the lingering notion that peacekeepers were only there to provide an umbrella of safety by separating and restraining the warring parties without having to go into the messy business of exercising civil authority themselves. However, as the arrests in Orahovac proved, KFOR's mission, that of UN Police and the just-emerging and barely functional UNMIK judiciary were fully integrated into the chaotic post-war situation. An UNMIK warrant by a district court – mostly against lower-level war crimes suspects – was issued based on investigations by a KFOR battalion and sometimes acted upon by the unit as the opportunity arose within a matter of days, either with or without the local UN Police. Even though KFOR legal guidelines on arrest and the German Brigade public security directive made apprehending on the basis of *suspicion* of war crimes an integral part of the policing authority bestowed in KFOR brigades and battalions, there was a prevailing tendency to view KFOR's large role in Kosovo's interregnum as an aberration, which had to be corrected and forgotten as soon as possible. This partially explains how, after a new mandate on arrest was formulated by the North Atlantic Council on 17 November, the Dutch DCBC seemed in denial of the preceding episode, claiming in an internal report that 'as of now, assisting UNMIK in the arrest of persons is also part of KFOR's mission.'[95] It may come as no surprise that the Dutch planned to unilaterally change its translation of the broad German directive on arrest and detention, thereby steering a different course from the Germans under which their troops were operating.

The new NATO directive was no great improvement. It rightfully put the prime responsibility for arrest with UNMIK, now that there was a semblance of a UN police and judiciary, but it failed to provide KFOR with the necessary flexibility on the tactical level to successfully and swiftly support the police. Instead, it created additional procedures that sought to limit rather than streamline KFOR support to UNMIK. Before any action by KFOR, the North Atlantic Council required UN Police to formally show its incapability to handle an arrest alone. An UNMIK request, preferably written, was to precede any KFOR action and KFOR troops were only allowed to support and not to take over the arrest. As if there were not sufficient obstacles to operational freedom in this policy, the Dutch chief of the defense staff incorporated in his national adaptation of the directive the prerogative to review and accept or decline a compulsory written request for support beforehand. He further tried to limit involvement of Dutch troops by adding the contradictory demand that, after his approval, Dutch troops were only to arrest when confronted with an indictee during the execution of their 'assigned tasks.'[96] In practice this meant that, if the new procedures were strictly followed, a Dutch military role in an arrest was only possible if troops happened to be patrolling or manning a checkpoint with UN Police when they accidentally ran into a war criminal after UNMIK had reported itself to be incapable of

handling the arrest itself to Brussels, and only after the Dutch chief of defense staff had agreed upon the Task Force's support role. The same procedure was to be applied to other serious crimes, unless the Dutch caught an offender in the act.[97]

The rules hardly lived up to the reality on the ground, but the Dutch artillery battalion approached the end of its tour and the matter was left to rest. The second combined Dutch-German Task Force in Orahovac took over in early December and continued to arrest both regular crime suspects and alleged war criminals, although not as frequently as Van Loon's men. In late December, Dutch soldiers arrested Sava Matic on charges of abduction and intimidation.[98] In January 2000, during a routine identity check just outside Velika Hoca, two Serbs were arrested by Dutch KFOR – again not in a support role – on UNMIK charges relating to crimes committed during the civil war. Flexible interpretation of the rules allowed successful cooperation between UN Police and KFOR to continue in the field. UNMIK and KFOR presented this as a UN Police action, although it had in fact been Dutch KFOR troops performing the arrest.[99] This was part of their concerted effort to play down KFOR's role and highlight that of the UN Police, a tendency that had already become apparent during the arrest of 20 August.

The largest part of the pursuit of post-war justice took place far outside the scope of KFOR mandate and capabilities. Before the post-war justice system was able to function properly, the complete security triad of local police, an independent local judiciary and a penitentiary system had to be resurrected. Given the magnitude and complexity of this task, it is not surprising that this effort by UNMIK was hardly a success story in the short term. The prosecution of war criminals, which was regarded as so vital for long-term hopes of reconciliation, suffered dearly. Out of the approximately forty Serbs accused of war crimes in custody in Kosovo as of August 2000, the local judiciary had indicted twenty-two people for war crimes and nine for genocide by December that year. There is no exact number available, as some detainees were released and a large number escaped from custody.[100] By 2003, after three-and-a-half years of international administration, only a handful of suspects had been prosecuted for war crimes against Kosovo Albanians. The subsequent failure of UN Police and KFOR to arrest and the local UNMIK-organized local courts to prosecute Albanians for war crimes committed was equally damaging to the process of reconciliation. It took until August 2003 for international judges of the Kosovo judiciary to finally step in and sentence Albanians convicted of war crimes against non-Albanians.[101]

Unfortunately, the faltering penal system had made it impossible to test if the majority of the investigations made by Dutch KFOR in those first months were sufficiently solid to hold in a courtroom. Only two of the eleven detainees, Andjelko Kolasinac and Cedomir Jovanovic, ever faced trial. All the others escaped from custody during the infamous jailbreak from the Mitrovica prison in September 2000, a blunder for which UNMIK was not easily forgiven amongst Albanians in Orahovac. Also the first detainee charged with war crimes, who had been arrested by British troops, escaped from the medical ward of that same detention facility a month earlier. The cases that

did face the court were certainly not all textbook examples of fair trials. Sava Matic's case was an example of the often sloppy and biased trials by the local UNMIK-appointed prosecutor and judges. The Dutch had arrested Matic on suspicion of serious crimes – not war crimes – but the Albanian prosecutor charged him, basing his case on war crimes anyhow. This mistake was made by many of his fellow Albanian prosecutors in the following years. With local prosecutors and judges often susceptible to public pressure, an international panel of judges regularly stepped in to guarantee a fair trial.[102] Kolasinac was eventually convicted and sentenced to eight years' imprisonment for abetting in Albanians' deportation and forced labor, but not on the basis of the war crimes with which he was originally charged.[103] Jovanovic, however, was sentenced as charged for participating in the mass murder of 62 civilians at Bela Crkva as a member of a paramilitary group, ordering deportations and burning and looting their houses. In November 2001, a majority international panel reaffirmed the original sentence of twenty years' imprisonment.[104] It is noteworthy that no court had indicted him when the Dutch arrested Jovanovic on the basis of their own criminal investigations. KFOR would have escorted him out of Orahovac to freedom on a UNHCR convoy if it had not been for the Task Force's risky but assertive policy of arrest.

12

The UÇK's Silent Coup: KFOR in the Civil Administrative Vacuum

After UN Security Council Resolution 1244 had practically suspended Yugoslav sovereignty over Kosovo, the distribution of governmental power in Kosovo was a highly complex matter. There were several competitors in the ring. All hopes were vested in Bernard Kouchner's United Nations Mission in Kosovo (UNMIK) to rapidly assume full governmental responsibility, but for reasons similar to those hampering previous civilian missions, the UN was unable to deliver in the short term. There was no UN administrator ready to walk into the municipal building in Orahovac and take up office there, the way that civil affairs Major Joppolo had positioned himself behind the desk of the Fascist mayor of the Sicilian town Adano in the wake of the Allied invasion in 1943. In the administrative void that emerged all over Kosovo, two competing Albanian factions claimed to represent their Kosovar majority, while most Serbs refused to cooperate with the international community and created their own structures. The UÇK, clearly the most muscular Albanian player, threatened NATO's proclaimed plans for a multi-ethnic and democratic Kosovo as it was rapidly assuming administrative control over most of the province. In this murky arena of competing and overlapping claimants to power, KFOR was clearly the strongest player with tens of thousands of heavily armed soldiers on the ground. Haphazardly and grudgingly, KFOR progressed from the public security vacuum into the wider civil administrative vacuum, since more than community policing was needed to keep the UÇK from becoming 'Kosovo's next masters' as *New York Times* journalist Chris Hedges had predicted in the magazine *Foreign Affairs* two months prior to the international intervention on the ground.[1] Early warnings such as these apparently had little impact on the preparedness of either KFOR or the United Nations for the task ahead.

Local Administration

Alexandros Yannis, who arrived in Pristina as Kouchner's political advisor in July, called the UN's potential for keeping the peace and building stability in Kosovo rather dim that summer. Never had a power vacuum emerged as suddenly as after the Serbs' withdrawal from Kosovo and, for a task as massive as the assumption of full governmental responsibility over a territory by the deployment of an international administration of colonial proportions, the UN had neither the capacity nor the experience.[2] The only comparably broad administrative mandate followed several months later in East Timor, where the Australian-led military intervention force (INTERFET)

faced a power vacuum frightfully similar to that in Kosovo after the Indonesian government agreed to cede this territory in September 1999, after twenty-four years of occupation and suppression of its people.[3] Also here, the UN committed itself to the interim administration while also assuming control over the military component from the Australians after five months. The previous administrative roles performed by the UN in post-war societies such as Cambodia and Bosnia had been limited to monitoring and sometimes reforming an existing local government during a transition period.[4] Assuming full executive authority in Kosovo and East Timor were missions of a totally different order. What made the task in Kosovo even more daunting was that it had been Yugoslavia's most backward province and was 'not only entangled in war and history but also in the legacy of fifty years of communism and ten years of virtual apartheid.'[5] UN Balkans envoy Carl Bildt warned that Europe and the United States would have to 'take Kosovo from virtually nothing to practically everything in the next few years,' and called it 'the most complex peace implementation operation ever undertaken by the international community in modern times.'[6]

The organizational and logistical problems facing the interim UN government were indeed massive, and there had been little time to plan for the execution of this unprecedented mandate. First, there was an acute lack of manpower. International administrators, like international police officers, were not on standby waiting for a crisis to erupt like the military and had to be rallied from every corner of the world. Sergio Vieira de Mello recalled how his mission in Kosovo 'resembled an under-budgeted, high school outing' when he arrived the day after Mike Jackson's impressive military force in Pristina.

> We had to borrow vehicles from a Swedish NGO. We depended for accommodation on the hospitality of an Albanian family, for food on the generosity of NATO, for water and fuel on the charity of UNHCR, and for communications on the good will of the British government's Foreign Aid Department, DFID. Staffing in both missions has proved to be slow and unsatisfactory. Few UN staff from Headquarters in New York, Geneva and Vienna are willing to go on missions. Staffs who do go, receive no reward and miss out on promotion possibilities. A standard clause in UN contracts allows the Secretary General to send staff wherever he wishes. Unfortunately this clause is seldom, if ever, enforced. The UN has a large pool of potential candidates for field missions. Most of them however, are diplomats or generalists, who don't make the best administrators or managers. The UN has had great difficulty in finding candidates with the vital skills in public administration, law and order, power, water, agriculture, finance, procurement, audit, border-control, tax, – the skills actually required to run a country. The UN Secretariat could learn a lot from the military and from some of the UN humanitarian agencies, who upgraded their emergency response capacity in response to criticism in the early nineties.[7]

When Bernard Kouchner relieved De Mello as UN special representative in Pristina in July, he had no more than thirty people at his disposal. One year into the opera-

tions, the UN civil administrative component numbered 292 professional personnel deployed in Kosovo out of its authorized total of 435.[8] The Frenchman would end up competing for personnel with De Mello, who took up the job of special representative in East Timor. As usual, when the administrators first started to appear in the field, the UN had to deploy 'the best people available, rather than the best people imaginable.' Most of the UN administrators had no experience in running a sizeable town.[9] The civilian mission was also hampered by personnel changes at the top, such as the sudden disappearance of the original French head of civil administration in August. Luckily, Tom Könings, an experienced local administrator from Frankfurt, was able to take charge on short notice. Lack of funds and logistical means were the second biggest obstacle to successfully establishing international governmental control over Kosovo. A third problem to emerge as the mission took shape was the complexity of the combined UN, EU, OSCE and UNHCR structure under the UNMIK umbrella. 'Unity of effort' within the civilian component suffered with four separate organizations in charge of administration, economic reconstruction, institution building and humanitarian aid. Each international group had different management structures, work ethos and accountability to separate bureaucratic chains, and obviously their priorities diverged.

Organizational problems were constantly harassing UNMIK while performing its mission. The fundamental problem facing the international administration – and therefore also its main supporter KFOR – was its lack of a clear strategy for vacuum filling. There were two serious gaps in UN Security Council Resolution 1244 that hampered the international effort to install an interim administration and eventually transfer administrative responsibility to the Kosovars. First there was the overriding problem of the future status of Kosovo. Despite the many flaws in the Dayton agreement, the Bosnian agreement at least provided a clear picture of the political future of the former Yugoslav province, or rather, of what it was supposed to become. Kosovo's final status had yet to be determined so there was no goal, or what the military would call 'end state,' for the interim administration. Though KFOR committed itself to supporting the UNMIK to 'set the conditions for the development of a lasting settlement within the Province' before allowing itself to withdraw, it was pretty much in the same boat.[10]

Part of the explanation for the failure to address Kosovo's final status can be found in the unexpectedly swift end to hostilities in June and the subsequent haste with which the Security Council resolution was written. Most of all, however, it had been a conscious decision by the major powers involved in drafting the resolution at the G-8 summit in Cologne to leave the issue of sovereignty unaddressed. Clearly, no peace accord would have been acceptable to Milosevic and the Serbs if even a hint of genuine independence was given to the Albanians. Belgrade was not even prepared to concede a restoration of the privileges under the autonomy status granted by Tito – privileges that had been revoked in 1989.[11] The UÇK and the Albanians, on the other hand, would not countenance anything more than *de jure* sovereignty by Belgrade for the moment. The compromise was the international protectorate defended by tens of thousands of NATO troops.

There already had been little doubt about the rigidity of the Albanians in their dismissal of any degree of Serbian rule over Kosovo. Their war had been fought over independence, not over what form of democratic government should be installed. So while UNMIK devoted its energy toward interim government and democracy building, human rights and civil society, the vast majority of the Albanians were only interested in one thing. This was made abundantly clear when the first contours of political parties emerged in the fall of 1999. Although there were no less than 24 such parties at the time, it was almost impossible to differentiate between their agendas. An UÇK political advisor explained: 'They all have three key issues: number one, independence; number two, independence; number three, independence.' A Kosovar Albanian human rights monitor added: 'People need to learn that democracy is a process. One election does not make a democracy. Ninety-nine percent of the population had no idea what democracy is. People do not understand that they themselves must be responsible, that human rights are connected to democracy.'[12]

Concentrating on the shorter-term military role in vacuum filling in the early days of the peace building effort, this chapter focuses on the second weak spot in the Security Council resolution. UN Civil Administration was to assume executive administrative responsibility in order to freeze the situation and create some form of order from chaos. Its mission was 'to provide transitional administration while overseeing the development of provisional democratic self-governing institutions.'[13] The overarching issue of the political future of Kosovo was only to be addressed after international control had been fully established. To that short-term end, however, the UN resolution failed to address local transitional administration in its own right. Close reading showed that the mandate gave UNMIK no absolute responsibility to impose control over the Kosovars on the regional and municipal levels of government. Two days after the resolution's approval on 12 June 1999, Secretary General Kofi Annan presented his first report on the mission, outlining the structure to implement it and assigning tasks to the four organizations participating in UNMIK. The report defined the responsibility of the first of the four pillars, UN Civil Administration, as 'overseeing and, where necessary, conducting a number of civil affairs functions, such as the civil service and economic and budgetary affairs, as well as supporting the restoration and provision in the short run of basic public services, such as public health, education, utilities, transport and telecommunications.'[14] However, the secretary general made no reference to local government.

The mandate was therefore criticized for only prescribing the outcome, while failing to address the method of establishing control over local institutions.[15] Translated into a military operation, this may have been the apogee of 'mission command' or *Auftragstaktik* – cherished yet hardly practiced within Western armies – it was hardly appropriate for a trusteeship-type mission unequalled in complexity since the occupation and democratic reform of Germany and Japan in the aftermath of the Second World War. As mentioned earlier, there was one vital difference between international rule over Kosovo and the mission faced by civil affairs and military government in liberated and occupied territory in Europe and Asia more than fifty years earlier. While the magnitude of the Allied effort then was of course incomparable,

the presence of local administrative structures in most liberated and occupied territory – and therefore the possibility to install indirect rule – made the job of British and American civil affairs personnel during and after the Second World War easier in this respect.

The official responsibility for filling the administrative void clearly rested with UNMIK. However, NATO's failure to adequately plan for an interim solution for the civilian component's slow deployment seriously complicated the mission of its military commanders on the ground. As was the case with preparations for the public security vacuum, the expectations of a rapidly deployable UN civil administration were raised to the point where it is likely that the problem was consciously being ignored.[16] With the clarity of hindsight, it is also hard to imagine there was a genuine belief in higher military and policy circles that the Serb administrative institutions would remain in place. It was even more unlikely that these Serb mayors and other government employees would be able to effectively preside over the vengeful Kosovar Albanian majority population until relieved by international administrators and police.

The higher up in the NATO hierarchy, the more conscious the effort to ignore possible military involvement in governing Kosovo appears to have been. In his operational orders General Jackson had clearly mentioned avoiding a power vacuum to emerge. NATO Supreme Commander Wesley Clark also was aware of the challenges posed by the absence of local government. Predicting 'a very, very trying period,' he conceded in an interview two weeks prior to deployment: 'There is no government there, this is going to be very challenging.'[17] Although the generals would certainly not have been enthusiastic about having their broad mandate formally expanded into the administrative sphere, the strongest desire to avoid reference to anything resembling 'military government' came from the Pentagon – although an equal share of the blame fell on European policymakers. US defense officials went to great lengths to rule out the establishment of a temporary military government in Kosovo. Nevertheless, *The Washington Post* predicted on its front page that '[f]rom the minute they arrive in Kosovo, NATO troops will become the police, town council and public works department' and 'run what will be essentially a military government.'[18] If two well-informed journalists could touch upon the essence of the mission to come, so could the generals and the responsible policy-makers.

The Pentagon ignored the likely occurrence of a civil administrative vacuum primarily because of its inclination to keep peacekeeping missions as limited and purely military as possible. It also made it easier to deflect the blame for chaos in a power vacuum that NATO had forced by waging an air-war on Milosevic. The American Chairman of the Senate Armed Services Committee Senator John W. Warner stated during Senate hearings on 1 July 1999:

> '[T]he United Nations in a sense is a partner with KFOR NATO at this time. This Senator always wants to keep a clear definition of the guidelines of what KFOR does or NATO and the UN. I never want them to blend too much. I think they should be independent.'[19]

Six weeks after the end of the war, the finger pointing began. While answering for the breakdown in law and order and the administrative chaos in Kosovo during a US Senate hearing, Secretary of Defense William Cohen told the senators in July that '[t]he more we do, the less incentive there is for the UN to come in and assume that burden. This is a mission that doesn't belong to NATO forces.' In his effort to put the blame on the UN, Senator Warner even suggestively asked Cohen if US forces were being put at risk as a result of the UN's failure.[20] The political leaders most often forgot to mention that the military mandate expressly assigned to KFOR the responsibility for public security in Kosovo.

Struggle for Control

The most harmful effects of the reflexive commitment to limit the military mission as much as possible was that it left the troops on the ground without proper orders, instructions and the right force composition to address the problems they faced in Kosovo. Local administrative matters were low on the list of primary concerns of the average battalion commander upon entering a potentially hostile environment, but he and his troops on the ground were the first to face the political vacuum in the towns and villages they entered in June 1999. Expecting the UN administrations to arrive 'soon,' the Dutch battalion therefore envisioned a liaison function to the UN in the planning phase.[21] However, until mid-July there would hardly be a functioning civil administrative presence to support on the central level in Pristina, let alone in a rural municipality such as Orahovac. The other point of contact the battalion planned for was the Serb municipal administrator. But other than that, few plans were made.

The humanitarian implications of over 800,000 displaced persons returning to Kosovo overshadowed all other concerns of civilian and military planners for the immediate post-war chaos in Kosovo. Most of the effort concerning the vaguely defined concept CIMIC was oriented towards supporting this humanitarian effort. For the KFOR units assembled in Macedonia and Albania this was a tangible problem, because the refugee crisis took place under their very noses. According to Van Loon, he and his brigade commander Von Korff had gone further than most of their colleagues by contemplating at least some of the administrative implications of those refugees returning and reclaiming property. Having supported the Kosovar Albanians in the camps in Macedonia, they had witnessed how the refugees were often bereft of identity papers and other official documents and thus could hardly prove their existence. To that end, they planned to safeguard archives after entry and even intended to collect phonebooks for the purpose of dealing with the property claims.[22] No direct orders or instructions had been issued by KFOR to prepare for such matters that were so alien to the concept of military peacekeeping.

The intensive and closely held negotiations that ended the war had left no time for combined planning sessions between UN and KFOR officials. Once on the ground in Kosovo, coordination meetings between Jackson and the UN special representative were filled with the most immediate concerns of raising central governmental

institutions and humanitarian matters and failed to touch upon the issue of local administration. Therefore, ahead of any formal or technical agreement between KFOR and UNMIK and completely lacking guidelines from within NATO on how to address the administrative vacuum, some local commanders took the first steps towards administering Kosovo. As was the case with policing, some contingents would do so more energetically than others.

In order to come to terms with the administrative situation in Orahovac, Van Loon attempted to create some rudimentary form of a multi-ethnic representative committee in the early days of KFOR's presence. Approaching leading figures from the local community as a point of contact had been part of his general training and education in peacekeeping, which had gradually been added to the military curriculum in the Netherlands. For a brief period he harbored an almost romantic idea of assembling Albanians, Serbs and Roma at one table with him at the head, working towards a solution of the most imminent problems facing the community.[23] A committee of four Serbs, led by the former mayor Andjelko Kolasinac, had already approached KFOR one day after the Dutch arrived. Van Loon was most satisfied since this matched his plans and expectations. It soon became apparent, however, that the mayor would not represent more than the 3,500 remaining Serbs in the city and the neighboring villages of Velika Hoca and Zociste. As a representative for the Albanian majority there was initially no alternative for Skender Hoxhaj, the local UÇK commander who had marched into town twenty-four hours after the withdrawal of Serb troops and police. As a military commander who was not from the area, he was not exactly the ideal spokesman.

It soon dawned on the Dutch commander that it had been a delusion to have Albanians and Serbs sitting at one table and talking reasonably on any subject, at least at this point in time and certainly with these representatives. During the first attempt at such a conference, accusations such as 'you murderer' flew across the table, and only the presence of armed troops in the room is likely to have kept the delegations from attacking each other physically. Some of the accusations may have approached the truth. Apart from the former Serb mayor who would later be charged for contributing to the deportation of Albanians, the local bar owner Stanko Levic was suspected of having been 'a shooter' during at least one of the mass killings of the previous year. Hoxhaj also turned out to be 'a crook,' according to Van Loon. The UÇK was widely known to be guilty of kidnappings and murders of Serbs and Albanian 'collaborators.'[24] Nevertheless, an Albanian civilian present at the meeting later joked that despite its failure, Orahovac probably had the distinction of hosting the first inter-ethnic meeting in Kosovo since the end of the war. During this Serb-Albanian meeting and the few that followed with other representatives in the coming six months, the Albanian population was always extremely suspicious. There was always talk in the streets of the Albanian representatives reaching 'a secret deal with the Serbs,' while inside the conference room quite the contrary would be going on and little to no progress was made in rapprochement.[25] Instead, both sides would wear down the KFOR and UNMIK intermediaries by spending most of their time and energy making endless speeches on the grave injustice done to their side in the recent, and more than often, not-so-recent history.

It will be recalled that hardly any intelligence had been made available to the battalion that could have helped in selecting the right community leaders in Orahovac. Apart from the information provided by the German Navy officer who had worked in the area as an OSCE monitor, Van Loon is likely to have profited most from reading about Kosovo's history to comprehend what he was confronting. A lack of interpreters complicated the early search for reliable representatives in local society. Despite ample warning time, the Dutch unit had not been provided with any interpreters prior to entering Kosovo. The Dutch Army had failed to use the many Kosovar immigrants in the Netherlands for this purpose, although the Kosovar diaspora did produce some locals with knowledge of English and German who were used as translators. The Dutch thus profited from their command of these languages enabling them to engage in basic conversation with some of the local inhabitants in the streets. However, only after local interpreters had been hired could a serious attempt be made to trace and approach those holding leading positions prior to the war and who hopefully continued to wield influence in local society. Throughout the mission all translations were performed in English or German by local interpreters, which is unlikely to have contributed to either the quality or the secrecy of information exchanged. Both the Dutch and the Albanian translators were mostly no more than adequate in these languages.

Further difficulties were created by a cultural environment that was traditionally very closed to outsiders. Even when working with interpreters, the foreign soldiers and international policemen everywhere in Kosovo would find it hard to investigate crime and local internal power struggles, especially when it concerned a crime which the population felt was 'theirs' rather than one 'against them.'[26] The good relations developed with the Albanian population as a result of the overall honest and transparent manner of operating – and of course the close security they provided – would seriously enhance the openness and trust displayed by the majority of the local population of Orahovac.

Two of the key figures the Task Force initially found were the former director of the local wine factory, Agim Hasku, and the local lawyer, Qazim Qeska. Both had held the position of mayor prior to 1989, but neither seemed to aspire to that position now that the Serbs had gone. Both initially seemed wary of the UÇK. After being blocked from formal positions of power by the Serbs in 1989, the former mayors were active in the underground or 'parallel' Albanian government structures and although they were probably supporting the UÇK in its role as a 'liberation army,' neither of them supported its claims to political power.[27] After Dutch plans for a multi-ethnic council were temporarily scrapped, a separate Albanian 'interim city council' came forward, with Qeska as its chief representative. Hoxhaj's redeployment to neighboring Suva Reka was likely to have made it easier for non-UÇK notables to come forward and Van Loon pushed them to get organized.[28] At this point, the Dutch harbored the somewhat exaggerated expectation that this body would be 'responsible for governing the area of Orahovac.'[29] Qeska, who was generally referred to by the Dutch as 'interim mayor,' took a moderate stance and it was hoped that he could improve Albanian-Serb relations in the near future. Van Loon was satisfied with the

situation. He even called on the relatively cooperative new UÇK commander Ismet Tara – whose unit had replaced Hoxhaj's – to join the council for security-related matters. As a resident of Orahovac in charge of the local UÇK unit, he was after all still the most powerful local figure. Depending on the subjects addressed during these meetings that varied from humanitarian problems to improving the water supply or restarting a factory or school, other locals joined. For the moment, their most important role was to convey to the local populations directives given by the Dutch forces while providing KFOR with basic information on the problems facing the Albanian community.

Early enthusiasm about the creation of an Albanian representative committee proved premature. What seemed to be a positive development in Orahovac was suddenly disrupted by the nationwide emergence of the UÇK in the guise of the unofficial 'Provisional Government of Kosovo' (PGOK). Led by 'Prime Minister' Hashim Thaci, this self-styled government had been established in exile on 2 April 1999, during the second week of the NATO air campaign. During the fighting it had prepared for its future role as the government of Kosovo on both a central and a local level, knowing that the municipal government level was the key to de facto control over Kosovar society. Consequently, it positioned itself to establish these authorities in the course of June and early July.[30] Directed from Pristina, the provisional government emerged in all twenty-seven predominantly Albanian municipalities out of the total of twenty-nine. On 15 July, a former local UÇK officer, Agim Thaqi, presented himself to Dutch KFOR as the mayor appointed by the minister of internal affairs of Hashim Thaci's provisional government. He simply claimed that there had been a grave misunderstanding concerning Qeska's role as interim mayor. At the time, the sudden 'change of mayors' was a mystery to Van Loon, who had been far too busy keeping Orahovac from descending into anarchy to notice a similar and even quicker political development in other municipalities throughout Kosovo. There had been no warnings from KFOR headquarters about this phenomenon and no orders on how to deal with the self-styled authorities. Nevertheless, Thaqi was immediately told that the provisional government he claimed to represent was not recognized by UNMIK or KFOR and that he was therefore not acceptable as the new mayor.[31]

Although UÇK leader Hashim Thaci derived some authority from his role as the leader of the Albanian delegation at Rambouillet, where Secretary of State Madeleine Albright had championed him as the Kosovar Albanian representative, he leaned primarily on his popular authority as leader of the armed struggle. His claim to administrative power ran counter to the international interim administration's plans for municipal and national elections. Ballots were to precede any form of Kosovar administrative body, to enable other political parties to organize. The most important Albanian counterweight to Thaci's claim to power was 'President' Ibrahim Rugova's government of the Republic of Kosovo, also known as the 'parallel government.' The unofficial elections of the early 1990s gave his Liberal Democrat Party of Kosovo (LDK) some sort of legitimate claim to represent the Kosovar-Albanian people and it maintained a residual, yet still substantial, grassroots network developed over a

decade.[32] After fleeing Kosovo to Italy during the war and after an infamous meeting with Milosevic – forced by the Serb leader – Rugova's position was seriously weakened. However, the somewhat vague and unpredictable leader still had substantial appeal to many Kosovar Albanians for whom he had been the leader of the peaceful resistance movement. For the West, he was the best hope for a multi-ethnic Kosovo and for serious opposition to the UÇK. Thaci was aware of this and asked Rugova to join his provisional government in July. Merely wanting to strengthen his illegitimate government, he proved more eager to cooperate than Rugova. The leader of the LDK clearly saw no reason to play second fiddle to Thaci and refused to join or recognize the provisional government on any level.[33] Rugova is unlikely to have displayed such confidence if UNMIK and KFOR had not shown the willingness to at least attempt blocking the UÇK from power. Just as with policing, KFOR turned out to be the only organized body ready to challenge the UÇK in their attempt to gain complete administrative control at this point. It would prove an arduous task to keep Thaci's organization from assuming control of political and – as it soon turned out – economic life.

Meanwhile in Orahovac, the Dutch hastily started gathering information among the local population on the self-appointed mayor Thaqi. Being an outsider from a village elsewhere in the municipality, he seemed to have very little popular support among local Kosovar Albanians. Moreover, many considered him an 'incapable UÇK marionette.' Several days later the Dutch again informed Thaqi that he was not acceptable as the local mayor. He could join the existing Kosovar Albanian committee if he wished and if the other representatives had no objection. Since he had already installed himself in the municipal building, Thaqi was warned that KFOR would remove him. In the meantime, the Dutch stepped up efforts to bolster the committee to become something like an interim city council.[34] Van Loon pushed Qeska to assume responsibility as the head of this body, but the lawyer was reluctant to confront Thaci's provisional government in Pristina.[35]

The situation surrounding the two local mayors remained tense for some three weeks. On 2 August, the Prizren-based regional administrator visited Orahovac to conduct talks with Kosovar Albanian and Serb communities to lessen ethnic tensions in the potentially explosive region. When the Dutch commander asked him if UNMIK should continue talks with Thaqi, the administrator failed to take a position.[36] Several days of uncertainty and rumors followed. On 6 August, the Dutch reported that Thaqi was allegedly removed from office 'by KFOR.'[37] Rumors continued to indicate that besides lacking popular support, the so-called mayor also had failed to hold on to UÇK support. Qeska, who clearly remained the candidate preferred by the Dutch, had supposedly replaced him. Besides having far more popular support in both Orahovac and the surrounding villages, there were indications that he could even count on some sympathy among Serbs. The overly positive rumors continued to suggest that even the UÇK considered him the preferable candidate. The Dutch suddenly had high hopes for an improvement in relations between the parties in the future. However, Tara would later state that he had never dropped his support for Thaqi. The connection between the military leader and the civilian UÇK leader was not as

obvious as it seemed. While officially one of Tara's battalion commanders, this rank did not imply that he was a fighter. 'Tara had been involved in combat, we knew that, but Thaqi certainly was no warrior,' Van Loon recalled. Instead, 'Thaqi was a bureaucrat, a small-time civil servant.'[38] He appeared to fit the picture of the average provisional government mayor:

> The typical mayor has a background in public administration and originally became active in the mainstream of Kosovar Albanian political, usually within the LDK. He (they are all men) joined the UÇK late, leaving the LDK after February 1998, and often worked in the UÇK in an administrative rather than a weapons-bearing capacity. He owes allegiance to the provisional Ministry of Local Government in Pristinë/Pristina, but has appointed local people with relevant experience to head the various departments in his administration. The town hall has little or no income, unless it controls and has managed to re-start former state industries, and officials are working without salary.[39]

As a result of Thaqi's failure to quickly establish effective control over Orahovac and his inability to collect taxes for his central government, his relationship to the provisional government in Pristina became somewhat strained. In anticipation of Hashim Thaci's visit to Orahovac for the celebration of the one-year anniversary of the two-day 'liberation' of the city by the UÇK, Thaqi asked KFOR if he could carry a sidearm. The Dutch officer that refused him this important symbol of might in Kosovo, noticed that the self-styled mayor was very nervous about something that day. In front of the international press-corps, as a large crowd cheered on 'president' Thaci that day, it was military commander Tara who was standing next to him on the balcony. Thaqi was nowhere in sight.

It proved hard to concentrate the Task Force's effort on the problem of the two mayors at this point. After the Dutch defense minister and foreign minister and two visits by Wesley Clark in July, the battalion was rolling out the carpet for Mike Jackson and the Dutch Army Commander in Chief Schouten. Many 'VIPs' would follow. Clearly not every local KFOR unit received this much attention. The primary reason for the overwhelming attention was the impending Russian deployment and the Albanian protests that were receiving increasing media attention. Meanwhile, the Task Force was fighting its battle for control of the streets by keeping the UÇK from policing Orahovac. In early August, everything seemed to go wrong simultaneously. Just when the Dutch and German troops and military police seemed to be gaining the upper hand on the streets, a crisis in inter-ethnic relations erupted. An attack by Albanians on three Serbs in their quarter left one dead and two wounded, causing tensions to rise even further in the city.

These distractions and UNMIK's weak negotiating position made it possible for Thaqi to hold on to his position. His reported removal from the municipality building suddenly proved invalid. Although the Task Force continued to refuse to recognize him and the provisional government of which he appeared to be the choice, Thaqi came out on top. The UNMIK representative visiting the town accepted the

committee the Albanians had come forward with under his leadership. It was a compromise in a conflict over administrative power the locals obviously wished to avoid.[40] Although a majority of the Albanians in Orahovac supported Rugova, in the end it was clear that they did not want to confront Thaci's provisional government in Pristina. Officially under UNMIK leadership, Thaqi would become 'acting mayor' and Qeska would assume the position of 'acting deputy mayor.'[41]

After UNMIK had reached a deal with the local Kosovar Albanian representatives in Orahovac and thus endorsed the self-styled administrator, the Task Force 'seized its activities to create an integrated council' with Serb participation. It left the initiative in matters related to administration and institution building to the UN and the OSCE. The provisional government mayor in Orahovac would not be as influential as in other municipalities, although with Tara's support he was a force with which to reckon. According to Van Loon, he was 'a little fish.' He was known to leave town every day around three in the afternoon, while Qeska was always there for people to approach him as he resided in the city.[42] Furthermore, a very influential local movement in these days was the 'blockade council' chaired by Hasku, who was on good terms with the Dutch officers. This council was outside direct UÇK control. Eventually Thaqi, Qeska and several other interim delegates ended up working under the directions of the UNMIK administrator, Kharras Kane.[43] However, the UN diplomat from Mauritania proved to be not a very powerful figure and lacked the necessary skills of an interim manager.

UNMIK's compromise over administrative control in Orahovac was an example of the inevitable *ad hoc* policy followed by the UN in Pristina at this point. Characterized as 'pick and choose,' the approach was to leave the local structures in place as long as it appeared to be responsible and included a reasonable mix of local interests. If the local administration was too clearly UÇK dominated, the local UN official would push the provisional government to replace some individuals or attempt to remove the existing structure altogether.[44] If the Dutch commander had his way, Thaqi would have been marginalized immediately and certainly not have become the chief representative of the Albanian community. The commander did not see the need to accommodate the weak and unpopular mayor. Obviously annoyed that day, Van Loon painted a gloomy picture in his daily situation report. With the new interim mayor and the murder of a Serb, he had given up his vestigial hopes of an integrated Serbian-Albanian city council in the near future.[45]

The Task Force was clearly the strongest player in the municipality, but without the authority of a military governor, the commander's powers to influence matters in the administrative sphere were limited. Even with those powers, the situation would probably not have been as manageable as Van Loon might have liked. Despite the lack of a consistent Kosovo-wide KFOR-UNMIK policy towards the self-styled authorities, however, he and his staff were certainly relieved that UNMIK was officially taking the lead in the complicated and politically sensitive area of institution building and administration. In choosing what local representatives to accept and

The UN flag flew over Pristina in the summer of 1999, but UNMIK had serious trouble establishing administrative control over the province.

work with, the Dutch had relied on common sense rather than training and education in such delicate matters while being completely deprived of political guidance from KFOR headquarters on this matter. There was another reason for welcoming the official transfer of these responsibilities. Although the commander may have desired to wield his influence for the sake of a multi-ethnic Orahovac, his political and military taskmasters would not have been keen on their contingent's involvement in such highly political decisions. They would certainly not have been enthusiastic about having their troops remove illegitimate mayors from town halls in the Balkans. Although the administrative lead of the UN had the positive effect of relieving the Dutch commander of such politically sensitive responsibilities, its actual ability to govern amounted to little in the following two months. A single administrator representing the international interim government was present for merely two days a week until late September. It would take several more months before UNMIK in Orahovac would reach its eventual strength of five permanent international staff, complemented by another five OSCE personnel assigned to institution building and the organization of municipal elections. The Dutch would thus remain heavily involved in the day-to-day management of the municipality in the coming months.

The most important result of KFOR's relatively assertive posture in Orahovac was

that it prevented the UÇK and its political wing from entrenching themselves as they did in several other sectors in Kosovo. By patrolling the area intensively and by acting as a credible police force, the provisional government was unable to assume local authority backed by armed force the way it did elsewhere in Kosovo. The neighboring municipality of Suva Reka was an example of how the provisional government took charge if there were no substantial counterweight in place. Here, the 'mayor' had taken office in the municipal building on 17 June and – supported by the UÇK military police (PU) commander – basically ran the city. In October this resulted in the hardest line yet taken by UNMIK. The mayor was expelled from his office by force with the help of UN police, while the UÇK military police division was closed down by KFOR.[46] As in Orahovac, the population was not unequivocally loyal to the local mayor. The demonstrations that followed in Suva Reka were not so much in favor of the deposed mayor as against the removal of the Albanian flag from the municipal building. Eventually, these popular protests led to a strategic retreat by the UN and eventually resulted in the Albanian double-eagle flying alongside the UN flag. After several such 'flag incidents,' the same compromise was reached in Orahovac and the other municipalities with a predominantly Albanian population. Only in the capital of Pristina would the UN flag fly alone outside the city hall.

The confrontational approach taken by the UN in Suva Reka temporarily appeared successful, but as Dutch troops took over control of Suva Reka in November, the UÇK still proved more influential than in Orahovac. The city had clearly suffered from the initial lack of an active KFOR presence to act as a stopgap to UÇK control. However, an international military presence was by no means a safeguard against the predominance of self-appointed local structures in this early phase of the operation. In the Southwest, the Italian brigade was reported to have 'encouraged' the UÇK-led structures to help fill the power vacuum in some villages. In those villages near Peç, the UÇK had established police forces and even a municipal court. It was also reported to be running a health clinic, a grain store, a weapons factory and an agricultural cooperative in the Italian sector.[47] Although there is no proof for the allegations of actual encouragement of the UÇK by the Italians, the Italian brigade's aloofness thwarted effective control by KFOR and UNMIK. The result of their generally passive posture was that of all Kosovar regions, control of the provisional government was strongest in the Peç region. The Mexican regional administrator gave up his post after nine days, as he was unable to bear the Kosovar Albanian tendency to ignore his existence.[48] The OSCE characterized Djakovica, the second largest city in the Italian zone, as 'the most obvious example of the power of the self-styled authorities and the ability of the [...] UÇK to maintain control of a town.'[49] Here, the local structures went as far as issuing auto license plates. The obvious lack of KFOR and UNMIK control over Djakovica was only surpassed by the situation in the Serbian parts of the French sector, where radical nationalist elements seized de facto control of the northern part of Mitrovica. However, whereas the Italians could have more easily capitalized on NATO's heroic status amongst the primarily Albanian population in their sector, the French were facing a large Serb population hostile to KFOR and were reportedly infiltrated by paramilitaries directed from Belgrade.

Prizren, too, proved a difficult case in the struggle for administrative power. Other than the Italians, the German brigade commander Von Korff and his successor Sauer did not take a laissez faire attitude toward control over the city. However, the speed with which the provisional government got its act together in this city made it virtually impossible to block the UÇK officials from exerting a very strong influence over the local administration. Former teacher and UÇK warrior-spokesman Kadri Kryeziu had been waiting in Albania to assume the job of regional administrator over Kosovo's second city on Hashim Thaci's instructions. In fact, he had been assigned to this post one year before, his proud secretary told a reporter. A Council of Europe team of experts visiting the city in June had found the administration firmly entrenched 'in a vibrant working city,' that contrasted with all the other places the team had visited.[50] In Kosovo's second largest and certainly most beautiful city, the street cafes were busy, food merchants were offering fresh fruit and every hour a shop seemed to open its doors. A German journalist concluded that two weeks after KFOR's entry in Prizren there was no more trace of a *Stunde Null*, or 'zero-hour' in Prizren.[51] To challenge Kryeziu's control over the city late June there were no more than three staff in the UNMIK regional office temporarily headed by the Canadian Mark Baskin. The deputy regional administrator's first encounter with Kryeziu was a fiasco. After the Canadian official rejected the legitimacy of his claim to administrative power, the Albanian mayor walked straight out of the session.[52]

Upon his arrival in Kosovo, the Swedish regional administrator Lennart Myhlback, who took over from Baskin, set out to confront the UÇK mayor over his unauthorized exercise of powers. Attempting to dissolve the provisional government structures in Prizren, he steered a course closer to that in Suva Reka than that by UNMIK in Orahovac, where a compromise was reached. In August, Myhlback established a ninety-day provisional municipal council in Prizren with himself at the head. His scheme soon started to go awry as the local deputy he had envisioned never showed up. Of the twelve local representatives he attempted to assemble in weekly sessions, a maximum of six appeared. The German liaison officer who joined these council meetings as a KFOR representative witnessed many of these somewhat embarrassing sessions, none of which led to any practical results.[53] One of the international administration's most imminent problems prior to September was the lack of finances to pay employees who attempted to provide basic services. This left him with little leverage. In the meantime the six missing municipal council members were elsewhere conducting business as usual under the UÇK provisional government Mayor Kryeziu. According to the OSCE, the critical UNMIK insider, the many functions being performed under his direction included 'tax collection, issuing birth certificates, marriage licenses and certificates, issuing decrees and using a vigorous public information campaign to advertise their services and achievements.'[54] As a consequence, Myhlback rapidly fell out with Kryeziu and discouraged contacts with him while trying to empower the UN-organized structure. The Albanian mayor then publicly denounced UNMIK as *amik*, a fanciful variant of the Albanian word for 'enemy.'[55]

Prizren turned out to be a 'sad case.' It confronted the UN and KFOR with the limits of what the international presence could do after the momentum was lost to

the UÇK and in the absence of a clear policy towards the self-appointed administrators. Neither the UN nor NATO was willing to use the military to enforce international rule over a people it had sought to free from oppression. UNMIK did not repeat its forcible removal by its police of the mayor of Suva Reka and elsewhere. KFOR was not eager to trade the image of the liberator it had amongst the Kosovar Albanian majority for that of an occupying force. General Jackson was anxious about alienating the Kosovar Albanian population as a result of KFOR's rather harsh treatment of the UÇK military in the demilitarization effort. Maintaining consent of, and thus military compliance by, the UÇK was far too important for the execution of his primary military mission to risk a confrontation with Thaci's provisional government. There was a firm recognition in both KFOR and UNMIK that the Kosovar Albanians had run parallel systems in the face of a much stronger and more oppressive government than the UN. The alternative, however, a formal recognition of his government on a Kosovo-wide basis, was out of the question. The ensuing attempt to selectively sideline the self-styled leadership provided no solution.[56] In the absence of a formal agreement on the status of the different claimants to power, Kosovo remain practically ungoverned for several months. In October 1999, Bernard Kouchner started negotiations to break the deadlock by creating a consensual interim government acceptable to all parties involved. Since Thaci was clearly sticking to an obstructionist line, UNMIK and KFOR would have to wear down the influence of the provisional government over the Kosovar Albanian population. To accomplish this, the civilian and military components would have to provide the Kosovars with a viable alternative.

Public Services

During his time as administrator in Prizren, Mark Baskin came to recognize that one of the key problems in the political reconstruction of post-war societies was generally posed by the elaborate ambitions involved. The 'putatively cosmopolitan values' promoted by these international operations – such as multi-ethnicity, political diversity, economic liberalism or democratic development – were not so deeply rooted internationally as the predominantly Western interventionists would have liked to believe. However, these high-minded goals were the prime motivation for the international community to deny the UÇK and its provisional government direct access to power, since it represented the exact opposite of most of these values. For the time being, UNMIK had to lure the Kosovars to its side by far less elevated means in order to succeed in elbowing aside the parallel Albanian structures and establish itself as the only formal governmental authority in Kosovo. Apart from public security, the quintessential government function, the battle for political control was fought over basic public services rendered to a population in need. UN administrators or the UÇK mayors could hold all the claims to legitimate power they wanted, but controlling Kosovo was all about who the people could rely on and would turn to for their basic necessities. KFOR would play a crucial role in providing these basic services pending the establishment of a working UN administration.

By mid-July, British engineers were working with NGOs to restore the local water supplies in Pristina. British engineers were also responsible for keeping the two main power stations running in what Jackson called 'a rather desultory way.' To support them in their effort to keep the electricity flowing, the general flew in civilian specialists straight from Britain. KFOR thus chaired the boards of three electric power companies (power generation, transmission and distribution) and was refurbishing the main telecommunications transmitter. Overall, these were unrewarding tasks. Although more than a year of civil war and the recent attacks with NATO's precision-guided munitions had not done the facilities much good, Kosovo's public services had been in a deplorable state long before the bombing campaign. While new facilities such as a mobile telephone network would be up and running in 2001, daily power failures were still a common feature throughout Kosovo in 2002. KFOR temporarily had to operate several other facilities such as the Trepça mines and the Mitrovica lead factory, which turned out to be ecological disasters. In addition, technical advice was provided for the water board and the new police academy, run by the OSCE. Border control duties were temporarily performed by KFOR, but were limited mainly to checking traffic entering Kosovo for weapons.[57] It made no pretense of addressing customs or other economic issues since it was far too busy with more pressing matters; additionally, legislation in this field was lacking. Of all these tasks, only the improvement of the Pristina airport and perhaps border control duties could be clearly linked to KFOR's own military operation, and were therefore CIMIC in a classical sense.

In Prizren, the German brigade was heavily involved in running the southern part of Kosovo. Apart from the usual aid provided to the returning refugees, the reconstruction projects such as the winterization program for destroyed housing and the refurbishment of schools, German and Dutch engineer battalions were working on road construction, snow clearance during the winter, the organization of garbage disposal and the augmentation of the insufficient local firefighting capacity. In Prizren, a military field kitchen company provided more than 600,000 hot meals to refugees over the first few months, and even livestock such as sheep and chickens were distributed among farmers. Lack of confidence in UNMIK's capabilities in the initial months caused the many Kosovars to approach the German brigade directly for all sorts of aid. The Germans noticed a change in the behavior of the local population. The immense gratitude towards KFOR outlived the initial phase of cheering and flower-throwing crowds. However, Colonel Ulrich Kilch saw the mood gradually change from 'can you help us?' to 'we need something,' to 'you have to.' Well-intentioned initiatives geared towards mobilizing the local volunteers to clean the intensely dirty streets failed, only to take off after locals were being paid to do the job. Since UNMIK was unable to pay other public employees, the German brigade even went as far as paying wages to this local staff using donations from the German government. This situation lasted until the middle of September when the UN took over these financial obligations.[58]

On the local level, Task Force Orahovac was facing a similar situation. Most of the city's public services were either already being run by KFOR, operated in coor-

dination with international governmental agencies or NGOs, or delegated to local staff after having been initiated by the Dutch. In order to operate effectively and assure access to all ethnic groups, basic public services such as the fire department and the hospital were under military control for the time being. The fire department had two fire trucks and employed ten people, but was hardly functional unless under KFOR direction. On the Task Force's initiative, the hospital, which had been in a deplorable state, was cleaned and returned to medical service. Thereafter Dutch doctors managed the hospital together with local medical staff under KFOR protection. With support from the battalion and the organizations *Médecins du Monde* and the *Johanitter Unfallhilfe*, which were also operating in the hospital, medical aid was made available inside the Serbian quarter and Velika Hoca. The more severe cases would receive military escort either to the Orahovac hospital or even Prizren or Pristina.

As in every city and town in Kosovo, garbage disposal in Orahovac was problematic that summer, leading to serious fears about the outbreak of disease. It was tackled in cooperation with the German governmental technical aid organization *Technisches Hilfwerk* (THW), using local Albanian employees, who initially had to be escorted when working in the Serb quarter. Through its two liaison officers, the Task Force was coordinating the reconstruction of several other elements of civilian life. Together with the THW and the UNHCR, a temporary school was established in a refurbished supermarket in the Serb quarter.[59] Through an effort by the battalion's non-commissioned officers, learning materials and toys were collected in the Netherlands and handed over to elementary schools in Orahovac, while a schoolyard was refurbished with money provided by the city of Arnhem, the home base of the Dutch artillery unit.

The Dutch government had been providing substantial sums of development money to its units on peacekeeping duties since the Marines had been operating in Cambodia. However, the artillery battalion in Kosovo received no such funds. The logic behind this decision was that by sending a thousand-strong engineer battalion for humanitarian and reconstruction duties to Prizren, the Dutch government was already doing enough in this field. Since the battalion was heavily involved in running a municipality, this seemed a rather odd decision. It did, however, result in making the Dutch troops creative and stimulated cooperation with civilian organizations, thus ensuring a rapid transfer of responsibilities. Yet again, creativity was not stimulated by The Hague. During the very first weeks, the Serbs in the area were faced with the likelihood of serious food shortages. Since initially no humanitarian organizations were around to perform the job, the Task Force offered a local flour factory in Zrze the lucrative contract of providing KFOR troops with their daily bread supply, on the strict condition that it would also deliver bread to the Serbs. To that end, the Dutch provided ten tons of flour. Deliveries by the Albanians were initially under military escort. It took the commander some serious haggling to get authorization for this initiative from the Ministry of Defense. While providing millions for reconstruction and aid projects performed by the military in Bosnia – where stability had long since been restored – it now feared the 'dependency reflex' despite the acute food crisis amongst Serbs in Orahovac under the noses of its own soldiers.

In August 1999, the UN administration started its first payments to the city's medical personnel, firefighters and garbage collectors, who had all been operating under the direction of the peacekeepers. That month, with the increasing amount of international humanitarian organizations operating in the municipality, people finally stopped approaching the Task Force directly for basic needs such as food, water and medicine. The Dutch expected, or rather hoped, that the NGOs and IGOs would succeed in providing most of the necessary humanitarian aid before winter set in. However, two problems hampered the humanitarian effort. First, there was a lack of coordination on all levels between the humanitarian organizations, both governmental and non-governmental. Aware of the mutual dependency of their success, the Dutch expressed their concern that lack of effective collaboration was damaging to local confidence on all parties involved, NGOs, UNMIK and KFOR.[60] Second, a drop in humanitarian aid suddenly occurred as the Albanian population erected the blockades against the Russians in late August. It was also difficult to estimate if the 'shelter project,' a program to improve houses destroyed during the war performed by UNHCR and several NGOs with KFOR engineer support, would be finished in the months to come. As winter drew closer, this became an ever-more pressing problem.[61]

The Dutch battalion also initiated various projects aimed at restarting the local economy. An attempt was made to jump-start production in the local wine factory and the plastic factory by using some of the military's vast logistical capabilities. The wine factory in Orahovac was the largest in Kosovo and had been the economic backbone of the region. One of the CIMIC officers located missing machine parts and other items in the main factory to be replaced by those from subsidiary factories in the neighborhood. While the most obvious goal of such aid was to accelerate the return to normal life, there was an additional incentive for the Dutch to wield at least some influence in this field. Thaci's provisional government made its next move to gain administrative control over Kosovo in the economic sphere. In order to extend its influence in Kosovar society and attract the population to its side, his provisional government would have to gain control of the financial resources needed to provide basic community services. At the higher levels of the economy this effort was clearly orchestrated, but there was also the problem of ordinary crime and extortion performed by local UÇK members. Some of these forces were clearly outside Thaci's control and some of these criminal elements were no more than gangs operating under the name of the UÇK.[62] But while denouncing these practices by renegade elements, his provisional government issued a directive to have all factories transferred to a shady holding company established in the Virgin Islands. In Peç the UÇK was already capitalizing on the local beer brewery.[63] In Orahovac, the prime targets were the wine factory and the plastic factory.

In order to make clear that these assets certainly did not belong to Thaci's self-styled government, the Task Force proclaimed that all state-owned factories were to be transferred to UNMIK in due time.[64] Acting on information and recommendations provided by the local community in the first weeks, Van Loon had appointed Agim Hasku to his former position as director. After receiving the letter from Thaci's

government, Hasku was seriously worried that his position in charge of the largest economic asset in the area would put him in danger. He therefore temporarily received direct protection from the Dutch soldiers.[65] It would prove crucial to providing the population with a sense of protection by addressing public security, thus enabling them to place their bets on the international interim authority rather than giving into pressure from the UÇK or non-political criminal elements. As long as they felt safe doing so, it was simply more profitable for the directors as well as the general public to turn down the UÇK and count on KFOR. Moreover, the peacekeepers wielded substantial influence through good relations with the some of the NGOs and IOs that were flocking to the high-profile area of Orahovac to provide economic and humanitarian aid.

The Task Force made a relatively successful attempt at thwarting illegal taxation and extortion by local provisional government and common criminals. People came directly to KFOR with complaints about local thugs asking people for taxes and trying to make them pay rent for real estate not in their possession.[66] In larger cities such as Urosevac in the American sector, the local mayor was renting out public property, of which the UN was in fact the legal custodian, while the Germans in Prizren were faced with UÇK-orchestrated attempts to issue building permits. This proved a lucrative business in a province that had seen a large proportion of its housing go up in flames. Shop owners in Orahovac who became victims of 'protection rackets' would also turn to the Task Force. All such information would be entered into the ever-expanding database, run by the Dutch intelligence officer in charge of policing, and acted on if possible. At one point, a local Albanian man had even taken control over the key power switch to the city. He considered it quite normal that someone had to be paid for such a service and in order to harass the Serbs he switched off power to the Serbian quarter whenever he had the chance. Although the Task Force dealt with this situation by taking over control of the power supply, the battered electrical power system would remain a problem. The water supply in Orahovac was a similar problem, compelling the Dutch to run water trucks to the Serbs. The location of the Serb quarter of Orahovac in the highest part of town aggravated the situation because it made the Serbs lose water pressure first. Although there were frequent complaints, the Task Force found itself incapable of checking all houses of the Albanians in the lower part of town that were leaving their taps running in order to harass the Serbs.[67] Only in August was the water supply of Velika Hoca restored to three hours a day, which turned out to be the pre-war level in summer.

Organized crime also popped up in the area under Dutch control, although the problem was nowhere near as problematic as in Kosovo's larger urban centers. It mainly spilled over from Albania, but had obvious links to elements within the UÇK. Most visible were the extravagantly expensive BMWs and Mercedes that suddenly visited the largely rural area. After reports from elsewhere in Kosovo of kidnappings of young girls became more frequent, the Task Force started to search the most expensive cars extensively at KFOR checkpoints. Instructions were given that these specific searches were to take at least half an hour. 'That's harrassment, all true,'

Van Loon later admitted, 'but it was surely effective because they soon stopped appearing in our area.' He further argued: 'When a society stabilizes at a certain point and people resume normal forms of interaction, these forces have a much harder time getting a grip on that society. They were all people that had lived together normally before hell broke loose and who also now regarded it abnormal that a certain criminal would suddenly tell you that you had to pay.'[68] In the early days there were many who simply wanted to profit from the money that was likely to be made in the chaos that followed the war and the Serb withdrawal. All such initiatives made an active posture by KFOR necessary.

Many of the civil administrative responsibilities were taken on by the military not upon UNMIK's specific request but on KFOR's own initiative at a local level. After all, when UN administrators were still struggling to find their way in an unknown society, soldiers had been operating in the civil administrative vacuum for weeks and sometimes even months. Their motives for stepping in the void were many. In Orahovac, apart from the mandate that prescribed broad support and the soldier's basic humanitarian concerns for the Kosovar population, the main driving force behind many of the ad hoc decisions to assume civilian tasks was the need to thwart local aspirants to positions of political and economic power. While performing the police tasks that – other than civil administration – KFOR had officially resigned itself to, it became clear that public security was often inseparable from other primary government functions. Any mayor of a sizeable town in the world could have told this to the military commanders.

Where KFOR would draw the line in the assumption of these responsibilities was all but clear. As far as support to the civilian presence was concerned, to the military's great relief, the caveat of 'support within means and capabilities' ensured that there was no blank check. However, KFOR was overall forthcoming with support to UNMIK recognizing, as in Orahovac, that it was in their own interest not to relinquish too much influence to the UÇK. After serving his tour as KFOR's second force commander, General Klaus Reinhardt stated, 'we ran the country, not the civilian organizations. The military were the kings, they make it happen.' He added that, although the military needed the civilian organizations, 'at times I would have preferred to be a military governor.'[69] It would have been interesting to see what would have happened in the early phase of their mission if KFOR would have occupied town halls throughout Kosovo – as was hesitantly done with the police stations. Pending the arrival of UNMIK, this would have been a powerful signal to the UÇK or other factions that any meddling in the interim government of Kosovo would not be tolerated. Especially in the predominantly Kosovar Albanian areas, this would undoubtedly have been accepted and maybe even expected by a population which had welcomed the troops as liberators. However, the formal responsibilities this would have entailed were shunned in Western democracies, and the military was hardly prepared. At the close of the twentieth century, such measures were never seriously considered at the political level. The military and civilian activities were officially

still neatly segregated at a time when war was conducted under the guise of humanitarian intervention and a de facto occupation was sold in the Western media as peacekeeping. Those ventures made by soldiers into the civilian sphere were performed under the name of CIMIC.

13

The Tools at Hand: Civil-Military Cooperation in Kosovo

General Mike Jackson's impressive military force, eventually numbering some 45,000 troops, was ill equipped and poorly prepared to deal with a power vacuum in a province inhabited by almost two million people. With tanks, artillery, and massive air support, KFOR had 'escalation dominance' if anyone chose to challenge it by force. It was superior on the ground compared to most military expeditions of the 1990s. Battalion commanders such as David Hurley and Patrick Cammaert would have been jealous of the ratio of forces to the size of the sector at Anton van Loon's disposal. What KFOR lacked more than numbers was light infantry and military police. It could be argued, however, that what KFOR required most of all for a mission of military government-type proportions was a civil affairs organization similar to that created during the Second World War.

For the unprecedented array of civilian responsibilities and coordination tasks, NATO had to rely on the tools at hand, which was civil-military cooperation (CIMIC). However, although in transformation from its old, primarily logistical Cold War support function since 1996, CIMIC as a concept as well as an operational capability was still in an early phase of development. Since IFOR and SFOR had restored confidence in peacekeeping from its all-time low in 1995, Bosnia was perceived as the model of future peace operations. But just as the existing peacekeeping model hardly prepared the Alliance for Kosovo, the scope of the new CIMIC concept as it emerged from operations in Bosnia appeared too narrow and rigid for KFOR. CIMIC doctrine avoided reference to the possibility of soldiers substituting for civilian actors such as the police and administration and consciously omitted any reference to military government responsibilities or 'vacuum filling.' Yet, despite KFOR's poor preparation and the vast gap between the CIMIC concept and the reality on the ground, civil-military cooperation was in many ways what saved the mission in Kosovo from impending failure.

Ad Hoc Civil-Military Cooperation

Jackson made a striking decision in the early months of 1999 during the planning phase for KFOR. As NATO started organizing the deployment of a ground force, CIMIC planners at SHAPE estimated that KFOR would require a CIMIC Task Force along the lines of that deployed in Bosnia. A CIMIC assessment by SHAPE was presented to the British force commander, but the general saw no need for attaching the approximately two hundred proposed civil-military specialists to his force at that

point. Faced with the likelihood of massive civil challenges ahead of the military force, his refusal was daring, to say the least. The experience of IFOR and SFOR in Bosnia had been the cradle for NATO CIMIC, and was generally expected to be copied in Kosovo. In Bosnia, NATO troops had operated under a narrowly defined military mandate in 1996 that was interpreted tightly by the American force commander. Nevertheless, IFOR had deployed an almost 450-strong CIMIC Task Force to manage the civil-military interface.

Jackson's motives for rejecting the idea of a separate CIMIC Task Force appear two-fold. His repudiation was a product of exactly this experience as the commander of one of three multinational divisions during the first six months of IFOR.[1] In Bosnia, as a result of unclear command structures, elements of the American-dominated CIMIC Task Force had initially stumbled over each other in Sarajevo while military commanders in the field were hardly aware of their function or use. In Bosnia, the Americans had principally followed the segregated model for civil affairs, known as the 'Mediterranean Model' in the Second World War, which gave the field commanders below the Supreme Commander hardly any control over CIMIC in their area of operations. As in Italy in 1943, this had made commanders in Bosnia some fifty years later leery of civil affairs and CIMIC. It also resulted in the CIMIC teams begging from the sideline for resources from regular forces. Bosnia left a lasting memory of the failure to combine military and civil efforts. With a clear sense of understatement, Jackson recalled:

> There were times particularly in the beginning in Bosnia where the relationship between IFOR – the initial force that went in – and Carl Bildt's civil administration was not terribly good. I was determined that this would not happen in Kosovo and that UNMIK would deserve from us just everything we could possibly do [...].[2]

Jackson dismissed the phrase 'mission creep,' which he recalled being 'bandied around in Bosnia' whenever the military mission touched upon the civilian sphere, thereby moving off track in the eyes of its American commanders. The term had also started to catch on in European military circles in the late 1990s.

Due to more than just his Bosnia experience, Jackson's dismissal of a specialized CIMIC Task Force is likely to have been a product of his upbringing as a British officer. British and American attitudes toward civil-military interface in military operations had grown apart since 1945. The American military had shown a tendency to treat civil affairs and CIMIC as a specialized function performed only by specialized civil affairs personnel, most of them reservists, in dedicated units and task forces. The primary intent of their deployment was clearing civilian obstacles for the military commander, who was expected to be fighting an all-out conventional battle on the German plains.[3] By maintaining a strict focus on the removal of civilian distractions, U.S. Army leaders made a deliberate attempt to keep the unwelcome peacekeeping operations of the 1990s as purely military as possible.[4] The strict segregation of the military and the civilian spheres led U.S. military leaders and policymak-

ers to strongly resist any military involvement in public security tasks, despite the repeated indications – most notably during peace operations in Somalia, Haiti and Bosnia – that the refusal to engage in some form of support to the police, and at times even executive policing, proved unsustainable.

Other than most U.S. generals, Jackson was inclined to regard the civilian aspects as an integral part of the mission, whether dubbed civil-military cooperation, civil affairs, civil-military operations, civic action, liaison, or support to the civil power. He was a product of a British military tradition rooted in a long history of colonial policing, counterinsurgency and the continued involvement of military forces in internal security operations in Northern Ireland. Any level of success in these hybrid civil-military efforts had relied heavily on the triangular relationship between civil administration, civil police and the military. Given the British Army's proficiency in robust but overall restrained military operations in low-intensity urban warfare in Northern Ireland, it is not surprising that his attitude was very different from most of his American colleagues in both public security matters and support to the civil administration. Jackson would set the example for civil-military cooperation for his successors in KFOR, all of whom were European generals.[5] He had been quick in assigning engineer support to the faltering electric power system and cooperated swiftly with UNMIK just after entry into Pristina to seize the archives containing the Kosovo's telephone and electric bills. In a country with hundreds of thousands of dislocated people, this would prove crucial in the long run to settle the property claims that often underlay ethnic feuding. He would make such decisions swiftly without bothering with prior clearance with NATO or national headquarters.[6] In Kosovo, Jackson argued, his troops had to do 'all sorts of things just to keep the show on the road.'[7]

The general's inclinations may have made him the right commander for a mission that required much flexibility, but the entire support effort to UNMIK would remain improvised. Plans for a CIMIC Task Force of up to four hundred CIMIC personnel were raised again in July, but stranded as a result of KFOR headquarters' reluctance to create a separate CIMIC organization and the inability of the member states to provide the necessary staff. This left KFOR headquarters to tackle the coordination of the CIMIC effort with twenty-four temporary staff augmentees in the G-5 staff section. Instead of an operationally driven effort to deal with the power vacuum that was now expected to stay for the foreseeable future, KFOR left most of the initiative at the tactical level by relying on the CIMIC personnel that the different contributing nations provided to their own brigades and battalions.[8]

At the time when Jackson for the second time refused to build a separate CIMIC organization, he nonetheless stepped up military support to UNMIK. He tried to arrange the civil-military relationship through technical agreements and protocols. These would remain in draft for several weeks, partly because Sergio Vieira de Mello told Jackson quite frankly that he was unable to commit his shadow of an organization to any time-lines for the transfer of responsibility for these civilian tasks. Apart

High level civil-military cooperation: Sergio Vieira de Mello, Javier Solana, General Wesley Clark and Lieutenant General Mike Jackson discuss KFOR support to the UN interim administration and police force in Kosovo.

from arrangements between KFOR and UNMIK, a system of coordination and cooperation had to be set up to guarantee 'unity of effort' between the civilian and the military components. As in Bosnia, but unlike in UN operations where a special representative and a force commander both reported to the secretary general, there was no command structure linking military and civil components at the political-strategic level. The relationship between KFOR and UNMIK was therefore arranged through an elaborate, yet largely improvised system of liaison.

Starting at the operational level, the key to the combined civil-military effort in Kosovo was the working relationship between the special representative of the secretary general and the commander of KFOR. Lessons from post-Dayton Bosnia had resulted in instructions under the Security Council Resolution for the UN special representative 'to coordinate closely with the international security presence to ensure that both presences operate toward the same goals and in a mutually supportive manner.'[9] Nevertheless, the success of the combined civil-military effort would largely depend on the personal relationship established between civil and military commanders in the field.

When Kouchner took over from De Mello in July, Jackson was reassured that the

Frenchman grasped the limitations of UNMIK and that he was aware of his dependency on the military. From the early days of the operation, the Force Commander and Kouchner met on a daily basis at the 'principals meeting' and soon exchanged senior liaison officers on higher levels. Jackson gave his German national deputy responsibility for humanitarian assistance, while his French deputy would take charge of support to civil administration and reconstruction. KFOR liaison officers were permanently stationed in the Office of the Special Representative and his four subsidiary organizations. Kouchner impressed the general as someone intent on rapid and pragmatic solutions. These solutions were desperately needed, for Jackson's brigade commanders were becoming increasingly frustrated by the growing number of problems that required UNMIK input and resolution. All over Kosovo, as in Orahovac, the dilemma of either blocking or accommodating Thaci's provisional government was pressing, but largely left to local commanders to figure out.

Reinhardt would also develop warm relations with Kouchner. On his first encounter with the Frenchman and his American deputy Jock Covey, the general brought to mind his personal experiences. He had witnessed 'terrible competition' between the military and civilian components in UN operations in Somalia, Croatia and during IFOR and SFOR in Bosnia, where he had commanded the German contingents. 'In the interest of the Kosovar people,' he therefore informed Kouchner that, as a matter of principle, he and his military force would conform to 'the will and ideas' of Kouchner, recognizing the western standards of keeping the military subservient to civilian rule. The general may have slightly exaggerated his compliant role, but it was a powerful gesture. He took pride in the fact that he and his civilian counterpart were called 'twin brothers' for their ability to work together in such 'close harmony.' Also with Kouchner's deputy of civil administration, Tom Könings, the 'chemistry was right' from the very first encounter.[10]

At brigade level, CIMIC Centers were installed to provide additional links to UNMIK, NGOs and the local population. Meanwhile, UNMIK joined military meetings at KFOR headquarters and at brigade level. Its representatives were also invited to sit in on military meetings by the Joint Implementation Commission (JIC), created to coordinate compliance by the formerly warring parties with the Military Technical Agreement and the *Undertaking*.[11] In contrast to Bosnia, information was shared quite freely. However, there were more informal channels of civil-military cooperation. In the evenings, KFOR's chief legal officers would not mind cementing civil-military relations by hopping over to UNMIK legal staff for the occasional beer that was denied to them by strict military regulations on alcohol consumption.[12]

Alexandros Yannis was probably correct in claiming that the problems with enforcing a clear chain of command were in fact bigger within KFOR, between the Force Commander and the various national contingents, than between UNMIK and KFOR at the operational level.[13] This became painfully clear when the crisis in Mitrovica exploded and Reinhardt could not dispatch the troops that were supposedly under his command. Interventions by national governments continued to hamper the ability of the force commander. However, the same was true for the UN administration and the unmanageable international organizations with which it had subcontracted,

A British KFOR helicopter delivers communications equipment to the building of the civilian UN Mission in Kosovo (UNMIK) in June 1999. KFOR was generous in its support and in many ways substituted for the UN interim government.

the OSCE, EU and the UNHCR. While the two chiefs got along in an exemplary manner, their respective subordinates were difficult to command and did not automatically follow their example. They therefore often had a harder time synchronizing their efforts in the field, and it was only in December 1999, after six months of joint civil-military operations, that Reinhardt assembled all of his generals and Kouchner assembled his deputies for a conference on joint strategy.[14] Overall, civil-military cooperation between KFOR and UN personnel at the operational level was regarded a success, but cooperation depended too much on the personalities involved rather than on planning and standard operating procedures.

Jackson's dismissal of a task force that prepared for civil-military operations had its drawbacks, but it is doubtful that such an organization could have created a fundamentally different outcome. CIMIC planners at SHAPE argued in the fall of 1999 that the failure to deploy a CIMIC Task Force contributed to the subsequent difficulties for the belatedly deployed UN civilian administration component. They also partly blamed the mass exodus of Serb civil servants on this shortfall and the sub-

sequent opportunity for the UÇK to occupy the ground.[15] A concentrated CIMIC effort vigorously directed from KFOR headquarters may indeed have been more successful in filling the vacuum pending the arrival of UNMIK. A task force with several months of preparation time for the mission would at least have been more successful at mustering part of the proposed CIMIC personnel and providing them with a CIMIC crash course. Overall, members of the Alliance had come to appreciate the need for dedicated CIMIC staff, but they had failed to provide the necessary specialized units. It was long before any of the three large NATO CIMIC groups that had been proposed in 1997 would become operational. CIMIC Group North, in which the Dutch and Germans took the lead, and CIMIC Group South under Italy's chairmanship would only see the light of day in 2002. The British, instead of creating a multinational CIMIC group within ARRC as initially planned, created a small national capability for what they called civil affairs. The third group within NATO would instead be provided by the Americans, who could simply use their existing civil affairs structures for this purpose. However, in 1999, the Americans would not contribute the numbers of civil affairs personnel it had deployed in Bosnia, since it had clearly opted to delegate overall responsibility for the ground operations in Kosovo to the European NATO partners.

The reiterated CIMIC proposal in July 1999 could hardly have been successful in regaining the ground lost to the illegal Albanian and Serb administrative structures in Kosovo. It could only have accomplished something if NATO's political leaders would have agreed to their soldiers removing local mayors from town halls and CIMIC personnel filling their posts. This would have amounted to military government through direct rule at the most basic administrative level. There are no indications that either plan called for the required administrative 'stopgap' at the municipal level. Yet, as UNMIK and KFOR temporarily failed to gain control over Kosovo's administration, and UÇK police were roaming the streets of Kosovo, there was overall agreement that the key to UÇK's early successes in staging its 'silent coup' was civil administrative control on exactly this level of local government. NATO member states clearly would not have allowed planning for the substitution of administrative functions, since anything resembling military government was ruled out. Soldiers were supposed to do soldierly tasks and – especially in the mind of Pentagon officials – stay as far away as possible from 'nation building.'[16]

The CIMIC concept that NATO had recently started to adapt could hardly have prepared its forces for Kosovo. Upon entering Kosovo, the overarching aims of CIMIC were only vaguely defined in NATO doctrine that was still under draft. A NATO Parliamentary Assembly delegation visiting Kosovo in September 1999 cautiously concluded that, while CIMIC was given trial runs in Bosnia and now in Kosovo, the input required was 'somewhat ill defined.'[17] The general definition of CIMIC agreed upon at the time of the intervention in Kosovo was still '[t]he resources and arrangements which support the relationship between NATO commanders and the national authorities, civil and military, and civil populations in an area where NATO military forces are or plan to be employed.' Such arrangements were to include 'cooperation with non-governmental or international agencies, organizations and authori-

ties.' By late 2000, NATO had defined CIMIC somewhat more properly as: 'The coordination and cooperation, in support of the mission, between the NATO commander and civil populations and local authorities, as well as international, national and non-governmental organizations and agencies.'[18]

At the time of the intervention in Kosovo, the CIMIC concept was often still directly associated with 'mission creep' and therefore much emphasis was put on its role in support of the military objective. The overall perception of the military mission or objective was the pivotal problem in all thinking related to CIMIC prior to Kosovo. The military objective was never thought of as substituting for the civil power in law and order and other administrative tasks, and even support to civil authorities was hardly considered a key mission. The conceptual framework still hinged on its old Cold War status, while depending heavily on the input provided by the Americans who were often regarded as more proficient given their long tradition in civil affairs. As a result, CIMIC had been developed in isolation and considered a military function in the margin of military operations, rather than a function integrated into security operations.

Specific CIMIC training for officers had only just begun at the NATO School at Oberammergau. Lieutenant Colonel Ulrich Kilch, who was in charge of civil-military cooperation within the German brigade, concluded that the CIMIC training he went through prior to his deployment was of no use whatsoever while performing his job in Prizren. His nine staff members, comprised of Dutch, Austrian and eventually also Swiss officers, were equally ill prepared for what they encountered in Kosovo.[19] Flexibility and a capacity to quickly learn on the job would prove the most indispensable skills during his mission.

The lack of guidance and coordination from the operational level resulting from ill-defined doctrine and lack of planning and expertise was felt on the tactical level within KFOR's brigades and battalions. In defense of CIMIC staff officers at KFOR headquarters, it has to be stressed that they were spread thin, only gradually reaching the level of twenty-five personnel.[20] Moreover, during the refugee crisis and the immediate aftermath of the military deployment in Kosovo, CIMIC staff at headquarters had been overwhelmed by the masses of displaced persons moving backward and forward across the province's borders. This preoccupation with refugees left little time for post-conflict planning. According to Kilch, the only practical order that brigade CIMIC staff initially followed from KFOR headquarters was the request for a daily report on civil-military activities, results and intentions. To that end the German brigade simply forwarded to KFOR headquarters the information they had already been sending the Ministry of Defense in Bonn.[21] Coordination of the CIMIC effort in the initial months was limited to weekly meetings of CIMIC staff from all five brigades in which the officers gave a short briefing on their activities and intentions within their areas of responsibility. While ascribing generous support to the civilian component, the instructions provided down the chain of command in the force commanders 'CIMIC intent' in July were not much more than a basic order of priority for the establishment of liaison and the likely recipients of support. The brigades were instructed to give priority to the four pillars of UNMIK, subsequent-

ly to the International Committee Red Cross (ICRC) and finally to the group of key governmental donors such as USAID, DFID, ECHO. Other than this order of priority and an emphasis on the winterization project, the brigades received no orders on how to approach the power vacuum.[22]

A KFOR CIMIC handbook appeared in September, three months into the operation, as most of the coordinating structures and methods had already emerged in the field. The handbook intended to provide CIMIC staffs at brigade level with the overall goals of CIMIC liaison and operations and the structures intended to execute them. The military end-state was defined as the point when UNMIK was able to operate without KFOR support. It also outlined the main responsibilities and goals of UNMIK, and provided CIMIC staff with instructions on how to perform the liaison function, on reporting CIMIC activities, and gave basic guidelines for setting up projects. Much emphasis was put on performing the liaison role, the pivotal CIMIC function. Subsequently, some clarity was created by distinguishing between *direct* support 'purely in support of the military mission' and *indirect* support 'in support of an [international organization] or NGO.'[23] NATO doctrine had thus far made the rather vague distinction between 'CIMIC activities,' and 'CIMIC operations' which – although attempting to make a similar distinction – tended to puzzle rather than illuminate views of the soldiers involved.[24] Still, there was the usual omission in the definitions provided in the CIMIC Handbook: there was no mentioning of cooperation with UNMIK police or administration or other civilian organizations as an integral part of security operations. Moreover, the drafters of the handbook, who were apparently hoping these tasks would soon wither away with the emergence of more UNMIK staff, avoided any clear reference to military forces substituting for a civil authority.[25]

A 'KFOR CIMIC Campaign Plan' covering the longer term was still under draft in September. When it finally appeared, the plan seemed to have little impact. Many CIMIC officers were not even aware of its existence, which is also likely to have been the case with the CIMIC Handbook. Attempts by new KFOR rotations in 2000 to resurrect the overarching CIMIC campaign plan failed as before because, 'It did not receive the appropriate command emphasis, to the point where implementation at so late a phase became academic,' a U.S. civil affairs officer concluded.[26] In Kosovo, CIMIC would remain primarily in the hands of the tactical commanders, who made up much of their policy as they went along.

The Complex Civil-Military Playing Field

During the British campaign in Malaya, arguably the most successful example of civil-military cooperation during counterinsurgency operations, civil-military cooperation had a relatively easy point of departure. The military forces in Malaya were all part of a British command structure and the colonial administration and police forces were all established and reporting to the same colonial government. Moreover, at the height of the emergency General Gerald Templer was placed in overall command of both the military and civilian powers. In Kosovo, the sheer complexity of the civil-

military playing field made it far more difficult to generalize about the degree of coordination between civil and military and even more so about its success. By August 1999, Kosovo was host to some twenty different national peacekeeping contingents that were inclined to follow national guidelines and priorities rather than those of the force commander, dozens of national and international governmental organizations and several hundreds of non-governmental organizations.

The number of national contingents in the coalition, the fact that KFOR headquarters was a coordinating rather than a command headquarters, lack of planning, instructions and coordination within the loosely organized KFOR CIMIC structure, resulted in very different approaches taken by each of the five brigades. National contingents had differing numbers of CIMIC personnel, different levels of funds available, and had varying perceptions of, and attitudes towards, CIMIC. Each brigade and battalion therefore reached different levels of coordination with the many civilian actors in their area. This resulted in varying degrees of combined UNMIK-KFOR administrative control over sectors and local populations and different levels of reconstruction.

By August, the German brigade had deployed an almost one-hundred-strong CIMIC company in the field with abundant funds at their disposal. While the French had mustered some ninety-six personnel, they had little money to spend. This compared to some fifty-eight U.S. civil affairs troops, thirty-five Italians and a mere fourteen British CIMIC personnel.[27] Numbers of dedicated staff alone were not a reliable indicator of the degree of interaction and cooperation between the different brigades and their civil environment. British units, for instance, while low on CIMIC staff, were generally perceived by both local and international organizations as very supportive and communicative. Combined with the frequency of the coordinating meetings held by the different brigades in their CIMIC centers a somewhat more reliable picture arises. The Germans, British and Americans all held meetings early in the morning on a daily basis. The Italians held them only twice weekly, while the French only held civil-military coordination meetings once a week.[28]

The effectiveness of different national CIMIC personnel was heavily influenced by their general posture in a civilian environment. The British were generally seen as integrating civil-military cooperation into operations. Their claim that 'we are all civil affairs officers' was at times ridiculed by American officers who were hardly impressed with their meager CIMIC organization. It initially numbered just eight and was co-located with NGOs in Pristina's sports stadium where they had to borrow internet access from one of the humanitarian organizations.[29] They were, however, located in the city and operating side by side with the NGO community, which not all contingents did. An American civil affairs officer in Kosovo in early 2001 was surprised by their approach:

> The concept is that CMO [civil-military operations] is integrated into operations (especially security operations) and that every soldier in a peace operation had a CMO mission. Hence the small number of dedicated CMO personnel at [Multinational Brigade Central]; a dozen or so CMO officers mainly at G3 (CMO) at Brigade and battalion HQs.[30]

The force protection measures resulting from the U.S. military's risk-averse mentality hampered the American civil affairs teams in moving among the people. A civil affairs officer who planned on meeting a specific local Kosovar would have to leave early to reach his destination from the massive U.S. Army base Camp Bondsteel, which was situated nowhere near the majority of the population centers of eastern Kosovo. His appearance in town would have been quite intimidating for most Kosovars due to the force protection requirement for four-person civil affairs teams in at least two Humvees. The civil affairs officer engaging in a conversation with a local resident would always be wearing a helmet and body armor and would hardly be distinguishable from the combat troops who were likely to accompany them. His British, Dutch and other European colleagues, while exposed to exactly the same risk, were far more approachable, confident looking and trusting towards the local population wearing merely their berets and a side arm. One of the two Dutch CIMIC officers, Captain Wim Speth, walked about freely with his local translator and possibly with his driver who was also his guard. He would have his morning coffee in the local café and interact with the locals and figure out the general mood. For the battalion, almost all relevant information was garnered from personal contacts with locals and civilian organizations, and this information enabled the battalion to preempt a crisis.

American civil affairs officers, although still more professionally trained than most of their European colleagues and mostly with a relevant civilian background, were also hampered in their work by the U.S. Army's fixation on conventional warfare. A Dutch and a Canadian officer who spent six weeks in the general civil affairs training course at Fort Bragg were surprised by the Americans' lack of attention to peace operations in 1999. The Dutchman reported:

> Operations such as peacekeeping and peace enforcement (our core business) are dealt with in five minutes and are too murky and too dicey to be dealt with in-depth, despite the interventions of a Canadian officer and myself. They either do not understand our interventions or consciously ignore the matters we raise. The foundation of everything remains power (over-power?).

He was also taken aback by what he described as the American military's compulsion to 'categorize and compartmentalize everything, framing it in a definition, doctrine or field manual.' He witnessed how his class had great difficulty handling the flexibility and creativity that he thought the subject required:

> The lack of a clearly defined procedure, the exact layout and staffing of a Civil Military Operations Center [CIMIC Center], for which the changing circumstances in different operations result in many varieties, causes much confusion and many questions amongst the participant in the civil affairs course. They need backup from a book! The CMOC is clearly seen as a military operation in which the primary concerns are force protection and the U.S. military's leading role. [...] Today was another one of these days spent by the Americans struggling to squeeze all

operations other than war into doctrine, definition or procedure. This proved hardly possible with so many exceptions to the rule. [31]

One American civil affairs officer would remark after his tour in Kosovo that because civil-military operations were 'more an art than a science, it is something its practitioners simply either grasp, or fail to understand.'[32]

Not all NATO soldiers manning the CIMIC Centers were equally communicative towards locals and their civilian counterparts in the humanitarian community. This was the result of both language barriers and the lingering cultural divide between soldiers and civilians. Cooperation depended on the different nations' military and, last but not least, the individuals involved. One of the German CIMIC officers staffing the CIMIC-center reportedly refused to speak anything other than German, even-though he could speak some English. The UNHCR in Djakovica had an even harder time dealing with the local KFOR officers, since hardly anyone of them spoke anything other than Italian.[33] According to an aid worker from Oxfam the weekly coordinating meetings held in the French CIMIC Center were initially no more than a French officer briefing those present on the general security situation and announcing what the French were going to do. He called their version of civil-military cooperation 'one-way communication.' His experience was that 'KFOR follows orders and they give orders.' The French were also mocked for trying to win the hearts and minds of the Kosovars by giving priority to French language education over reconstruction of housing. Stories such as these would always be buzzing around the humanitarian community, but gave a distorted picture. Although the French were known in Kosovo for their 'stand-offish posture,' an independent research into NATO's role in humanitarian operations concluded that, 'with the exception of one NGO, the humanitarian community expressed satisfaction with the support received from French KFOR.'[34]

Differences in national approaches towards civil-military cooperation between national contingents were also influenced by their pursuit of their own national interest. Both civilian governmental and non-governmental organizations complained – and CIMIC officers in KFOR headquarters readily admitted – that much of the CIMIC effort, which should have been coordinated and equally distributed throughout Kosovo, was dominated by national contingents working towards their own benefit.[35] The Kosovar population was clearly benefiting from these efforts, but many international officials rightfully wondered whether the resources were spent economically and equally. The Germans were the most obvious example of a brigade following national over NATO priorities. The Schröder administration had much invested in a successful resolution of the Kosovo crisis. It had been a staunch supporter of the war against Serbia in defiance of much internal opposition. The Germans were now making their biggest contribution ever to a peacekeeping operation by leading an 8,000-strong multinational brigade, and were soon to provide the second force commander. Further chaos in their sector of Kosovo would therefore have to be avoided at all costs. According to Ulrich Kilch, his brigade commander Sauer and the Ministry of Defense in Bonn made no secret that they were 'just following national interest' by

providing an engineer battalion, a CIMIC company, an extra field kitchen, money for projects and eventually even wages for local civil servants.[36] The unit had an estimated five million deutschmarks at its disposal from government resources.

More than other contingents, the Germans tended to deploy their forces, especially their engineers, in civic action projects and the reconstruction of infrastructure. Moreover, the German government organization for technical assistance, the THW, was only active in the south of Kosovo in direct or indirect support of forces under German commander, and therefore – to their great benefit – also in support of the Dutch. To policymakers and parliamentarians in Bonn, 'it seemed eminently reasonable that German government food aid allocated to the UN World Food Program should be channelled to the Kosovo [area of operations] under German command for use in bakeries operated by German troops to make bread for distribution to Kosovar civilians who would also be served by German NGOs.'[37] The scale of CIMIC activities in the area by the Germans was unparalleled and, partly as a result, communications, transportation, and agricultural infrastructures in the Prizren region were among those in the best condition in Kosovo.[38] A KFOR officer from another contingent described German KFOR as 'acting like a huge NGO doing projects.'[39] He was not alone in asking the crucial question of where the military's priorities should lie. The International Crisis Group concluded:

> KFOR has been extremely helpful in facilitating the delivery of humanitarian assistance; however, aid agency officials, from UNHCR to the private volunteer organizations, feel that KFOR would win more hearts and minds by providing the civilian protection that is within its mandate than by furnishing roof kits.[40]

Overall, the Kosovar population – the intended beneficiary of civil-military cooperation – profited from a set of circumstances that made the intervention in Kosovo a more concerted effort than most previous combined military, humanitarian and reconstruction operations. Despite the usual bickering, the cooperation and coordination emerging in the field between the military, IGOs and NGOs capitalized on many years of experience in complex peacekeeping. During the 1990s, civilian and military actors had grown accustomed to the need to synchronize their efforts to a certain extent. The relationship between the military and the humanitarian community has been described as a 'marriage of reason' between what the American Chief of Staff General John M. Shalikashvili in 1995 had called 'strange bedfellows' at a conference on military efforts in humanitarian crises.[41] The main drive behind this process of rapprochement had been in the recognition of the mutual dependency in the achievement of common goals. This rapprochement was essentially demand driven.[42] Humanitarian organizations tended to welcome military assistance when its comparative advantages surfaced. These were the military's ability to provide security, airlifts and other logistic capacity, and the ability to get things done through clear leadership structures and discipline. This dependency, which had more than ever come to the forefront during the refugee crisis between March and May, helped set the conditions for cooperation in Kosovo after June. When the hundreds of thou-

sands of Kosovar Albanian refugees had spilled over the Albanian and Macedonian borders and overwhelmed the UNHCR and NGOs on the ground in previous months, the military came to the assistance of these organizations. In April, NATO Secretary General Solana had approached UN High Commissioner for Refugees Sadako Ogata with an offer for military assistance to the humanitarian effort for which her organization was clearly not prepared.[43] NATO troops would be placed in support under civilian leadership in an unprecedented serving role. Despite some criticism from the humanitarian community, the military were generally praised for supporting the work of the humanitarian organizations in this phase.[44]

In the course of the 1990s, there had also been a growing recognition on the part of the military of the use of humanitarian and other international organizations in order to facilitate their work and most of all, their eventual withdrawal from a crisis area. In Kosovo, this was clearly echoed in General Jackson's overall 'CIMIC-intent' that went far beyond directly 'supporting the military mission.' Jackson and his successors put great emphasis on supporting UNMIK in the establishment of an interim administration and on maximizing the IGO and NGO capability 'in order to set the conditions for the development of a lasting settlement within the province thus allowing for the withdrawal of KFOR/NATO support.'[45] In practice, this segregation of intended beneficiaries of CIMIC support – the military commander or the civil environment – often proved futile in an operation with such a broad and integrated mandate as that in Kosovo. However, the great emphasis put on support to the civil environment helped to silence the 'mission creepers' who saw anything outside direct support to the military operation as undesirable.

Analyzing the evolving civil-military relationship during the 1990s, Charles Moskos observed an 'embryonic convergence' between two parties that had resulted in 'a 'softening' of the military, if you will, and a 'hardening' of the NGOs.'[46] This process of mutual rapprochement undoubtedly improved civil-military cooperation in Kosovo at the end of the decade. Nevertheless, what could be called an unparalleled success in civil-military cooperation may not have appeared as such to a newcomer in the field of combined civil-military efforts in humanitarian disaster relief and reconstruction. Kosovo was the scene of the usual bickering and finger pointing between the military and civilian personnel. Compared to the improving relationship between the military and large international governmental organizations, the cultural divide between NGOs and military forces was still wide.[47]

One of the continuing sources of frustration on the military side was the lack of willingness on behalf of the NGOs to coordinate their efforts. Officially, the UNHCR was responsible for the coordination of the humanitarian effort, but the Dutch acting representative of the UNHCR in Kosovo told Reinhardt that it was easier to herd a bag of fleas.[48] KFOR staff blamed the NGOs for sticking to the main roads and cities, where the cameras and therefore donors would see them perform their job. There seemed to be much less attention paid to the more isolated villages, where some of the military ended up witnessing much hardship while performing some of their patrols. Although the peacekeepers considered this pursuit of publicity in order to please donors 'distasteful,' many of the national military contingents in

Bosnia and Kosovo were no strangers to high-profile, quick-impact projects. Providing the ideal photo opportunities, the reconstruction of schools and playgrounds were among the most sought-after CIMIC projects. And although 'winning the hearts and minds' of the local population was as legitimate a goal as it had been in counterinsurgency and other military operations in the past, such as Cambodia, winning the hearts and minds of the taxpayer back home was often still of equal importance to defense ministries and army leaders throughout Europe and North America.

It is not surprising therefore that some of the NGOs came to consider the military as competitors in the search for donors and funds. The British governmental aid agency DFID provided British forces in the Balkans with grants for small projects, which would otherwise have been channeled to international or local NGOs. Professional humanitarians tended to regard much of the national development funds spent through the military as costly and poorly directed. Despite the pride the Germans took in their initiative, the 8,000 hot meals per day provided by their troops to the population of Prizren became an often-cited example of ill-spent money. Not only were the program's cost-effectiveness and effects questioned, the meals were also discontinued before the winter began for lack of funds. Numerous other incidents called into question the competence of the military to carry out humanitarian tasks.[49] During the refugee crises in Macedonia and Albania, for instance, the positive effects of rapid camp construction by the military were at times undercut by their design and location in cases where the soldiers failed to consult humanitarian professionals. Without consulting the UNHCR, U.S. troops constructed a massive refugee camp in a Macedonian valley, which flooded during the first rainstorm.

The relationship between KFOR and the international governmental organizations operating under the UNMIK umbrella, the quintessential civil-military link for the establishment of international control over Kosovo, was overall better than that between the military and NGOs. Obviously, there were many complaints from the military about the slow deployment of UNMIK officers in the field. The military often had little appreciation for the difficulty of starting a civilian mission from scratch and forgot that civilian officials had to leave their regular jobs behind. CIMIC officers also complained about some of the UNMIK employees being 'young and inexperienced.' They ignored that civilian organizations were mostly faced with military staff with little or no experience outside the military sphere.[50] However, there was no turf-battle raging between soldiers and civilians over the administrative functions as there was in the purely humanitarian sphere. While direct military involvement in humanitarian aid and project was often controversial, temporary military input in the provisions of public services and rudimentary institution building was generally welcomed.

The further down the line of command, the fewer guidelines KFOR and UNMIK received on how they were to coordinate their efforts and towards what political goal. While cooperation between Kouchner and the force commanders in Pristina may have been regarded as exemplary, in the regions and municipalities the lack of strategy on how to deal with local Albanian and Serb competitors in the administrative

void made it hard for their civilian and military officers to create a viable mode of cooperation.

By August, the Germans in Prizren had established direct contacts with the UNHCR while most of the contacts with the NGOs were established in the CIMIC-Center adjacent to the German military compound. However, the first German CIMIC officer had neglected to establish direct liaison with the regional UN civil administrator. When Kilch took over in October, he performed this primary liaison function himself. In this role, the German CIMIC officer saw himself as 'a kind of military advisor to the regional administrator.' After his arrival, weekly meetings commenced between the German brigade, UN Civil Administration, the OSCE and the UNHCR. They were soon known under the telling name 'cabinet meetings.'[51] Here, Prizren's most pressing problems were addressed and possible solutions and the distribution of labor between the organizations were discussed. After the initial problems, Kilch called overall cooperation 'quite good.'

The lack of coordination on the operational level at KFOR headquarters for planning and training for CIMIC tasks was also clearly felt one step further down the chain of command. The battalions were largely kept in the dark on how they were to address the civilian challenges. Except for the commander's overall intent, little guidance ever reached the Dutch troops in Orahovac. The Germans had failed to inform the Dutch of their plans and intentions concerning CIMIC, in as far as they themselves had any at that point.[52] National guidance was lacking, since the Dutch government generally believed that by providing a reinforced engineer battalion, publicly called an 'Engineer Aid Battalion,' it was doing enough in the field of CIMIC. No CIMIC handbook or specified orders from KFOR or brigade headquarters reached the battalions operating in the municipalities in the first months of the operation. And while Kilch may have been complaining about the limited use of his CIMIC training in Germany, he had at least a point of reference as to what NATO was trying to accomplish by putting him into the field as a CIMIC officer. Major Arno Schouwenaars and Captain Wim Speth, the two dedicated CIMIC officers in Orahovac, had received no specific CIMIC training whatsoever. Both were artillery officers, plucked away from other units in the rush leading up to KFOR's entry into Kosovo.

The lack of guidance on the lower levels of operation did not necessarily mean that civil-military cooperation in the regions and municipalities of Kosovo was worse. But without it, it left the levels of success to chance and, again, depended on the personalities involved. In theater, it simply demanded more creativity to establish a viable civil-military coordinating mechanism. The first challenge was to employ the soldiers within a unit to suit the largely unforeseen civilian dimension of the mission. Obviously, it took more than just the two CIMIC officers to manage the civil-military interface. Therefore the commander and much of his regular staff performed these aspects of the mission. Since the early days of the operation, Captain Brouns, the intelligence officer (S-2) had been coordinating the police effort. Although the local UNMIK Police commander Albert League had officially assumed 'police primacy' by November, the Dutch were still heavily involved in policing duties and continued to cooperate closely with his police force. As the numbers of civilians in the

field rose sharply in July, many staff officers were given a secondary task of performing a liaison role. The battalion's operations officer (S-3), major Marcel van Weerd, as well as the logistics officer (S-4) and later chief of staff major Roy Abels, were spending much of their time performing these tasks which could be placed under the heading of CIMIC tasks. However, the soldiers were hardly bothered by the label put on the job they performed. The signals officer (S-6) was in charge of supporting, with logistical means and armed guards, the ICTY and the various forensic teams working to find and investigate the many mass graves and war crime sites around Orahovac.

Meanwhile, Schouwenaars and Speth were performing the basic liaison task to the Serb and Albanian population. They and the other double-hatted staff officers often joined UNMIK personnel to meet with the local population and its representatives in order to present a common front to the Kosovars who were becoming increasingly confused by the alphabet-soup of international agencies that had flooded into their war-torn province. CIMIC tasks in Orahovac were not even the exclusive domain of the officer-corps. The extent to which CIMIC became integrated in the overall operation of the Dutch battalion made the employment of non-commissioned officers necessary. As previously described, the two most senior non-commissioned officers were taking testimonies of the local Albanian population in the makeshift police station. In some cases, even regular soldiers were used to liaise with specific NGOs performing humanitarian work in remote villages.

The Task Force clearly needed a more dedicated CIMIC staff, but the Dutch Ministry of Defense and the Dutch Army's Operational Staff refused to honor the repeated requests for additional liaison officers and specialists to fill the niches in the operation when mere improvisation would not suffice.[53] Two extra liaison officers and two specialists were on the battalion's wish list. The first specialist Van Loon asked for was a legal advisor to help him deal with complexities involved in matters such as arrests and detention. The second specialist the battalion could have used was a civil engineer capable of providing some quick technical advice on the water supply problems in the early phase of the operation. The specialists were refused and the liaison problem was 'a matter of handling the IOs/NGOs creatively,' the national contingent commander advised from distant Macedonia. The Dutch Army was making a vast contribution of over two thousand troops to the operation, but there was little appreciation for the complexities of a mission of the artillery battalion that – to a large extent – had become civil-military in nature.[54]

The second challenge in establishing successful civil-military cooperation on the municipal level was the creation of a coordinating mechanism between KFOR and UNMIK. When the first UNMIK officer appeared in Orahovac in early August, there had been little evidence of such coordination. The local commander was hardly aware of UNMIK's intentions, policy and plans, in as far as there had been any. Meanwhile, the UN administrator had not been informed about the efforts made by Dutch KFOR to establish an interim council outside UÇK control, with the intention of furthering Serb-Albanian relations. This failure to synchronize their posture and present a common front helped UÇK mayor Thaqi to maneuver through the cracks and

proclaim himself mayor. Nevertheless, after the initial confusion and after the administrative lead was passed to UN Civil Administration, the organizations involved in establishing a local trusteeship over Orahovac successfully integrated most of their efforts. The Task Force successfully kept the UÇK military commander Tara in check and together they were able to limit the damage that Thaqi could do in his position as deputy mayor.

It would nevertheless take until late September before a formal coordination mechanism between KFOR and UNMIK was created in Orahovac. It was neither KFOR nor Kane in his official role as *primus enter pares* within UNMIK who called for such a coordinating meeting. Kane's leadership was not very strong and, with the UN administration quite often changing its staff, UN Civil Administration was not very effective.[55] The coordinating meeting was initiated instead by the OSCE field officer Walter Fleischer. These meetings would develop along similar lines as the 'cabinet meetings' held in Prizren. As before, there had been no guidelines from the brigade on setting up or on how to conduct such meetings, but they gradually emerged in the field. At the first coordination meeting held on 23 September, with Astrid van Genderen-Stort from UNHCR and Kane and Fleischer present, Van Loon was still the dominant figure, addressing many of the civilian issues and responsibilities he was eager to transfer or share. He was wondering who would manage the hospital once the Dutch doctors had left, and was concerned about the management of the wine factory and the other larger enterprises, insisting there would have to be a control board and some sort of transparent record of where and to whom the future invested funds would be flowing. Since Van Loon was mostly too busy, his operations staff officer or CIMIC officers would represent him. When UN police commander Albert League arrived in October, someone apparently forgot to inform him about the weekly ritual, but in November he would join in.[56] The issues addressed varied from the all-dominating blockades, the problems faced by the Serb and Roma minorities, Serbs convoys, schools and all other basic services. From the UNHCR's perspective, these meetings were useful for information sharing and sometimes for a proper distribution of tasks, but the separate NGO coordinating meetings and bilateral meetings with KFOR were more useful and efficient.

Virtually every element of civil-military cooperation in Orahovac was improvised. Nevertheless, solid relations developed with most of the international organizations during the initial effort to get essential services running again. Cooperation was exceptionally good with the local branches of the German THW and the UNHCR.[57] In a letter addressed to Van Loon, the local UNHCR representative Astrid van Genderen lauded his troops for their 'impartial, down-to-earth and efficient' way of substituting for United Nations personnel at a time when the main humanitarian organizations were not yet on the ground in Orahovac. Having operated in this troubled area for several months, she was convinced that 'no better foundation could have been laid for our humanitarian work in Orahovac municipality than was done by your men.' Rejecting the assertion that national bias influenced her judgment she described them as 'straightforward, involved, humane (well, most of them), showing a willingness to understand the local situation and culture and to recognize the dif-

ferences between the two groups while trying to help both sides as much as possible in a constructive way.' They were 'not afraid to take drastic measures when needed (arrests, trying to find kidnapped Serbs), they were proactive, and went much further than just a peacekeeping role. Foot patrols were no problem for them. The Dutch were everywhere in and around the Orahovac, including the Serb area, where the situation was very often insecure.'[58] Her boss, Louis Gentile, operating from Djakovica, even argued that they had 'clearly received better training than most military personnel in theater and have a clear idea of how to support humanitarian operations effectively. Your troops have been first-class humanitarians as well as soldiers and that has made our work much easier.'[59] Interestingly, hurling artillery shells at the enemy was what they were trained for.

Unity of Effort

Despite relative successes in civil-military cooperation at the time of Jackson's departure from Kosovo in October, the general mood at the time was that its civil administrative control over Kosovo was lost to the UÇK. Revenge killings against Serb and other minorities were filling the headlines of the world's media. With it, hopes for a multi-ethnic Kosovo had dwindled and the overall success of the joint civil-military trusteeship over Kosovo was hanging by a thin thread. The goal of building a new Kosovo in which all communities could coexist peacefully seemed 'a battle against all odds.'[60]

On top of that, there was a tendency to regard the international intervention as a failure because of the lack of progress in the reconstruction of Kosovo. As winter started to set in, there was widespread fear within the international presence and among the Kosovars that the population was facing a humanitarian disaster. Although there had been marked progress in the reconstruction of housing – not in the least as a result of Kosovar resourcefulness and diaspora funds – Kosovo's two main power plants were still operated by the British brigade. Its commander brigadier Peter Pearson was seriously worried about a complete collapse of the electrical systems as consumption was likely to soar during winter.[61] Fear of massive outbreak of disease and even starvation was widespread and there was even talk of a possible rebellion in case the population could not hold out.[62] The fears of humanitarian disaster and wide-scale uprisings in many ways resembled those of the Allies in late 1945, heading for what was then called 'the battle for winter.'

By late 1999 Kosovo seemed to be heading for disaster: parallel governments were competing among each other as well as with the international administration, the thousands of recently demobilized Kosovar Albanian fighters that had been released into society were hard to control, and last but not least, the international community refused to grant the Albanians in Kosovo the independence they craved. Sergio Vieira de Mello made an important comparison between the situation in Kosovo, where he had briefly run the civilian component, and the UN civil-military mission he headed in East Timor:

> [T]here is a general consensus among staff in both operations that those of us in East Timor have the easier task. In the midst of Pristina a UN staff member was shot dead for speaking Serbo-Croat, the language of the former rulers. On February 29, 2000 when Indonesian President Wahid addressed the people of Dili in the language of those who had illegally occupied East Timor for 24 years - an occupation that led to tens of thousands of dead and culminated in a grim orgy of destruction and murder – those who had recently been victims chanted, 'Viva Indonesia'. In Kosovo the elderly relatives of Serbs who were responsible for some of the crimes committed against the Albanians are hunted down and killed. In East Timor, former militia members are for the most part welcomed back into their communities. Another difference between Kosovo and East Timor is the attitude of local leaders towards the UN administration. In Kosovo, competing local administrative structures are in place. The Kosovars built up parallel structures as part of their resistance to Serb rule. These structures do everything from policing to registering of births. They can actively undermine the UN administration, which is seen by many as an impediment to self-rule. In East Timor by contrast, there is (still...) a general acceptance of the UN's authority and a collaborative effort to develop a joint administrative system. Relative peace in East Timor and continued hatred and violence in Kosovo have reinforced prejudices among observers about the Balkan mentality and the supposed predilection of its peoples to ethnic intolerance, hatred and revenge. But the differences have less to do with mentality than with the clarity of Security Council mandates and with the issue of sovereignty.[63]

That same winter, however, there was an undercurrent of developments more favorable to UNMIK and KFOR. A Gallup Poll conducted amongst Kosovar Albanians confirmed that Thaci's politics of obstruction had made his provisional government lose ground to the more moderate Rugova. His government had lost much of its appeal as it was lacking democratic legitimization and as its administrators displayed little expertise and little results in solving Kosovo's problems.[64] Meanwhile, the UN administrators in the municipalities finally gained access to an operational budget in November. With civil-military cooperation working relatively well, with KFOR partially holding the line in its improvised manner, and with financial resources to win over the population, the power struggle between UNMIK and the local political forces seemed to tilt somewhat in favor of the international administration.

In dealing with local aspirants to power, UNMIK relied heavily on the leverage that KFOR could provide to assert authority.[65] Apart from keeping the show on the road, as Jackson had labeled the broad support provided by the military to UNMIK, the commander of the now 45,000-strong military force could wield his personal influence to persuade Kosovar Albanian leaders, particularly those with a military background in the UÇK, to move into line with UNMIK. Reinhardt backed up Kouchner at a crucial moment that may have made the difference between success and failure of the combined civil-military effort to establish international administrative control over Kosovo. For almost half a year, UNMIK had been improvising in its effort to consolidate a reasonable degree of UN control over the parallel administra-

tive structures. Initial hopes had been vested in the Kosovar Transitional Structure (KTC) established in July. The KTC provided a forum for reconciliation and the beginning of cooperation between the two main Kosovo Albanian leaders, Ibrahim Rugova and Hashim Thaci.[66] Although the KTC may have contributed to preventing a civil war between the two competing Kosovar Albanian parties, the council failed to achieve concrete results toward integrating the competing administrative structures under UNMIK leadership. Kouchner therefore started negotiations over a new Joint Interim Administrative Structure (JIAS) in October. On 8 December, for the first time since he initiated the plan, the Special Representative assembled the KTC. In the previous weeks, the UÇK kept dragging its feet, hoping it could hold on to the powers it had illegally acquired. When Thaci arrived at the meeting he seemed willing to put an end to cooperation with the international administration. He burst into the conference room and – without removing his coat – started throwing around wild accusations at UNMIK and KFOR that they had failed to live up to their promises. Ranting and raving, he threatened to continue cooperation on the sole condition that UNMIK accept him as the sole representative of the Kosovar Albanians. After claiming that further cooperation was only possible under his presidency, Thaci walked out of the meeting. Reinhardt, who was a witness to the scene made by the UÇK leader, concluded he had turned into a 'loose cannon.'[67] He would have to wield his influence as the military commander to get him to stay in line.

Two days later, as Reinhardt ran into Thaci at an OSCE human rights conference in Pristina, he took him aside and lectured him, telling him that his behavior was 'unproductive and intolerable.' He impressed upon the UÇK leader that if he wanted to hold on to political influence he had better change his sulky posture. Reinhardt first tried to convince the Kosovar leader by drawing an analogy with the leftwing 'generation of '68' in Germany explaining him that 'you only reach your goals by joining the appropriate institutions and by submitting your ideas there.' Thaci was probably more impressed with the second example closer to home with which the General attempted to convince him. He could see for himself, Reinhardt argued, that the Kosovar Serb policy of abstention had brought them absolutely nothing: political developments passed them by after they had closed themselves off. In the General's description of the encounter, Thaci looked at the General pensively and asked what it was then, that he should do. Reinhardt strongly recommended that he alter his obstructionist posture toward Kouchner's offer for cooperation in the Joint Interim Administrative Council. That evening Kouchner told the General that, to his surprise, Thaci had called upon him to announce his cooperation in the JIAS.[68] After the agreement was reached, Reinhardt had lunch with Hashim Thaci. After listening to some flattery about his trust in KFOR and the General personally, Reinhardt made it clear that his confidence in Thaci had been thoroughly breached and that – not out of consideration for his feelings but for the sake of Kosovo – the time had come to live up to his promises, to cooperate and 'stop playing cat and mouse with UNMIK.'[69]

After approval from the UN in New York, the JIAS was thus finally established after weeks of negotiation on 15 December 1999. The outcome, primarily the result

of Kouchner's strenuous effort, was nothing less than a political breakthrough. It was a compromise to share administrative and executive responsibility between UNMIK and the two main local parties, the PGOK headed by Thaci's PPDK and Rugova's LDK. Under the agreement, all parallel structures of an executive, legislative or judicial nature were required to be dissolved by 31 January 2000. By February 2000, JIAS had officially replaced all previous parallel security and administrative structures. The KFOR commander was included in its meetings as he had been in the KTC. UNMIK and KFOR established mechanisms to monitor and enforce compliance, primarily aimed at the former UÇK law enforcement structures. The integration of parallel administrative bodies into JIAS was relatively smooth.

In Orahovac, the international administrator Kharras Kane immediately felt the positive effects of the agreement, as there was a marked increase in the activities and policies of the UN Civil Administration. In consultations with the local political parties, the new local structures such as the municipal council and an administrative board were formed on 25 February 2000. The PPDK and the LDK were each allocated half of the available seats. After the decision by the moderate Serb leader Bishop Artemije to participate and represent the Serbs in the JIAS, a local Serb representative joined the municipal administrative board as one of the three vice presidents in Orahovac. In contrast to certain other municipalities in Kosovo, no acts of politically motivated intimidation were registered among the political parties.[70]

Once the UN established full authority over Kosovo through the gradual implementation of JIAS, the administrative problem reversed itself. As UNMIK established an ever-closer grip over the local institutions, the primary mission became handing over self-government to the Kosovars. De facto, all power in Kosovo was still under UNMIK control, while the rights of elected representatives on the municipal as well as on the central level administration remained rather symbolic.[71] When Bernard Kouchner started a lecture at Harvard University in June 2001 claiming – in his Maurice Chevallier English – 'I have been the dictator of Kosovo for one–and-a-half years' he caused much hilarity amongst the assembled audience. However, if the first six months of his troubled reign were disregarded, he was hardly joking. The special representative of the secretary general had full executive authority with no representative body to control him.[72] In October 2000, democratic elections finally took place in all thirty municipalities. Somewhat unexpectedly and, to the international community's great relief, the elections were a massive victory for Ibrahim Rugova's party and marked a further shift in power from the PDK (formerly PPDK) representatives to the democratically elected LDK in most municipalities, including Orahovac. The next lucky break came as the historic political changes in Belgrade took place, toppling Milosevic' regime that very same month.

In the winter of 1999-2000, the problems for UNMIK and KFOR were still enormous, but after the initial struggle, the joint effort of the civil and the military component had enabled them to establish effective control over most of Kosovo. While civil-military cooperation suffered from a lack of doctrine, strategy and planning, and

was severely understaffed with often underqualified personnel, Jackson's emphasis on civil-military cooperation as a command and operational function rather than merely a support function seemed to trickle down to most of his forces structure.[73] Where it did, the integrated civil-military approach had immensely positive results when compared to previous complex peace operations and is likely to have saved both the civilian and military mission from faltering at an early stage. It also saved civil-military cooperation from being marginalized as a set of unwanted civilian or support tasks to be left to specialists. The designated CIMIC assets were only part of the mission that had become civil-military in nature. Although there was continuous fear within KFOR headquarters of the dependency reflex of civilians, the example by headquarters when it came to short-term vacuum filling was to gear military means at a unit's disposal in the most creative way, whether it was military police, legal officers, engineers or regular staff officers or the soldiers on the ground. The fear of the dependency reflex seemed to be overshadowed by the awareness of Jackson, Reinhardt, but also commanders in the field such as Van Loon, of the paradoxical challenge while creating a secure environment: to be able to extract itself from the performance of civilian tasks, the military had to become more involved.

Reflecting on his experiences in Bosnia and Kosovo, Jackson's analogy of the mission was like a piece of rope, made up of various strands. '[T]he rope's strength comes from all the strands being woven together [...] If one strand breaks, the whole rope may break. This is as true of the military strand as it is true of the political strand.' Addressing an American audience he added: 'You know, we're all in this together, and in my view it is shortsighted for the military to say, we'll do the bit with the armed forces but you worry about everything else. I don't think it's as simple as that.'[74]

Conclusion

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

Operational Shift

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

When reviewing these four missions at the strategic and operational levels, a paradox emerges in the relationship between the accomplishment of the primary mili-

tary mission and the overall political outcome. Whereas the 'purely' military mission as planned in Cambodia was a complete failure, the political outcome of the UN intervention was a relative success. In the other three missions analyzed in the preceding chapters, the primary military missions were an overwhelming success. The strategic outcome, however, varied from dubious to failure.

Although democracy in Cambodia barely took hold after the quick abandonment of the country by the UN, it did have a democratically elected constitutional government after eighteen months of UNTAC's presence. Sanderson took on an ever-more dominant role within the combined civil and military mission. Although wary at times of overstretching the military component, he drove the relatively few and lightly equipped forces at his disposal to assume ever more tasks that were in essence civilian responsibilities in the months prior to the elections. It is somewhat surprising therefore that in December 1993 a panel of American specialists at the U.S. Army Peacekeeping Institute called him 'the right man at the right time' for not allowing 'mission creep' to occur.[1] While the civil-military mission as a whole stayed within the original parameters set by the United Nations, Sanderson allowed military tasks and objectives to steadily expand beyond the original terms of reference. For this he received little strategic guidance, but the UN Secretariat allowed him much latitude to explore the edges of his mandate by employing his military means creatively.

The mischaracterization of Sanderson's qualities can be explained by this verdict being passed shortly after American forces found themselves in their disastrous battle in the streets of Mogadishu. The death of eighteen U.S. military personnel reinforced all existing fears of shifting missions and the effects of this event resonated throughout the decade and beyond. UNITAF, the muscular force that had operated before this fateful event, had entered with the narrowest of mandates. On the basis of this mandate, some units, particularly the Australian battalion, ended up performing the widest variety of tasks related to public security and low-level institution building. To varying degrees, American forces participated in this improvised process. However, their overall ability to adapt to their environment was severely hampered by the strategic parameters set on their mission, the force protection requirement that put a distance between them and the population, and their behavioral reflexes that originated in the American military's singular focus on high-intensity combat operations.

There have been suggestions in American policy-making and military circles since 1993 that the UN-led mission in Somalia failed because it allowed the mission to expand, whereas the American-led Unified Taskforce succeeded because it stuck to its original mission. This was incorrect and had the damaging effect of drawing away attention from those initiatives that might have held some promise for success in Somalia. Claiming UNITAF was a success because it rigidly stuck to the original plan to safeguard the delivery of food evoked memories of the famous story of the North Vietnamese colonel who acknowledged to an American colonel that the United States had never been defeated on the battlefield. 'That may be true,' the Vietnamese colonel said. 'It is also irrelevant.'[2] Obviously, saving lives in Somalia was

not irrelevant. However, the long-term effects of the impetuous intervention in Somalia had a stifling effect on the willingness of the Western powers to intervene in serious humanitarian crises. The people of Rwanda were to suffer most dearly of all.

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

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

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

Tactical Flexibility

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

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

overall intent, seems to have worked particularly well for the second battalion that faced the daunting task of supporting the elections that were held in May 1993.

Most of the methods and measures applied by the Marines in Cambodia were made up as the commander and his subordinates went along. Direct protection of the population was not the military component's official mission, and disarmament of soldiers and civilians by the UN 'on sight' was not allowed for UNTAC until just before the elections. Confronted with a set of circumstances that made the Dutch-controlled sector in northwestern Cambodia rife with violent crime, the Marines were nevertheless drawn into performing these public-security-related tasks. In order to reduce the level of crime, they developed their own disarmament policy early in the mission, which was condoned by the force commander and triggered no questions from the Dutch Ministry of Defense. More important in the fight against crime was their cooperation with local civilian and military authorities, even though some of these were at times part of the problem. For the Marines, the rationale behind engaging in this ambiguous and sometimes troubled relationship was that local authorities had the policing powers to search and arrest – powers that neither the UN military nor the UN civilian police possessed. The system of 'four-faction units' which the Marines developed in order to expand some degree of UN control in the areas where the factions' authority was fragmented and often disputed, was a particularly ingenious measure. It relied heavily on the diplomatic skills of the Marines, who found themselves driving along the jungle roads in a Land Rover and patrolling with four men from four different armed factions wearing blue armbands. Within UNTAC, civil-military cooperation reached its height during the elections. The civil-military relationship had been forged when the election process appeared to go awry as a result of the surge in violence all over Cambodia. Cooperation with the electoral staff in charge of organizing the ballot locally – a process that was increasingly driven by the military headquarters in Phnom Penh – became the essence of UNTAC's overall success.

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

Some of the Australians' endeavors in premeditated 'institution building' have probably been exaggerated. Claims that they arrived in Somalia with a civil affairs strategy, built on an application of the international laws of military occupation, were incorrect. Such arguments were grounded in the urge to explain the Australians' accomplishments as opposed to the lack of progress elsewhere in Somalia. The impro-

vised program nevertheless led to the reconstruction of a rudimentary police force and judiciary. Even though there was a desire to have a more lasting impact and prepare the way for the UN force that would follow, these institution-building activities were driven by Hurley's effort to create order on his watch rather than an attempt at 'nation building.' The marginalization of local warlords in Baidoa and the eventual arrest of two leaders, one of whom was prosecuted for war crimes after sufficient evidence had been gathered, was a culmination of the Australian efforts. While some of the accomplishments of the Australians were facilitated by somewhat more favorable circumstances in the Bay region than in the more violently contested urban centers such as Mogadishu and Kismayu, on the whole, their ability to stabilize the Bay region was a result of their acceptance of the belief that protecting the Somalis from the warlords as well as common bandits – and not just the distribution of humanitarian aid – was their primary goal. In Somalia, the Australian troops under Hurley showed what could be done in less than five months to re-establish rudimentary order with few means at their disposal.

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

Compared to the days when the Marines patrolled the jungles of Cambodia, the grip of the Dutch Ministry of Defense over the troops on the ground had tightened. This became apparent when the Dutch battalion commander, backed by his German Brigade commander, saw the requirement to actively arrest suspected war criminals

in Orahovac on the basis of criminal investigations that had been conducted primarily by Dutch military police personnel. Van Loon's prime concern was that UÇK or Albanian civilians would take the law into their own hands in the absence of a sufficiently capable police force and judiciary system in 1999. The Dutch minister of defense is likely to have envisaged an arrest policy in cooperation with the International Criminal Tribunal for the Former Yugoslavia – a policy similar to the one he wholeheartedly and actively supported in Bosnia. This would fully involve both the NATO and national chains of command. However, the ICTY had officially delegated the responsibility for the pursuit of suspected war criminals to UNMIK. The UNMIK justice system and police obviously did not have the proper capabilities to stop war crimes suspects from fleeing Orahovac for Serbia on UNHCR convoys. This prospect infuriated and radicalized the Albanian population and the UÇK. The battalion commander therefore saw the requirement for Task Force Orahovac to act swiftly on opportunities for arrest as they presented themselves.

When asked in retrospect who was running Orahovac in the second half of 1999, the Albanian population pointed to KFOR. The improvised effort made by the Dutch battalion to fill the administrative vacuum in Orahovac until the eventual arrival of UNMIK prevented the former insurgents from gaining the upper hand in the civilian sphere. Even though the UÇK mayor in Orahovac was able to pose as the leading representative of the Albanian majority, his influence would remain limited. The Dutch commander and his men had become involved in so many aspects of civil governance that he could not conceive of how these tasks could be delegated to a designated CIMIC unit if it were available. Having become the de facto military governor of Orahovac, Van Loon concluded in retrospect that CIMIC was 'too important to be left exclusively to specialists.'[3] Civilian tasks pervaded every aspect of the primary mission to provide security to all Kosovars and moved center stage. In Kosovo, as before in Cambodia, Somalia and Bosnia, civil-military cooperation, supporting or substituting the civil power became a purpose of its own and could no longer be segregated from the 'purely' military mission. As in other 'post-conflict peace building' missions such as those in Haiti, Eastern Slavonia and East Timor, after military forces became involved in internal security operations – instead of merely separating the warring factions – this central role appeared to have become the pattern rather than an aberration in peace operations.

The Marginalization of CIMIC and Civil Affairs

Throughout the 1990s, however, policymakers and military leaders in the Western world continued to expect, or hope, to deploy their forces in peace operations that took place in a primarily military domain. When military forces performed a mission other than conventional combat – a development that had already encountered serious resistance in the U.S. military and to a lesser extent amongst the European military establishments – the proper role of soldiers in peace operations was generally considered separating and controlling warring parties after a peace agreement had put an end to war. Such military activity would allow soldiers to interact prima-

rily with other soldiers or irregular fighters, as had been the case in traditional 'thin blue line' peacekeeping operations. However, operations with a straight military focus became the exception rather than the rule. Even though military entanglement in the civilian sphere was not always shunned and support for humanitarian relief and reconstruction became increasingly accepted, such military activity was expected to be taken on by soldiers either in support of the military mission, or in support of the civil environment. Military involvement in civilian tasks – either in support of civil authorities or by substituting them – was hardly perceived as an integral part of security operations.

The tendency to downgrade the military role in civil tasks to the margins of military operations clearly manifested itself in the development of policy, doctrine and planning for a CIMIC capacity within NATO. While recognizing the need to smooth out the cooperative effort between soldiers and civilians in complex peace operations, NATO leaders continued to perceive and define CIMIC more narrowly than the situation most often faced by troops on the ground. Particularly in the initial phase of interventions on which most of this study has focused, there was a large discrepancy between the official scope of CIMIC and the actual challenges emerging in the murky area where military and civilian tasks overlapped. This tendency manifested itself in four forms. First, NATO's principle CIMIC policy document described the purpose of CIMIC as establishing and maintaining the full cooperation of the military commander and the civilian authorities, organizations, agencies and populations 'in order to allow him to fulfill his mission.' The NATO Military Committee added that this could include direct support to the implementation of a civil plan.[4] Still, such activity was not perceived as part of his principle mission.

Second, the urge to assign the task of managing the civil-military interface to designated CIMIC personnel and units – in support of the commander and in order to allow him to focus on his military mission – was encompassed in the 1997 version of NATO's CIMIC definition. Civil-military cooperation was defined as 'the resources and arrangements' which support the relationship between NATO commanders and the civilian agencies and authorities in his area of operations.[5] CIMIC, like its American counterpart civil affairs, was thus predominantly treated as a role and function for specialized personnel and units executed at a designated CIMIC Center or Civil-Military Operation Center, rather than a technique or skill applied by soldiers throughout the ranks as part of their ongoing mission. The peripheral approach to soldiers interacting with their civil environment as laid down in doctrine bore little resemblance to the realities faced by the battalions in Cambodia, Somalia and Kosovo, where commanders and their subordinates proved that successful civil-military cooperation was the result of a certain mind-set and flexible adaptation to the challenges as they emerged in the field – rather than related to formal arrangements or the deployment specialized personnel in a separate organization.

It was only in 2001 that CIMIC was officially redefined as '[t]he coordination and cooperation, in support of the mission, between the NATO commander and civil populations and local authorities, as well as international, national and non-governmental organizations and agencies.'[6] While this definition placed more emphasis on

CIMIC as the military commander's direct responsibility, it still failed to expand the overall notion of the military entanglement in civilian tasks beyond coordination and cooperation. Despite the Kosovo experience, substitution or takeover by the military exercising certain civil responsibilities belonging to a civil authority in the public security and administrative sphere were still officially not part of the equation. The official Dutch KFOR evaluation of the Ministry of Defense, while acknowledging that '[i]n practice, KFOR performed for a certain period the duties of a military government,' failed to assess in any depth what this entailed for the Dutch battalion on the ground. The evaluation drew no relevant conclusions. Close scrutiny of the Dutch CIMIC Handbook published in 2002 shows that it once briefly mentions that in 'exceptional circumstances' soldiers can assume tasks that belong to civil authorities, but this appears to be the only official tangible result of the Kosovo experience in the conceptual development of CIMIC.[7]

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

The fixation on reconstruction and aid projects and the lack of recognition of the often-inescapable role of military forces in public-security-related tasks resulted in a rather inconsistent approach to military ventures into the civilian sphere. Whereas NATO troops in Bosnia initially gave lackluster support to the international civil police mission and initially refrained from arresting suspected war criminals, often arguing that this was a civilian responsibility, SFOR proudly participated in the recon-

struction of Sarajevo's public library as part of its CIMIC activities. Whereas uniformed Dutch CIMIC specialist officers in the Dutch area of operations in Bosnia helped to set up small businesses and gave professional advice to a commercial bank after 2000 – when the country was completely safe for others to perform this work – the Dutch Ministry of Defense had not allowed its military police officers to exercise their power of arrest in Orahovac in 1999 even though there was no other professional policing authority.

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

The problems emerging in the wake of the intervention in Kosovo turned out to be a serious eye-opener in this respect. In East Timor as well, the Australian-led force became involved in emergency law enforcement, running an as hoc judiciary system and managing detention facilities. While the signs had already been there in Somalia, Cambodia, Haiti, and Bosnia, these two operations taking place in 1999 in a complete power vacuum focused attention on the need to temporarily substitute the justice triangle and restore the local law-and-order system through 'security sector reform.' Many joined Bernard Kouchner in his call for the creation of UN 'justice packages' to fulfill this task.[8] Some U.S. military legal officers pointed at American experiences in Somalia, Haiti and Kosovo to emphasize the inescapable role of the U.S. military in filling the law-and-order vacuum.[9] However, while the public security gap was increasingly recognized by those involved as one of the most important dilemma's in peace operations after 1999, the political will to deal with the consequences – either by substantially expanding UN civil policing and other public security capacities, or by preparing the military to temporarily fill the vacuum – was mostly lacking. In 2002, Danish political scientist Peter Viggo Jacobsen wrote:

> The ambivalent position of the United States is telling in this respect. In the latest draft of its forthcoming doctrine for peace operations, the U.S. Army acknowledges that it may have to restore law and order, establish and run temporary confinement facilities and assist in the establishment of a workable judicial system in a failed state situation – the Kosovo experience had in other words found its way

into doctrine. This stands in direct contrast to the public position that President Bush and the Pentagon have taken on this issue. This position was succinctly summed up in a comment by Army General Henry H. Shelton, then chairman of the Joint Chiefs of Staff, in November 2000: 'We can provide a safe and secure environment, but we don't do the law enforcement, we don't do the court systems.'[10]

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

The lingering aversion in the United States to engage in military operations other than conventional combat is captured in Condoleeza Rice's remark in 2000 that '[c]arrying out civil administration and police functions is simply going to degrade the American capability to do the things America has to do.' The future national security advisor and secretary of state added: 'We don't need to have the 82nd Airborne escorting kids to kindergarten.'[11] Although a substantial number of senior American military leaders, among them Anthony Zinni and Wesley Clarke – officers who rose to top ranks during the Clinton era but who were by now retired – had come to accept the unavoidable, that the Republican message went down well with the mainstream American military establishment. Most military leaders preferred to concentrate on the next generation of technological advances that, it was hoped, would prepare them for the twenty-first-century battlefield. George W. Bush, Jr. won over undecided voters in the military by promising them 'no more nation building.' As a result, many of the hard-learned lessons of the 1990s within the armed forces seem to have gone overboard in the years preceding the invasion of Iraq.

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

tries accustomed to authoritarian rule. Such regimes tended to be less particular about this distinction between the civil and the military.

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

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

It is perhaps not surprising that the British, with their long legacy of military assistance to the civil power and emphasis on civil-military cooperation as part of their ongoing mission, were the first who diverged from the path taken by NATO. The emphasis on reserve units destined to serve in large separate CIMIC Task Force centrally driven from a force headquarters – as had happened in Bosnia – was not in line with their preferences. General Jackson was often quoted by CIMIC-enthusiasts as having said in 1997 that he heartily endorsed the NATO CIMIC proposal, but eventually he and the British Army, of which he was to become the commander, took the narrowest approach in terms of a specialized organization and dedicated personnel. Whereas the British did not see the need for a large civil affairs or CIMIC capacity, as a rule they were lauded for their overall cooperation with civilian agencies and approach to the public security gap. Some of the success of the Dutch Marines in Cambodia as well as during later deployments, and the accomplishments of the Australian Army in Somalia and later in East Timor, can be explained by their traditional orientation to the British style of operations. However, factors derived from generalizations on the basis of military culture within a nation-

al military, or specific branch, are rivaled in importance by the effect of having the right man at the right position at the right time under the right circumstances. The approaches and reflexes of battalion commanders mentioned in the case studies may be explained by their personal characteristics and beliefs. Both the influence on the conduct of operations of military culture and the personal factors (of which especially the latter has hardly been touched upon in this analysis that focuses primarily on operations) necessitate further research. However, the rapid rise through the military ranks of each of the battalion commanders is perhaps proof of their ability to adapt to the changing nature of soldiering after the end of the Cold War.

Operational Primacy

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

The comparison of peace operations in the 1990s with civil affairs and military government during and after the Second World War points again to the motive behind the use of the historic citation of General Dwight D. Eisenhower by CIMIC enthusiasts. In order to underline the need for the development of a CIMIC capacity within NATO they evoked the memory of the military operations in North Africa in 1942. Here, the Supreme Allied Commander had wanted to rid himself and his forces of 'all matters outside the purely military scope' by delegating full responsibility for these civil tasks to a dedicated military organization. Such historical comparisons are always problematic due to the different context, but if history is to be used in order to prepare military forces for the civil-military interface in post-conflict situations, a more appropriate comparison would be that between peace operations and civil affairs in its post-war role. However, the CIMIC enthusiasts paid little attention to the immediate post-war situation in Germany, when civil affairs' facilitating role for conventional combat operations came to an end. Once the enemy was defeated, the combat commanders in Europe and Asia became military governors and the stabilization of occupied territory became a purpose unto itself. In both situations, stabilization, public order, and eventually reform instead of the defeat of the enemy were the primary purposes. In short, the operational primacy of civil affairs remained both during and after the war; only the overall operational goal changed from defeating the enemy to one of internal security.

The comparison of civil-military operations in the 1990s with civil affairs during the Second World War in Europe can also provide some explanation for differing American and British approaches. Although the differences were not strictly determined along national lines during the war, the British came to prefer the integrat-

ed model of civil affairs, whereas the Americans leaned towards the creation of a separate organization for the administration of conquered territory. The former model, which integrated the civil affairs organization into the tactical chain of command, came to prevail due to pragmatic considerations, just as three other choices related to civil affairs and military government were the product of pragmatism rather than principle. Apart from embedding civil affairs into combat units during the war, the Allies opted for military rather than civilian rule over conquered territory, chose for indirect rather than direct rule over the local population, and left most of the local administration intact after the war even in Germany and Japan.

The inevitability of some of these four pragmatic choices made during the Second World War becomes apparent when unleashing a counterfactual approach to history on post-war Germany. Occupied territory would probably have been in chaos if a civilian Allied interim administration segregated from the tactical chain of command would have engaged in direct governmental control and purged the vast majority of Nazi party members from positions of influence. Part of the American failure to stabilize Iraq in 2003 after its conquest may be ascribed to a U.S. policy that was in many ways similar to this counterfactual model.

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

The comparison between counterinsurgency and complex peace operations has been embraced and denounced by analysts, depending on the point of departure of the researcher. The problem is that both categories military operations are broad and vague. Quite understandably, those who drew the conclusion that the comparison is invalid emphasized the disparity between insurgencies and the nature of the political problems underlying contemporary internal wars. The purposes and methods of insurgents as opposed to those of the warlords of the 1990s are also quite different. Those emphasizing the most successful principles and methods used to fight an

insurgency and those needed to stabilize a region as part of a peace operation, quite correctly reached the opposite conclusion. The principle reason why the comparison is apt in the context of this study is that in the peace operations analyzed in detail in this book as well as during successful counterinsurgency operations, civil-military cooperation moved to center stage, becoming the primary means to reach a combined civil-military goal and establish peace.

By the year 2000, a clear definition of what peace operations were supposed to be no longer existed, and probably never had. In the years that followed, the Netherlands participated in two new international stabilization operations, one in Afghanistan and one in Iraq. By this time, the notion of peace operations had come so far adrift that the Dutch Ministry of Defense was able to present these military operation as peace operations without any serious questions being raised in the press or in parliament over the validity of the categorization of this type of military activity. In both cases, the primary purpose was to support a new civil government trying to establish itself and exert its authority after the United States had toppled the previous regime by the use of force. In Afghanistan, the Dutch Army helped secure the Kabul area in order to allow Interim President Hamid Karzai to exert his government's authority in the capital after the fall of the Taliban regime. In Iraq, Dutch Marines and later the Dutch Army helped to stabilize the southern region of Iraq in order to allow the Anglo-American Coalition Provisional Authority – and, from June 2004, the Iraqi interim government – to establish administrative control over Iraq. Bolstering the civil power with military forces became the primary aim of the military presence in both countries, albeit under very different circumstances. In the course of the 1990s, support and substitution of civil authorities under the guise of peacekeeping had gradually become so common that this development went largely unnoticed.

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Glossary

AMGOT	Allied Military Government in Occupied Territory (WWII)
ANZAC	Australia New Zealand Army Corps
ARRC	Allied Rapid Reaction Corps (NATO)
ASF	Auxiliary Security Force (Somalia)
BLDP	Buddhist Liberal Democratic Party (Cambodia)
CA	Civil Affairs
CAD	Civil Affairs Division (US military WWII)
CAP	Combined Action Platoon (Vietnam)
CCS	Combined Chiefs of Staff (WWII)
CDS	Chef Defensie Staf (Chief of the Defense Staff, the Netherlands)
CENTCOM	Central Command (US military)
CIA	Central Intelligence Agency
CIMIC Centre	Civil-Military Cooperation Center (NATO)
CIMIC	Civil-Military Cooperation (NATO)
CivPol	UN Civilian Police
CMO	Civil-Military Operations (US military)
CMOC	Civil-Military Operations Center (US military)
CMOT	Civil Military Operations Teams
CNAF	Cambodian National Armed Forces
CPP	Cambodian People's Party
DART	Disaster Assistance Response Team
DCBC	Defensie Crisis Beheersingscentrum (Defense Crisis Control Center, Dutch Ministry of Defense)
DPs	Displaced Persons
FC	Force Commander
Funcinpec	Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif (Cambodia).
GFAP	General Framework Agreement for Peace (also known as 'Dayton Accords,' Bosnia).
HRS	Humanitarian Relief Sector (Somalia)
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia (UN)
IDPs	Internally Displaced Persons

IFOR	Implementation Force (NATO-led, Bosnia)
INTERFET	Intervention Force East Timor (Australian-led)
IPTF	International Police Task Force (UN, Bosnia)
IRA	Irish Republican Army
JAC	Judicial Advisory Council (Kosovo)
JAG	Judge Advocate General (US armed forces)
JCS 1067	Joint Chief of Staff Directive No. 1067 (US Occupation Policy Germany WWII)
JCS	Joint Chiefs of Staff (US military)
JIAS	Joint Interim Administrative Structure
K-Day	Date KFOR fully deployed in Kosovo (21 June 1999)
K+90	Demilitarization of UÇK (19th September 1999)
KLA	Kosovo Liberation Army (UÇK)
KPNLF	Khmer People's National Liberation Front (Cambodia)
KPS	Kosovo Police Service
KSK	Kommando Spezial Kräfte (Bunderwher, Germany)
KTC	Kosovar Transitional Structure
KVM	Kosovo Verification Mission
LDK	Democratic League of Kosovo (Lidhja Demokratike te Kosovos)
MG	Military Government
MMWG	Mixed Military Working Group (UNTAC)
MP	Military Police
MRLA	Malayan Races Liberation Army
MSF	Médecins Sans Frontières
MTA	Military Technical Agreement (Kosovo)
MUP	Ministarstvo Unutrasnjih Poslova (Yugoslav Ministry of the Interior Special Police)
NAC	North Atlantic Council (NATO)
NADK	National Army of Democratic Kampuchea (Cambodia)
NGO	Non-governmental organisation
NMA	Netherlands Military Authority (WWII)
OFOF	Orders for Opening Fire
OHR	Office of the High Representative (Bosnia)
OMGUS	Office of Military Government US in Germany (WWII)
OMIK	OSCE Mission in Kosovo
OSCE	Organisation for Security and Cooperation in Europe
PDK	Party of Democratic Kampuchea (Cambodia)
PIFWCs	Persons Indicted for War Crimes (UN, ICTY)
PPDK/PDK	Party for Democratic Progress of Kosovo (Paria e Propesit Demokratike ne Kosovoes), after 1999 known as the PDK
PU	Policia Ushtarake (UÇK Military Police, Kosovo)
RCAF	Royal Cambodian Armed Forces
RNLA	Royal Netherlands Army

RNMC	Royal Netherlands Marine Corps
ROE	Rules of Engagement
Roma	Romany-speaking gypsy community
RRA	Ranhanweyn Resistance Army (Somalia)
SACEUR	Supreme Allied Commander Europe (NATO)
SAS	Special Air Service (UK Army)
SDM	Somali Democratic Movement (Somalia)
SFOR	Stabilization Force (NATO-led, Bosnia)
SHEAF	Supreme Headquarters Expeditionary Allied Forces (WWII)
SITREP	Situation Report
SJAs	Staff Judge Advocates (US military legal advisors)
SLA	Somali Liberation Army
SNA	Somali National Alliance
SNC	Supreme National Council of Cambodia
SOC	State of Cambodia
SRSG	Special Representative of the Secretary General of the United Nations
TMK	Trupat E Mbrojtjes se Kosoves (Kosovo Protection Corps, KPS)
UÇK	Ushtria Çlirimtare e Kosovës (Kosovo Liberation Army)
UNAMIC	United Nations Advance Mission in Cambodia
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNITAF	United Task Force (Somalia)
UNMIK	United Nations Mission in Kosovo
UNMIKPOL	UNMIK Police (Also UNIP, United Nations International Police)
UNMO	United Nations Military Observer
UNOC	United Nations Operation in Congo
UNOSOM I	United Nations Operation in Somalia I (1992)
UNOSOM II	United Nations Operation in Somalia II (1993-1995)
UNPROFOR	United Nations Protection Force (Croatia and Bosnia)
UNRRA	United Nations Relief and Rehabilitation Agency (WWII)
UNTAC	United Nations Transitional Authority in Cambodia
UNTAES	United Nations Transitional Authority Eastern Slavonia
USAID	US Agency for International Development
USC	United Somali Congress (Somalia)
USFET	US Forces European Theater (WWII)
USMC	US Marine Corps
VJ	Vojske Jugoslavija (Yugoslav Army)
WFP	World Food Program (UN)

Battalion	Military unit of 300 to 1,000 soldiers. Usually between 700 and 800. Four or five companies make up a battalion, which is normally commanded by a lieutenant colonel.
Battery	An artillery unit the equivalent of a company.
Brigade	Military unit of 3,000 to 5,000 soldiers. Two to five battalions make up a brigade. Normally commanded by a brigadier-general (Europe) or colonel (US).
Chief of Staff (CoS)	The officer who runs a headquarters on a day-to-day basis and who often acts as a second-in-command.
Company	Military unit of 60 to 190 soldiers. Three to five platoons form a company, which is commanded by a major (Europe) or captain (US).
Corps	Military unit of 20,000 to 45,000 soldiers. Two to five divisions constitute a corps, which is typically commanded by a lieutenant general.
Division	Military unit of 10,000 to 15,000 soldiers. Usually consisting of three brigade-sized elements and commanded by a major general.
G1/S1	Staff Branch / Section responsible for personnel matters including manning, and discipline ('G' used for divisional level and higher; 'S' for brigade- and battalion-level staff sections; in KFOR brigades used 'G').
G2/S2	Staff Branch / Section responsible for intelligence.
G3/S3	Staff Branch / Section responsible for operations.
G4/S4	Staff Branch / Section responsible for logistics and quartering.
G5/S5	Staff Branch / Section responsible for Civil Affairs or CIMIC.
Platoon	Military unit of 16 to 44 soldiers. A platoon is led by a lieutenant with an NCO as second in command, and consists of two to four squads or sections.
NCO	Non-commissioned officer.
Section/Rifle squad	Military unit of 9 to 10 soldiers. Typically commanded by a sergeant or corporal.
Squadron	Armored or air cavalry unit the equivalent of a battalion.

Notes

Introduction

1 Harry L. Coles and Albert G. Weinberg, *Civil-Affairs: Soldiers Become Governors* (Washington, DC 1964) 3, 45.

2 Eisenhower's remark can be found in the presentations, pamphlets and brochures of the Dutch / German-led NATO CIMIC Group North. It is also reproduced in: Lieutenant Colonel Mark Rollo-Walker, SHAPE, Chief CIMIC Section End of Tour Report (23 August 1999). This SHAPE document is in the author's possession. See also H. Rappard, 'An Active Dutch CIMIC Policy Is Not a Bridge Too Far,' in: M.T.I. Bollen, R.V.A. Janssens, H.F.M. Kirkels, J.L.M. Soeters (eds.), *NL-Arms, Netherlands Annual Review of Military Studies 2002: Civil-Military Cooperation, a Marriage of Reason* (Royal Netherlands Military Academy; Breda 2002) 77. In their enthusiasm, NATO officers often wrongly ascribed to the Supreme Commander the lines: 'And what a lot of headaches I found. Water supply shortage, no power, no fuel, and corpses all over town' These words were actually those of a junior civil affairs officer entering a Sicilian town in 1943.

3 NATO Ministerial Guidance 1997, DPC-D (97); for SHAPE's CIMIC plans, see: W.R. Phillips, 'Civil-Military Cooperation: A Military Capability for NATO,' *Militaire Spectator*, Vol. 166 (June 1997); W.R. Phillips, 'Civil-Military Cooperation: Vital to Peace Implementation in Bosnia,' *NATO Review*, No. 1 (Spring 1998).

4 Figures provided by Peter Leentjes indicate that eighty percent of all (non-bilateral) aid in the 1990s was provided through the United Nations and its subsidiary organizations such as WFP, UNICEF, FAO and the ICRC. The remaining twenty percent was provided by the NGO community. There were an estimated 20,000 NGOs active in the world, and of those, 7,500 were registered with the United Nations. Of the twenty percent of the aid provided by the NGOs, ninety percent is provided by thirty major NGOs such as CARE, Oxfam, World Vision, MSF, and CRS. Peter Leentjes, 'Interagency Cooperation in Peace Operations,' Center of Excellence in Disaster Management and Humanitarian Assistance, Hawaii (no date. Available online at *http://coe-dmha.org/TAPpdfs/19-InteragencyCoordination.pdf*). Leentjes, who died in 2004, was a retired Canadian Army colonel and former chief of the Peacekeeping Training Unit at United Nations headquarters in New York.

5 The term 'second-generation peacekeeping' was launched to set this practice apart from 'first-generation peacekeeping.' However, the term 'traditional peacekeeping' is more apt, since this form of peace operations continues to be practiced.

6 Admiral Leighton W. Smith, as quoted in Dutch Army Publication, Operational Staff, Chief of the Army, Section Lessons Learned, Publication No. 7, CIMIC (January 2000) 3. See also Phillips, W.R., 'Civil-Military Cooperation: Vital to Peace Implementation in Bosnia,' in: *NATO Review*, No. 1, Spring 1998.

7 The acronym CIMIC will only be used when it specifically refers to the NATO concept of civil-military cooperation and NATO's designated capability. The definition for CIMIC NATO agreed upon in 1997 was: '[t]he resources and arrangements which support the relationship between NATO commanders and the national authorities, civil and military, and civil populations in an area where NATO military forces are or plan to be employed.'

In August 2001, CIMIC was officially redefined as: 'The coordination and cooperation, in support of the mission, between the NATO commander and civil populations and local authorities, as well as international, national and non-governmental organizations and agencies.'

8 Military battalions normally vary in size from 600 to 800 soldiers, brigades from roughly 2,000 to 6,000 and divisions from 10,000 to 18,000. In peace operations, battalions are often strengthened by troop-contributing nations in order to function autonomously, resulting in battalion groups of up to one thousand soldiers.

9 For an elaboration of the development of a Dutch CIMIC capacity within NATO framework, see Rappard, 'An Active Dutch CIMIC Policy Is Not a Bridge Too Far.'

10 Donna Winslow, 'Strange Bedfellows: NGOs and the Military in Humanitarian Crisis,' in: M.T.I. Bollen, R.V.A. Janssens, H.F.M. Kirkels, J.L.M. Soeters (eds.), *NL-Arms, Netherlands Annual Review of Military Studies 2002: Civil-Military Cooperation, a Marriage of Reason* (Royal Netherlands Military Academy; Breda 2002); Francis Kofi Abiew and Tom Keating, 'NGOs and UN Peacekeeping Operations: Strange Bedfellows,' *International Peacekeeping*, Vol. 6, No. 2 (Summer 1999) 89-111; M.T.I. Bollen and R. Beeres, 'On the Conditions for CIMIC during Humanitarian Operations,' in: Bollen, Janssens, Kirkels, and Soeters (eds.), *Civil-Military Cooperation*, 29; Ted van Baarda and Jan Schoeman (eds.), *Werelden Apart? Militairen en Burgers: Vredeshandhavers en Hulpverleners* (The Hague 1997); Myriame Bollen, *Working Apart Together: Civiel Militaire Samenwerking Tijdens Humanitaire Operaties* (Alblasserdam 2002). Apart from these specific titles, there is a vast body of literature on the military-humanitarian relationship during peace operations and humanitarian operation in the 1990s. See: Thomas G. Weiss, *Military-Civilian Interactions: Intervening in Humanitarian Crises* (Lanham 1999); Thomas G. Weiss, 'Learning from Military-Civilian Interactions in Peace Operations,' *International Peacekeeping*, Vol. 6, No.2 (Summer 1999); Larry Minear, Ted van Baarda and Marc Sommers, *NATO and Humanitarian Action in Kosovo* (Thomas J. Watson Institute for International Studies and the Humanitarian Law Consultancy, occasional paper No. 38, 2000).

11 A broader perspective on civil-military cooperation primarily on the strategic and operational levels is presented in Michael C. Williams, *Civil-Military Relations and Peacekeeping*, (IISS Adelphi Paper No. 321; Oxford and New York 1998); Bruce Pirnie, *Civilians and Soldiers: Achieving Better Coordination* (RAND publication MR-1026-SRF, 1998); Dick Zandee, *Building Blocks for Peace: Civil-Military Interaction in Restoring Fractured Societies* (The Hague 1998); John T. Fishel, *Civil-Military Operations in the New World* (Westport 1997).

12 Fishel, *Civil-Military Operations in the New World*, 235.

13 Karin von Hippel, *Democracy by Force: US Military Interventions in the Post-Cold War World* (Cambridge 2000); on popular support for wars fought for the sake of democracy, see: Philip Everts, *Democracy and Military Force* (Basingstroke etc. 2002).

14 James Dobbins, John G. McGinn, Keith Crane, Seth G. Jones, Rollie Lal, Andrew Rathmell, Rachel Swanger and Anga Timilsina, *America's Role in Nation-Building: From Germany to Iraq* (RAND Cooperation 2003).

15 Coles and Weinberg, *Soldiers Become Governors*, 3.

16 Von Hippel, *Democracy by Force*, 112. According to Von Hippel, the term 'nation' is used because the term 'state' in the United States gets confused with the fifty states that comprise the USA.

17 Paper delivered by Domício Proença Júnior, 'Some Considerations on the Theoretical Standing of Peace Keeping Operations,' Center for Hemispheric Defense Studies, Research and Education in Defense and Security Studies, Panel on Peacekeeping (22-15 May 2001, Washington, DC).

Chapter 1

1 The issues involved in military rule (those relevant to this book) were more pronounced in the European theatre than in, for instance, Japan, where the American occupation followed quite suddenly as a result of the use of the atomic bomb in August 1945 to end the war in the Pacific.
2 F.S.V. Donnison, *Civil Affairs and Military Government: Central Organisation and Planning* (London 1966).
3 The Hague Convention IV Concerning the Laws and Customs of War on Land, 18 October 1907, Article 43. The Fourth Geneva Convention of 1949 confirmed these responsibilities toward the people of a vanquished nation.
4 Harry L. Coles and Albert G. Weinberg, *Civil-Affairs: Soldiers Become Governor*s (Washington, DC 1964), 1. Coles and Weinberg are positive about the US Army's overall record in these occupations prior to the Second World War. Earl Ziemke wrote, 'the means devised for accomplishing military government ranged from inadequate to near disastrous.' Earl F. Ziemke, *The US Army in the Occupation of Germany, 1944-1946* (Washington, DC 1975) 3.
5 R.V.A. Janssens, *What Future for Japan? US Wartime Planning for the Postwar Era, 1942-1945* (Amsterdam 1995) vii.
6 Ziemke, *The US Army in the Occupation of Germany*, 14; Coles and Weinberg, *Soldiers Become Governors*, 3-5.
7 Janssens, *What Future for Japan?*, 153.
8 Ziemke, *The US Army*, 4n2.
9 Thirty percent of the US Civil Affairs officer corps consisted of commissioned civilians. The others were from other branches of the armed forces of the National Guard. Ziemke, 64.
10 The School of Military Government in Virginia was training lieutenant colonels and full colonels. More junior officers were educated at the Civil Affairs Training School at Fort Custer, Michigan, after which they were sent to universities to specialize in languages and area studies. In the summer of 1945, some 1750 officers had completed this course. The Army Specialized Training Program (ASTP) prepared approximately thirty percent of the other ranks with nine months of languages and area studies. The Navy, that would govern occupied territories in the Pacific other than Japan, had its own Naval School of Military Government and Administration at Columbia University. Janssens, *What Future for Japan?*, 155-157; Ziemke, *The US Army*, 74.
11 Earl F. Ziemke, 'Improvising Stability and Change in Postwar Germany,' in: Robert Wolfe (ed.), *Americans as Proconsul: United States Military Government in Germany and Japan, 1944-1952* (Carbondale 1984) 64.
12 Coles and Weinberg, *Soldiers Become Governors*, 3.
13 Janssens, *What Future for Japan?* 149; William R. Swarm, 'Impact of the Proconsular Experience on Civil Affairs Organisation,' in: Wolfe, *Americans as Proconsuls*, 339.
14 Coles and Weinberg, *Soldiers Become Governors*, 153.
15 Ibid., 154.
16 Ibid., 10.
17 F.S.V Donnison, *Civil-Affairs and Military Government in North-Western Europe 1944-1946* (London 1961) 24.
18 John Hersey, *A Bell for Adano* (New York 1944). I thank Ruud Janssens for bringing this novel to my attention.
19 Ibid., 189.
20 The Provost Marshal General's Military Government Department, *Civil Affairs Studies, Illustrative Cases from Military Occupations* (Training Packet No. 8, 1944) 6.
21 Donnison, *Civil-Affairs and Military Government in North-Western Europe*, 18.
22 Ibid., 19; Ziemke, *The US Army*, 44-46.
23 Ziemke, *The US Army*, 29-30.

24 Donnison, *Civil-Affairs and Military Government in North-Western Europe*, 21-22.
25 Ibid., 11.
26 Ibid., 24.
27 Ibid., 21-24.
28 Peter Romijn, 'Did Soldiers Become Governors? Liberators, Resistance, and the Reconstruction of Local Government in the Liberated Netherlands,' in: Charles F. Brower VI (ed.), *World War II in Europe: The Final Year* (New York 1998) 266-267, 283.
29 Ziemke, 'Improvised Stability,' 58; Ziemke, The *US Army*, 102.
30 John Willoughby, *Remaking the Conquering Heroes: The Postwar American Occupation of Germany* (New York 2001) 8.
31 The Allied front had reached the German border before copies of the US Army handbook on military government arrived at the First Army headquarters. Ziemke, *The US Army*, 128.
32 Donnison, *Civil Affairs and Military Government*, 197; Ziemke, *The US Army*, 59. The citation used here is taken from a political guideline sent with the directive. In the absence of an overall policy document, existing documents on the overall approach to military government in occupied territory were: SHEAF, *Handbook for Military Government in Germany Prior to Defeat or Surrender* (December 1944); SHEAF, *Handbook Governing Policy and Procedure for the Military Occupation of Germany* (December 1944); Field Manual 27-5, *Civil Affairs and Military Government*; Combined Chiefs of Staff, *Standard Policy and Procedures for Combined Civil Affairs Operations in NW-Europe*; CCS 551, *Directive for Military Government in Germany Prior to Defeat or Surrender*, 28 April 1944.
33 Kenneth O. McCreedy, 'Planning the Peace: Operation Eclipse and the Occupation of Germany,' *Journal of Military History*, Vol. 65 (July 2001), 713–739.
34 Ziemke, *The US Army*, 186.
35 Donnison, *Civil-Affairs and Military Government*, 31.
36 Ibid., 216.
37 Ziemke, 'Improvising in Postwar Germany,' 57, 193.
38 The improvised detachments often performed better than the specialized detachments that either had grown tired or were suffering from serious morale problems after being over-trained and over-organized, but under-deployed. They had waited for more than a year for actual deployment in the United States and England. Ziemke, *US Army*, 311.
39 Lucius Clay, 'Proconsul of a People, by Another People,' in: Wolfe, *Americans as Proconsuls*, 107.
40 Janssens, *What Future for Japan?*, 403-405.
41 Ziemke, *The US Army*, 250-251; Donnison, *Civil-Affairs and Military Government*, 218.
42 Ibid., 217-218.
43 Ziemke, *The US Army*, 243.
44 Alan Kramer, ''Law-abiding Germans?': Social Disintegration, Crime and the Reimposition of Order in Post-War Western Germany, 1945-49,' in Richard Evans (ed.), *The German Underworld, Deviants and Outcasts in German History* (London and New York 1988) 253.
45 Ziemke, *The US Army*, 357; Kramer, 'Law-abiding Germans?',' 247, 255.
46 Comment from a staff historian visiting Leipzig in late April 1945. Ziemke, *The US Army*, 245.
47 Kramer, 'Law-abiding Germans?,' 254-255.
48 In his critical account of the US military presence in Germany in the early postwar years, Willoughby frequently refers to standard works by historians such as Zink, Ziemke and Gimbel. He also quotes General Harmon to make his case. Willhoughby, *Remaking the Conquering Heroes*, 16-28, 100.
49 Harold Zink, *American Military Government in Germany* (New York 1947) 241. Comparing the various occupation policies of the four occupying powers, Zink added: 'The Rus-

sians and French followed a distinctly hard course as far as the Germans in general were concerned. They lived off the country in contrast to the American and British policy of feeding their forces from imported stocks. They did not hesitate to liquidate Germans whom they regarded inimical. But [...] they saw fit to extend a high degree of cordiality and favor to those Germans whom they regarded as important to future interest.' Harold Zink, *American Military Government in Germany* (New York 1947) 241.

50 Ziemke, *The US Army*, 341.

51 US Constabulary, Historical Subsection, G-3, Major James M. Snyder, *The Establishment and Operations of the United States Constabulary, Germany, 1945-1947* (HQ United States Constabulary 1947) 11, 40. The Constabulary did not operate in Berlin, Bremen or Frankfurt, where 'regular static security forces' operated. This document is available from the US Army Historical Institute (website: http://www.carlisle.army.mil/cgi-bin/usamhi/).

52 Snyder, *Establishment of Constabulary*, 64, 70. The skills of a policeman the constables had to learn were making arrests, searching of prisoners obtaining evidence, recording statements and 'scene of a crime.'

53 Ziemke, 'Improvising in Postwar Germany,' 59.

54 Ziemke, *The US Army*, 425, 441.

55 Clay, 'Proconsul of a People, by Another People,' 107.

56 Ziemke, 'Improvising in Postwar Germany,' 57.

57 John Gimbel, 'Governing the American Zone of Germany,' in: Wolfe, *Americans as Proconsuls*, 93.

58 Harold Zink, *American Military Government in Germany* (New York 1947) 241.

59 Interview with General Lucius Clay by Colonel R. Joe Rogers (conducted between November 1972 and February 1973) US Army Military History Research Collection. A transcript of this interview is available at the US Army Historical Institute website (http://carlisle.army.mil/cgi-bin/usamhi/); Clay, 'Proconsul of a People, by Another People,' 107.

60 Ziemke, 'Improvising in Postwar Germany,' 59.

61 Gimbel, 'Governing the American Zone of Germany,' 94.

62 Oliver Fredericksen, *The American Military Occupation of Germany, 1945-1953* (Karlsruhe 1953) 33.

63 Rebecca Boehling, *A Question of Priorities: Democratic Reform and Economic Recovery in Post-war Germany* (Providence and Oxford 1996) 18, 45-46; Harold Zink, *The United States in Germany, 1944-1955* (Princeton 1957).

64 Donnison called denazification 'the least satisfactory, probably, of Military Government undertakings.' Donnison, *Civil-Affairs and Military Government*, 461. See also Ziemke, 'Improvising in Postwar Germany,' 62. Headquarters US Forces European Theater reported it had dismissed 100,000 Germans from public employment and Clay announced that towards the end of 1945 the American authorities had interned 100,000 Nazis. The British, Soviets and French reported 64,000, 67,000 and 19,000 internments of German officials, respectively. In 1949, the four zones held 16,7 million (US), 22,7 million (U.K.), 17,8 million (Soviet) and 5,8 million (French) people each, while another 3,2 Germans lived in Berlin. Boehling, *A Question of Priorities* (map and figures on page following title page).

65 Ziemke, *Improvising in Postwar Germany*, 63.

66 Boehling, *A Question of Priorities*, 1-2, 272.

67 Pressure from US Congress and American business to 'bring the boys back home' and 'stop slowing down German economic recovery with denazification' also helped convince the Truman administration. Boehling, *A Question of Priorities*, 270.

68 'SNAFU' in the US military stood for 'Situation Normal All Fucked Up' and was used by soldiers to portray the inherent chaos in, and futility of, many aspects of military life. Many scholars who participated in the occupation were seriously disillusioned with Army's

failure to implement the political reforms and the failure of denazification. Some wrote books and dissertations on the topic in the immediate post-war years. A summary of their negative views is provided in Edward N. Peterson, 'The Occupation as Perceived by the Public, Scholars, and Policy Makers,' in: Wolfe, *Americans as Proconsuls*, 418-419; Harold Zink, *American Military Government in Germany* (New York 1947); Harold Zink, *The United States in Germany, 1944-1955* (Princeton 1957).

Chapter 2

1 Thomas R. Mockaitis, 'From Counterinsurgency to Peace Enforcement: New Names for Old Games?,' *Small Wars and Insurgencies*, Vol. 10, No. 2 (1998) 40.

2 The name 'small wars' can be traced back to the writings of British Colonel Charles Callwell. C.E. Callwell, *Small Wars: Their Principles and Practice* (London 1903; First ed. 1896).

3 'Stability operations' was the term preferred to counterinsurgency in the 1968 version of the US Army's capstone warfighting manual FM 100-5. See Donald G. Rose, 'FM 3-0 *Operations*: The Effect of Humanitarian Operations on US Army Doctrine,' *Small Wars and Insurgencies*, Vol.13, No.1 (Spring 2002) 72.

4 Mockaitis, 'From Counterinsurgency to Peace Enforcement,' 40. Mockaitis published three books on counterinsurgency in which he focuses on the British experience. Thomas R. Mockaitis, *British Counterinsurgency, 1919-1960* (Hong Kong 1990); Thomas R. Mockaitis, *British Counterinsurgency in the Post-Imperial Era* (Manchester and New York 1995); Thomas R. Mockaitis, *Peace Operations and Intrastate Conflict: The Sword or the Olive Branch?* (Westport 1999).

5 Henry Kissinger, 'The Vietnam Negotiations,' *Foreign Affairs* (January 1969) 214.

6 A series of unofficial pampflets of mixed quality written by officers from the Dutch colonial army preceeded the 1928 *Voorschrift voor de Uitoefening van de Politiek-Politionele Taak van het Leger* (VPTL, Guidelines for the Execution of the Politico-Police Tasks of the Army). Ger Teitler, 'Voorlopers van het VPTL 1928-1929,' *Militaire Spectator*, Vol. 170, No. 5 (2001) 268-274. See also Jaap de Moor, *Westerlings Oorlog: Indonesië 1945-1950* (Amsterdam 1999) 45-57.

7 Mockaitis, *British Counterinsurgency*, 173, 183, 185.

8 Ibid., 180.

9 Rod Thornton, 'British Army and Its Minimum Force Philosophy,' *Small Wars and Insurgencies*, Vol. 14, No. 2 (Spring 2004) 87.

10 Mockaitis, *British Counterinsurgency*, 66, 188.

11 Thornton, 'British Army and Its Minimum Force Philosophy,' 85.

12 Mockaitis, *British Counterinsurgency*, 90.

13 Ibid., 182-183.

14 In Malaya, the government's security forces killed or captured fifty to sixty guerillas a month on average. On average twenty to thirty surrendered each month. Richard Clutterbuck, *The Long Long War: The Emergency in Malaya, 1948-1960* (London 1967) 55.

15 These are the numbers of troops, police and insurgents as provided by Mockaitis. Clutterbuck placed the number lower by emphasizing the number of actual troops used in the actual fight against the insurgents in the jungle. Those more critical of the British have placed the number of security forces needed to tie down and defeat an estimated 6,000 insurgents as high as 300,000 by including the total number of members of the local home guard. Mockaitis, *British Counterinsurgency*, 9; Clutterbuck, *The Long War*, 43; Jeremy Black, *War and the World: Military Power and the Fate of Continents, 1450-2000* (New Haven and London 1998) 274-276.

16 Clutterbuck, *The Long War*, 51-52.

17 Robert Thompson, *Defeating Communist Insurgency* (London 1966) 185; Ian Beckett, 'Robert Thompson and the British Advisory Mission to South Vietnam, 1961-65,' *Small Wars and Insurgencies*, Vol. 8, No. 3 (Winter 1997) 41-63.

18 Frank Kitson, *Low Intensity Operations: Subversion, Insurgency and Peacekeeping* (London 1971).
19 Mockaitis, 'From Counterinsurgency to Peace Enforcement,' 41.
20 Clutterbuck, *The Long War,* 50-51.
21 Sir Robert Thompson in interview. Mockaitis, *British Counterinsurgency,* 186n18.
22 Clutterbuck, *The Long War,* 40.
23 John McCuen, *The Art of Revolutionary War* (Faber and Faber 1966) 72-73. As quoted in Kitson, *Low Intensity Operations,* 53.
24 Clutterbuck, *The Long War,* 3; Simon C. Smith, 'General Templer and Counter-Insurgency in Malaya: Hearts and Minds, Intelligence, and Propaganda,' *Intelligence and National Security,* Vol. 16, No. 3 (Autumn 2001) 69.
25 Mockaitis, *British Counterinsurgency,* 121.
26 Ibid., 116.
27 Paul Mehlsen, 'The US Marines' Combined Action Program in Vietnam: The Formulation of Counterinsurgency Tactics within a Strategic Debate,' *Low Intensity Conflict & Law Enforcement,* Vol. 9, No. 2 (Summer 2000) 73, 78n69. For the idea that protection of the population was the central tenet of the Malayan campaign, Mehlson also referred to: Thompson, *Defeating Communist Insurgency,* 57. Kitson was also very much aware of this when he fought the Mau Mau in Kenia. See Kitson, *Low Intensity Operations,* 50, 67-71.
28 Ibid, 65.
29 Clutterbuck, *The Long War,* 97-100. Rewards were often more than what a Chinese rubber-tapper earned in ten years and therefore sufficient to start a new life with his family elsewhere.
30 United States Military Academy, West Point, Department of History, *History of Revolutionary Warfare, Volume IV: British Experience: 'Keeping the Peace'* (West Point 1971) 31-32.
31 For the British emphasis on the use of regular infantry, see Mockaitis, *British Counterinsurgency,* 145. In his analysis of the use of Dutch special forces in the Netherlands East Indies in the 1940s, Dutch military historian Jaap de Moor described the tendency of Dutch as well as the French to rely on special forces in the role of 'super infantry' for dealing with emergency situations. Especially in Algeria, but also in the Netherlands East Indies the ever-increasing reliance on special forces and the parachute units to fight the insurgents seriously undermined the confidence and skills of the regular infantry. De Moor, *Westerlings Oorlog,* 30-36.
32 Mockaitis, *British Counterinsurgency,* 187, 163-165.
33 Clutterbuck, *The Long War,* 112; Kitson, *Low Intensity Operations,* 134.
34 Kitson, *Low Intensity Operations,* 199.
35 Ibid., 200.
36 Home Secretary Reginald Maudling in 1971 as cited in Mockaitis, *British Counter-Insurgency in the Post Imperial Era,* 110.
37 Mockaitis, *British Counterinsurgency,* 56, 139.
38 US Marine Corps, *Small Arms Manual* (Washington, DC: US Government Printing Office, 1940). Reprinted in April 1987 as FMFRP 12-15, *Small Wars Manual, USMC* (1940 /1987). Nick Pratt 'Small Wars: The Past as Prologue, and Alternative Vision of Future Conflict,' *Militaire Spectator,* Vol. 171, No. 7/8 (2002) 381.
39 Max Boot, *The Savage Wars of Peace: Small Wars and the Rise of American Power* (New York 2002). This citation is taken from the photo section.
40 *Small Wars Manual,* 1-16.
41 Ibid., 10, 12-19.
42 In the description of what small wars were and how they were supposed to be conducted, the drafters of the *Small Wars Manual* allowed for uncertainties in the language used that would have been impossible American military doctrine after the Second World War. In the postwar era, all US military doctrine became increasingly descriptive and, as a

result, little room was left for the 'resourcefulness and ingenuity' called for in 1940 in the *Small Wars Manual*.

43 In Korea, American military forces were caught totally off guard when the North Koreans invaded in 1950. They were unprepared and largely incapable of conducting all-out combat operations since the army of occupation had adapted itself to constabulary duties that required no heavy units. Korea was important in convincing the US Army never to allow itself to lose combat skills and preparedness for all-out conventional battle by adapting to constabulary duty.

44 Paul Melshen refers to a host of references on the effectiveness of the CAP program. Mehlsen, 'The US Marines' Combined Action Program,' 66, 72-75n1. See also: Cassidy, 'Why Big Powers Fight Small Wars Badly,' *Military Review* (September-October 2002) 50.

45 David. H. Hackworth and Julie Sherman, *About Face: The Odyssey of an American Warrior* (New York etc. 1989) 501.

46 Donald G. Rose, 'FM 3-0 *Operations*: The Effect of Humanitarian Operations on US Army Doctrine,' *Small Wars and Insurgencies*, Vol. 13, No. 1 (Spring 2002) 59.

47 Cassidy, 'Why Great Powers Fight Small Wars Badly,' 48-49; Rose, 'FM 3-0,' 59.

48 Dennis C. Barlow, 'A Planner's Guide for the Employment of Civil Affairs in Latin America,' in: John W. de Pauw and George Luz, *Winning the Peace: The Strategic Implications of Military Civic Action* (New York 1992) 131; David A. Decker, 'Civil Affairs: A Rebirth or Stillborn?,' *Military Review* (November 1987) 6.

49 It is wrongly believed that Robert Thompson, in his advisory role to the Vietnamese government and American military, conceived the Strategic Hamlet Program that was announced in 1962. Peter Busch proves this not to be the case. Peter Bush, 'Killing the 'Vietcong': The British Advisory Mission and the Strategic Hamlet Program,' *The Journal of Strategic Studies*, Vol. 25, No. 1 (March 2002).

50 US General Harold K. Johnson and British Brigadier General W.P.K. Thompson are cited in: Andrew J. Krepinevich, *The Army and Vietnam* (Baltimore and London 1986) 199. As cited in: Mark S. Martins, 'Rules of Engagement for Land Forces: A Matter of Training, Not Lawyering,' *Military Law Review*, Vol. 143 (Winter 1994) 16.

51 Boot, *Savage Wars*, 381. For the number of over eighty percent, Boot refers to: Krepinevich, *The Army and Vietnam*, 188; James William Gibson, *The Perfect War: Technowar in Vietnam* (New York 2000) 11.

52 Robert M. Cassidy, 'Prophets or Praetorians? The Uptonian Paradox and the Powell Corollary,' *Parameters*, Vol. 33, No. 3 (Autumn 2003) 138, 141. Cassidy concluded: 'Since the US military ostensibly worship Clausewitz as the principal prophet of war, it should adhere to the central Clausewitzian dictum that the military is an instrument of policy.'

53 Summers measured and analyzed the Vietnam war primarily by Clausewitzan standards. Christopher Brassford, one of the leading experts on Von Clausewitz, calls Summers' use of Clausewitz's concepts 'brilliant,' but argues that his estimation of the character of the Vietnam War is 'debatable.' Christopher Bassford, *Clausewitz in English: The Reception of Clausewitz in Britain and America, 1815-1945* (New York and Oxford 1994) 203.

54 Colin L. Powell, 'US Forces: The Challenges Ahead,' *Foreign Affairs* (Winter 1992). See also: Conrad C. Crane, *Avoiding Another Vietnam: The US Army's Response to Defeat in Southeast Asia* (US Army War College, Strategic Studies Institute, September 2002).

55 Cassidy, 'Prophets or Preatorians?,' 138-140.

56 Martin van Creveld, 'Through a Glass, Darkly: Some Reflections on the Future of War,' *Naval War College Review* (Autumn 2000).

57 Between 2000 and 2004 the author asked dozens of Dutch draftees who had served as officers and enlisted men between the 1960s and the early 1990s if, during their training for war on the German plain, they were ever made aware of the possible presence or interference of civilian population during military operations. The answer was always 'no.'

58 Barlow, 'A Planner's Guide,' 134-135.
59 William R. Swarm, 'Impact of the Proconsular Experience on Civil Affairs Organization,' in: Wolfe, *Americans as Proconsuls*, 412, 532n1.
60 Wally Z. Walters, *The Doctrinal Challenges of Winning the Peace against Rogue States: How Lessons from Post World War II Germany May Inform Operations against Saddam Hussein' Iraq* (USAWC Strategy Research Project, Carlisle Barracks April 2002) 27-28. Walters analyzes civil affairs doctrine from the 1940s to 2001.
61 In the 1985 version of US Army Field Manual 41-10 civil affairs activities are divided into four categories of missions: support conventional operations; foreign internal defense; unconventional warfare; and civil administration. For the purpose of this book, foreign internal defense and unconventional warfare are described by the generic term 'low-intensity conflict.'
62 Barlow, 'A Planner's Guide,' 134-135.
63 Ibid., 130.
64 Lieutenant General John J. Yeosok quoted in: Conrad C. Crane and Andrew Terrill, *Reconstructing Iraq: Challenges and Missions for Military Forces in a Post-Conflict Scenario* (Strategic Studies Institute, US Army War College, 29 January 2003) 25.
65 Alan James, 'The Congo Controversies,' *International Peacekeeping*, Vol. 1, No. 1 (Spring 1994) 44-58; Thomas A. Mockaitis, 'From Counterinsurgency to Peace Enforcement: New Names for Old Games?,' *Small Wars and Insurgencies*, Vol. 10, No. 2 (1998) 43-45. Another exception, less radical than UNOC was UNIFIL in Lebanon.
66 Kitson, *Low Intensity Operations*, 57.

Chapter 3

1 Carolien Bais, *Het Mijnenveld van een Vredesmacht: Nederlandse Blauwhelmen in Cambodja* (The Hague 1994) 33-34. This excellent short journalistic account by Carlien Bais, based on extensive interviews with the key players as well as her personal observations in Cambodia, gives a lively picture of the UNTAC mission as a whole and the Dutch battalion in particular.
2 For a general overview and analysis of the Dutch contribution to peace operations, see Christ Klep and Richard van Gils, *Van Korea tot Kosovo: De Nederlandse Military Deelname aan Vredesoperaties Sinds 1945* (The Hague 2000).
3 General Sir Peter de la Billiere (Senior British Commander Desert Storm) in interview for the PBS Frontline Documentary 'Desert Storm: An In-Depth Analysis of the 1990-1991 Persian Gulf Crisis,' PBS, January 1996. (Available online at *http://www.pbs.org/wgbh/pages/frontline/gulf/ oral/billiere/1.html*).
4 Silkett, Wayne A., 'Alliance and Coalition Warfare,' *Parameters* (Summer 1993) 74-85.
5 Interview with Lieutenant Colonel Jaap Bijsterbosch, (Willemstad, Curaçao), 28 January 2004.
6 In March 1992 the Security Council created the UNPROFOR to put an end to the fighting in Croatia. This force would soon expand into a much larger mission Bosnia.
7 Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping* (New York, UN Information Service 1992).
8 See US Army Field Manual 100-23: *Peace Operations* (December 1994) 2; British Army, *Wider Peacekeeping* (London, Ministry of Defence 1994); The Royal Netherlands Army, *Landmacht Doctrine Publicatie I: Militaire Doctrine* (1996); The Royal Netherlands Army, *Landmacht Doctrine Publicatie III: Vredesoperaties* (1999).
9 'Unforgettable Pictures of the Year,' *Time Magazine*, 28 January 1992.
10 Agreements on Comprehensive Political Settlements of the Cambodia Conflict, Paris, 23 October 1991 (Published by UN Department of Public Information, DPI/1180, January

1992); Michael W. Doyle, *UN Peacekeeping in Cambodia:UNTAC's Civil Mandate* (Boulder 1995) 29.

11 Jarat Chopra argued that such an interpretation of the special representative's role was 'what the mandate effectively required.' Chopra, Jarat, *Peace-Maintenance: The Evolution of International Political Authority* (London 1999) 47-48. See also Trevor Findlay, *Cambodia: The Legacy and Lessons of UNTAC*, SIPRI Research Report No. 9 (Oxford etc. 1995) 110.

12 Article 6 of the Paris Peace Agreement concerned UNTAC's administrative control over Cambodia.

13 Sanderson, 'Preparation for, deployment and conduct of peacekeeping operations: a Cambodia snapshot,' Paper presented at a conference on UN Peacekeeping at the Crossroads (Canberra, 21-24 March 1993) 4-5.

14 Sanderson, 'Command at the Operational Level,' Presentation to the Australian Command and Staff College (Queenscliff, 26 June 2000) 8.

15 Five translated Khmer Rouge documents recovered from the Headquarters NADK 519 Division, Kouk Krabas in September 1993. The documents are from the period May 1992 until August 1992 (hereafter referred to as Khmer Rouge documents May 1992-August 1992), Australian Defence Force Academy Library, Papers of Lieutenant General John Sanderson, Reference Number MS 359 (hereafter referred to as ADFA, Sanderson Papers), box 7, folder 15. Regrettably, no Khmer Rouge documents were recovered from the period between August 1992 and May 1993. See also W.A. Huijssoon, 'United Nations Transitional Authority in Cambodja: Een Nabeschouwing van een Grootse VN-Missie (Part II),' *Militaire Spectator*, Vol. 164, No. 1 (1995). Huijssoon refers to UNTAC analysts who also estimated that the Khmer Rouge had decided in early 1992 to implement only the parts of the Paris Peace Agreement that suited its purposed.

16 Sanderson, 'Command at the Operational Level' (Presentation, 26 June 2000).

17 Huijssoon, 'United Nations Transitional Authority in Cambodja (Part II),' 30.

18 ''Rode Khmer Grimmiger': Nederlandse Mariniers Moeten Nog Wachten,' *Algemeen Dagblad*, 1 June 1992.

19 Bais, *Het Mijnenveld van een Vredesmacht*, 36. See also D.C.L. Schoonoord, *De Koninklijke Marine in Actie voor de Verenigde Naties: Mariniers in Cambodja 1992-1993* (Leeuwarden and Mechelen 1993) 97.

20 H.F. Dukers, 'Peace-keeping in Cambodja: Nederlandse Mariniers in UNTAC,' Mars et Cathedra, No. 94 (1993) 2849. (Transcription of presentation given on 18 January 1993 for the Koninklijke Vereniging ter Beoefening van de Krijgswetenschap); Bais, *Het Mijnenveld van een Vredesmacht*, 36.

21 William Shawcross, *Deliver Us from Evil: Peacekeepers, Warlords and a World of Endless Conflict* (New York 2000) 59.

22 'Ter Beek stelt vertrek vredesmacht Cambodja uit wegens Rode Khmer,' *Trouw*, 1 June 1992; Bais, *Het Mijnenveld van een Vredesmacht*, 35.

23 Also Michael Doyle suggests that 'UNTAC could have pushed through Khmer Rouge lines.' He also acknowledges, however, that history showed that the mighty Vietnamese army never succeeded in defeating the Khmer Rouge. Michael W. Doyle, 'UNTAC – Sources of Success and Failure,' in: Hugh Smith (ed.), *International Peacekeeping: Building on the Cambodian Experience* (Canberra 1994) 90-91.

24 Quoted in Ben Kiernan, 'The Failures of the Paris Agreements on Cambodia, 1991-93,' in: *The Challenge of Indochina: An Examination of the US Role*, from the Conference Report of The Congressional Staff Conference, 30 April-2 May 1993 (Aspen Institute Vol. 8, No. 4) 14.

25 John M. Sanderson, 'Intervening for Peace: The Question of Standing Forces for the United Nations,' Paper presented at the Governor's Forum Government House, Melbourne, 23 March 1995).

26 Khmer Rouge documents May 1992-August 1992, ADFA, Sanderson Papers, box 7, folder 15.

27 Bais, *Het Mijnenveld van een Vredesmacht*, 53.
28 Ibid., 54.
29 This argument was justified with the traditional Communist line that armed struggle was necessary to support the diplomatic and political struggle to succees. See: Force Commander to Deputy Force Commander, Subject: Analysis of Document Recovered From HQ 519 Division, 16 September 1993, ADFA, Sanderson Papers, box 7, folder 35.
30 Interview with Colonel (retd.) Willem Huijssoon, Amsterdam, 4 May 2004. Huijssoon's account was confirmed in conversation with Peter Bartu (Canberra, September 2001).
31 Two of the locations, Sok San and Phum Nimit, were originally planned as platoon locations, but now harbored a full company. Dukers, 'Peace-keeping in Cambodja,' 2850.
32 Verslag bezoek Commandant Korps Mariniers aan het Nederlands Detachement te Cambodja, Bijlage bij Brief CKM nr. 12355/10179, 15 August 1992, Instituut voor Maritieme Historie, Den Haag, United Nations Transitional Authority in Cambodia (1989-1994) Reference Number 099 (Hereafter: IMH, UNTAC 099) inv. 30.
33 Force Commander, Subject: Disarmament in the Cantonments (10 June 1992), ADFA, Sanderson Papers box 31, folder 81.
34 W.A. Huijssoon, 'United Nations Transitional Authority in Cambodja: Een Success, met Kanttekeningen,' *Marineblad* (December 1993) 336.
35 Dukers, 'Peace-keeping in Cambodja,' 2852; Bais, *Het Mijnenveld van een Vredesmacht*, 55.
36 Interview with Huijssoon, Amsterdam, 4 May 2004; Sanderson to Akashi, 'Preliminary Study of Lessons Learned by the Military Component' (31 August 1993) 11, ADFA, Sanderson Papers, box 7, folder 34.
37 Doyle, 'UNTAC – Sources of Success and Failure,' 88.
38 Doyle, *UN Peacekeeping in Cambodia*, 43.
39 Ibid., 35.
40 Ibid., 43-44.
41 Doyle, 'UNTAC – Sources of Success and Failure,' 89.
42 Findlay, *Cambodia*, 138; Lyndall McLean, 'Civil Administration in Transition: Public Information and the Neutral Political/Electoral Environment,' in Smith (ed.), *International Peacekeeping*, 55-56.
43 Doyle, *UN Peacekeeping in Cambodia*, 42.
44 William Shawcross, 'Cambodia: The U.N.'s Biggest Gamble,' *Time Magazine*, 28 December 1992.
45 HQ Sector 1, Maj C.B.J.E. van den Berg, 'NLBATCAMB 1: De Wapenolie in de Civiele en Militaire Component van UNTAC,' IMH, UNTAC, 099, inv. 62.
46 Speech by Gérard Porcell (Director CivAdmin) at UNTAC force commander Conference, 22 January 1993, ADFA, Sanderson Papers, box 7, folder 35.
47 Sanderson, 'Command at the Operational Level' (Presentation, 26 June 2000).
48 John M. Sanderson, 'UNTAC's Military Component,' Presentation to International Conference UNTAC: Debriefing and Lessons (Singapore, 3 August 1994).
49 Lieutenant Colonel Rakesh Malik (team leader UNMLO NADK, Indian Army), 'Do's and Don'ts for the Peacekeeper in Cambodia,' IMH, UNTAC, 099, inv. 31.
50 CNLBATCAMBD (Dukers) to CinC RNLN (Commander Royal Netherlands Navy), 'Tussentijdse rapportage UNTAC-operatie Mariniersbataljon Cambodja 1,' 8 October 1992, (Hereafter cited as Dukers, 'Tussentijdse Rapportage UNTAC'), IMH, UNTAC, 099, inv. 37.
51 HQ Sector 1, Maj C.B.J.E. van den Berg, 'NLBATCAMB 1: De Wapenolie in de Civiele en Militaire Component van UNTAC,' IMH, UNTAC, 099, inv. 62.
52 Findlay, *Cambodia*, 125. Trevor Findley refers to an interview he held with Akashi.
53 Ibid., 109-110; See also Shawcross, *Deliver Us from Evil*, 54.
54 E-mail correspondence between author and Laura McGrew, 24 April 2004.
55 Bais, *Het Mijnenveld van een Vredesmacht*, 79-80.
56 Wim Jansen, 'Ter Beek: Beslist Geen Gelummel in de Jungle,' *Trouw*, 14 September 1992.

57 Nederlands Instituut voor Oorlogsdocumentatie, Srebrenica: *Een 'Veilig' Gebied: Reconstructie, Achtergronden, Gevolgen en Analyses van de Val van een Safe Area*, Deel II (Amsterdam 2002) 649-662.
58 Ibid, 706.
59 Willebrord Nieuwenhuis, 'Nederlandse Mariniers doen vooral Sociaal Werk,' *NRC Handelsblad*, 9 September 1992.
60 Dukers, 'Peace-keeping in Cambodja,' 2853.
61 Information/Education Division Report, Trip Report: Visit to Sector 1 (21-23 September 1992), 8 October 1992, ADFA, Sanderson Papers, box 14, folder 67.
62 Dukers, 'Peace-keeping in Cambodja,' 2854.
63 Periodieke Rapportage FDS (Field Dressing Station) Dutch Batt UNTAC, 7 aug – 30 sep 1992, Centraal Archievendepot (CAD), Ministerie van Defensie, Archief Tijdelijke Commissie Besluitvorming Uitzendingen (TCBU) van de Tweede Kamer der Staten-Generaal (1999-2000), Archiefmateriaal betreffende United Nations Transitional Authority in Cambodia, 1989-1994, box 11, folder 3. (Hereafter cited as CAD, TCBU, Documents UNTAC, followed by box number and when possible folder number. The box numbers are those specifically provided to author by the CAD archivist).
64 Periodieke Rapportage, FDS Dutch Bat UNTAC, 22 January 1993, CAD, TCBU, Documents UNTAC, box 11.
65 Dukers, 'Tussentijdse Rapportage UNTAC' (8 October 1992), IMH, UNTAC, 099, inv. 37.
66 Bais, *Het Mijnenveld van een Vredesmacht*, 103.
67 Information / Education Report Division, Trip Report: Visit to Sector 1 (21-23 September), 8 October 1992, ADFA, Sanderson Papers, box 14, folder 67.
68 Shawcross, *Deliver Us from Evil*, 59.
69 Interview with Huijssoon, Amsterdam, 4 May 2004.
70 William Shawcross, 'Cambodia: The U.N.'s Biggest Gamble,' *Time Magazine*, 28 December 1992.
71 Sanderson had also actively served in Malaysia during 1966.
72 Robert B. Adolph Jr., 'U.N. Military Civic Action in Cambodia,' *Special Warfare*, Vol. 7 (July 1994) 12-18.
73 J.M. Sanderson, 'Peacekeeping in Cambodia,' *The Sydney Papers*, Vol. 6, No. 2 (Autumn 1994) 58. Michael J. Kelly, 'Military-Civil Affairs: The Need for Dedicated Military Units,' in David Horner (ed.), Armies and Nation Building: Past Experience – Future Prospects (Canberra: Australian Strategic and Defence Studies Centre, 1995).
74 United States General Accounting Office (GOA), Report to Congressional Requesters, 'U.N. Peacekeeping: Lessons Learned in Recent Missions' (December 1993) 49.
75 Sanderson to Akashi, 'GAO Draft Report – Lessons Learned from the Cambodian Operation, 10 August 1993, ADFA, Sanderson Papers, box 3, folder 14.
76 Lieutenant Colonel F. Hoogland, 'Experiences of a Battalion Commander,' Lecture at NATO School's (SHAPE) third peacekeeping course (19-4-1994), CAD, TCBU, Documents UNTAC, box 4.
77 Examples taken from Robin Davies, 'Civic Action in Cambodia: the Role of UNTAC,' *Forced Migration Review* (23 January-April 1997).
78 Interview with Jaap Bijsterbosch, Willemstad, 28 January 2004.

Chapter 4

1 The adage is ascribed to Helmut von Moltke, the nineteenth-century general who led the Prussian armies to victory over Austria and France.
2 HQ Sector 1, Maj. C.B.J.E. van den Berg, 'NLBATCAMB 1: De Wapenolie in de Civiele en Militaire Component van UNTAC,' IMH, UNTAC, 099, inv. 62.
3 Janet E. Heiniger, *Peacekeeping in Transition: The United Nations in Cambodia* (New York 1994) 79.
4 John M. Sanderson, 'UNTAC's Military Component,' Presentation to International Conference UNTAC: Debriefing and Lessons (Singapore, 3 August 1994).
5 For an general analysis of UN Civilian Police operations, see Annika S. Hansen, *From Congo to Kosovo: Civilian Police in Peace Operations* (IISS Adelphi Paper No. 343, 2002).
6 Sanderson, 'UNTAC's Military Component' (Lecture, 3 August 1994).
7 Ibid.
8 Dziedzic, 'Policing the New World Disorder,' *Small Wars and Insurgencies*, Vol. 9, No. 1 (Spring 1998) 138.
9 Mark Plunkett, 'The Establishment of the Rule of Law in Post-Conflict Peacekeeping,' in: Hugh Smith (ed.), *International Peacekeeping: Building on the Cambodian Experience* (Canberra 1994) 69.
10 Klaas Roos would defend his UNTAC CivPol force by pointing at the lack of attention from the UN and contributing nations to the police monitoring component. See Findley, *Cambodia*, 144. See also Yasushi Akashi, 'The Challenges Faced by UNTAC,' *Japan Review of International Affairs*, Vol. 7, No. 3 (Summer 1993) 189.
11 Findley, *Cambodia*, 46.
12 Nayan Chanda, 'Easy Scapegoat: People Blame the UN for All Their Woes,' *Far Eastern Economic Review* (22 October 1992) 18.
13 Information / Education Report Division, Trip Report: Visit to Sector 1 (21-23 September), 8 October 1992, ADFA, Sanderson Papers, box 14, folder 67.
14 Sanderson to Akashi, Control of CPAF Activities, 17 March 1993 (Referring to memorandum from UNTAC Police Commissioner Roos), 1 March 1993, ADFA, Sanderson Papers, box 2, folder 12.
15 CNLBATCAMBD (Dukers) to CinC RNLN (Commander Royal Netherlands Navy), 'Tussentijdse rapportage UNTAC-operatie Mariniersbataljon Cambodja 1,' 8 October 1992, (Hereafter cited as Dukers, 'Tussentijdse Rapportage UNTAC'), IMH, UNTAC, 099, inv. 37.
16 UNTAC Dutchbat II, Weekly Sitrep, no. 13, 20-27 February 1993, CAD, TCBU, Documents UNTAC, box 1.
17 UN Police Commissioner Klaas Roos to Sanderson, 'Crime Review,' 30 September 1992, ADFA, Sanderson Papers, box 3, folder 18.
18 Information / Education Report Division, Trip Report: Visit to Sector 1 (21-23 September), 8 October 1992, ADFA, Sanderson Papers, box 14, folder 67; UNTAC Dutchbat C-Coy version of the presence plan, IMH, UNTAC, 099, inv. 50.
19 Bais, *Het Mijnenveld voor een Vredesmacht*, 55.
20 Dutchbat Operation Order 9/92, 12 October 1992, IMH, UNTAC, 099, inv. 52.
21 Information /Education Report Division, Trip Report: Visit to Sector 1 (21-23 September), 8 October 1992, ADFA, Sanderson Papers, box 14, folder 67.
22 UNTAC Standing Operating Procedures (SOPs, Section 4 – Use of Force, 76) May 1992, IMH, UNTAC, 099, inv. 22.
23 Entries in UNTAC Dutchbat Logbook on 21 August and 26 September 1992, CAD, TCBU, Documents UNTAC, boxes 52, 65 and 67 (Hereafter cited as 'UNTAC Dutchbat Logbook,' followed by date of entry). As the UNTAC Dutchbat Logbook was not encountered in its entirety at one location, it was recreated by the author from various parts encountered in the various boxes within the TCBU archive.
24 Dukers, 'Tussentijdse Rapportage UNTAC' (8 October 1992), IMH, UNTAC, 099, inv. 37.

25 'Mariniers in Cambodja: Zorgen voor Veilige Verkiezingen,' *Defensiekrant*, no. 44, 10 December 1992.
26 Mariniersbataljon Cambodja 1, Operatiebevel no. 008/92, Sisophon, 23 August 1992. Bataljonsoperaties – Taakstelling Beveiligingspeleton, IMH, UNTAC, 099, inv. 52. The detailed orders refer to the British Army's *Field Manual Vol. V; Land Opertions Volume III – Counter Revolutionary Operations*.
27 D.C.L. Schoonoord, *De Koninklijke Marine in Actie voor de Verenigde Naties: Mariniers in Cambodja 1992-1993* (Leeuwarden and Mechelen 1993) 140.
28 UNTAC Dutchbat Logbook, 2 September 1992.
29 UN Police Commissioner Klaas Roos to Sanderson, 'Crime Review,' 30 September 1992, ADFA, Sanderson Papers, box 3, folder 18.
30 Superintendent Herbertson (CivPol Crd SSP Prov) to LtCol Gratzner (DCDR SSP Prov), 'Training of the special SOC-police 'Task Force,' 11 September 1992, IMH, UNTAC, 099, inv. 55.
31 UNTAC Dutchbat Logbook, 8 October 1993.
32 Dutchbat II, Weekly Sitrep no. 17 (21-27 March 1993), CAD, TCBU, Documents UNTAC, box 1.
33 (dutchbat to Cmdr CivPol (Ltcol Herbertson) on Public Areas of Sisophon, 24 August 1992, IMH, UNTAC, 099, inv. 52
34 Information / Education Report Division, Trip Report: Visit to Sector 1 (21-23 September), 8 October 1992, ADFA, Sanderson Papers, box 14, folder 67.
35 UNTAC Dutchbat Logbook , 11 November 1992.
36 Heininger, *Peacekeeping in Transition*, 82.
37 Uitgave Bureau S3, Local Mixed Military Working Group, Sector 1, 30 September 1992. IMH, UNTAC, 099, inv. 52.
38 Dukers, 'Peace-keeping in Cambodja,' 2860.
39 Lieutenant Colonel Jaap Bijsterbosch in interview with author (Willemstad, Curaçao, 28 January 2004).
40 Dukers, 'Tussentijdse Rapportage UNTAC' (8 October 1992), IMH, UNTAC, 099, inv. 37.
41 Ibid.
42 'Operation Order No. 2 for the Joint Milcom of UNTAC,' 9 December 1992, IMH, UNTAC, 099, inv. 49. The only official way for UN personnel to actively confiscate weapons was through cooperation with the faction police forces.
43 Bais, *Het Mijnenveld voor een Vredesmacht*, 55. Dukers claims not to have been provided with UNTAC ROEs, so he acted on the Dutch Rules of Engagement (which in Dutch are more narrowly called *geweldsinstructies*: instructions for the use of force). After his return to the Netherlands, Dukers quite frankly said during a lecture: 'At times we did things for which we had no orders, such as having civilians handing in their weapons. This happened without any serious problems, probably because people had a barn full of weapons at home anyway.' Dukers, 'Peace-keeping in Cambodja,' 2860.
44 UNTAC Standing Operating Proceduring (May 1992), Section 4 – Use of Force, 76.
45 'Draft Directive of UNTAC relating to the possession and carrying of weapons and explosives applicable in Cambodia during the transitional period' (14 October 1992). ADFA, Sanderson Papers, box 16, folder 77; Opbevel 9/92, 12 October 1992; Uitgave Bureau S3, Local Mixed Military Working Group, Sector 1 (30 September 1992) IMH, UNTAC, 099, inv. 52. Again, Gonzales refers to British counterinsurgency doctrine in this Dutchbat directive.
46 Dukers, 'Peace-keeping in Cambodja,' 2850.
47 Ibid., 2852. It is impossible to reconstruct the exact number of confiscated weapons, since the Marines did not report in any length on this informal measure and its results. The estimates number of weapons confiscated in this manner was probably in the high hundreds. In the month of March 1993, for instance, a mere ninety-one weapons and 3647

pieces of ammunition were confiscated. Twenty of those arms were returned to their owners. UNTAC Dutchbat II, Weekly Sitrep no. 13 (21-27 March 1993); UNTAC Dutchbat II, Weekly Sitrep no. 27 (29 May-5 June 1993), CAD, TCBU, Documents UNTAC, box 1.

48 Both Cammaert and Huijssoon know of no other battalion initiating this policy prior to March 1993, but do not exclude that ad hoc disarmament occurred in other sectors. Interview with Major General Patrick Cammaert, New York, 15-16 October 2003; Interview with Colonel (retd.) Willem Huijssoon, Amsterdam, 4 May 2004.

49 Bais, *Het Mijnenveld voor een Vredesmacht*, 70.

50 Interview with Cammaert, 15-16 October 2003.

51 Bais, *Het Mijnenveld voor een Vredesmacht*, 69-70, 72. Dutch members of parliament showed how estranged they were from the realities on the ground when Sanderson ordered his forces to create quick reaction forces for emergencies. The representatives considered such measures 'not done' in a peacekeeping operation. It was regarded as too aggressive. Meanwhile, the Marines had created a quick reaction force almost as soon as they had arrived in Cambodia.

52 Interview with Cammaert, 15-16 October 2003.

53 Interview with Huijssoon, 4 May 2004.

54 Bais, *Het Mijnenveld voor een Vredesmacht*, 73.

55 Interview with Cammaert, 15-16 October 2003.

56 Bais, *Het Mijnenveld voor een Vredesmacht*, 55.

57 Interview with Cammaert, 15-16 October 2003.

58 Sanderson, 'UNTAC's Military Component,' (Lecture, 3 August 1994).

59 'This may be the understanding of the authors of the draft report, but unless it is stated fully and without equivocation there is likely to be considerable confusion and embarrassment.' Sanderson to Gérard Procell, Director Civil Administration, 17 or 18 August 1992 (handwritten note), Sanderson Papers, box 16, folder 77.

60 W.A. Huijssoon, 'United Nations Transitional Authority in Cambodja: Een Nabeschouwing van een Grootse VN-Missie (deel 2, slot),' *Militaire Spectator*, Vol. 164, No. 1 (1995) 33. Huijssoon repeated this view in an interview with the author, 4 May 2004.

61 Sanderson, 'Preparation for, Deployment and Conduct of Peacekeeping Operations: A Cambodia snapshot,' Paper presented at at conference on UN peacekeeping at the Crossroads, Canberra, 21-24 March 1993, p. 8.

62 Sanderson in interview for *Free Choice: UNTAC Electoral Component Newsletter No. 11* (15 January 1993). As cited in James A. Shear, 'Riding the Tiger: The UN and Cambodia,' in William J. Durch (ed.), *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s* (Houndmills etc. 1997) 164.

63 Interview with Cammaert, 15-16 October 2003.

64 Huijssoon to Sanderson, 'Visit to Sector 1 (Dutchbatt),' 20 January 1993, ADFA, Sanderson Papers, box 26, folder 145.

65 Interview with Bijsterbosch, 28 January 2004.

66 Interview with Cammaert, 15-16 October 2003.

67 Interview with Bijsterbosch, 28 January 2004.

68 Interview with Cammaert, 15-16 October 2003.

69 UNTAC Dutchbat II, Weekly Sitrep no. 4 (19 Dec-26 Dec 1992), CAD, TCBU, Documents UNTAC, box 1.

70 Interview with Bijsterbosch, 28 January 2004; UNTAC Dutchbat II, Weekly Sitrep no. 4 (19-26 December 1992), ibid.

71 Schoonoord, *Mariniers in Cambodja*, 182.

72 BBC *Newsnight* item on UNTAC, 22 February 1993.

73 UNTAC Dutchbat II, Weekly Sitrep, no. 12 (13-20 Feb 1993), CAD, TCBU, Documents UNTAC, box 1.

74 Schoonoord, *Mariniers in Cambodja*, 182.

75 UNTAC Dutchbat II, Weekly Sitrep, no. 13 (20-27 Feb 1993) CAD, TCBU, Documents UNTAC, box 1; UNTAC Dutchbat II, Weekly Sitrep no. 15, ibid.
76 Interview with Cammaert, 15-16 October 2003. For the overall poor cooperation between the CivPol and the military component, see Jamer A. Schear and Karl Farris, 'Policing Cambodia: The Public Security Dimension of U.N. Peace Operations,' in: Robert B. Oakley, Michael J. Dziedzic and Eliot M. Goldberg (eds.), *Policing the New World Disorder*, 90.
77 UNTAC Dutchbat II, Weekly Sitrep, no. 13, 20-27 Feb 1993, CAD, TCBU, Documents UNTAC, box 1.
78 Interview with Cammaert, 15-16 October 2003.
79 UNTAC Dutchbat II, Weekly Sitrep no. 18, 28 March - 4 April 1993, CAD, TCBU, Documents UNTAC, box 1.
80 UNTAC Dutchbat II, Weekly Sitrep no. 17, 21-27 March 1993, ibid.
81 UNTAC Dutchbat II, Weekly Sitrep no. 16, 13-20 March 1993, ibid.; UNTAC Dutchbat II, Weekly Sitrep no 19, 5 April 1993, ibid.
82 UNTAC Dutchbat II, Weekly Sitrep no. 20, 10-17 April 1993, ibid.
83 Interview with Bijsterbosch, 28 January 2004.
84 UNTAC Dutchbat II, Weekly Sitrep No. 15, 6-13 March 1993, CAD, TCBU, Documents UNTAC, box 1: 'Problems' were addressed during anti-banditry meeting on 8 March; interview with Bijsterbosch, 28 January 2004.
85 Under UNTAC Directive 93/4 (17 March 1993), anyone illegally carrying weapons could be imprisoned for six months to three years.
86 UNTAC Dutchbat II, Weekly Sitrep, No. 19, 3-10 April 1993, CAD, TCBU, Documents UNTAC, box 1; UNTAC Dutchbat II, Weekly Sitrep, no. 19, 3-10 April 1993, ibid.
87 Fourth Progress Report of the Secretary-General on the United Nations Transitional Authority in Cambodia. S/25719, 3 May 1993, 19.
88 UNTAC Dutchbat II, Weekly Sitrep 15, 6-13 March 1993, CAD, TCBU, Documents UNTAC, box 1.
89 UNTAC Dutchbat II, Weekly Sitrep 13, 21-27 March 1993, ibid.
90 Steve Ayling, 'UNTAC: The Ambitious Mission,' in: Hugh Smith (ed.), *Peacekeeping Challenges for the Future* (Canberra 1993) 81.
91 Findlay, *Cambodia*, 140-141.
92 Heininger, *Peacekeeping in Transition*, 75. As reported by the US General Accounting Office investigator Tetsuo Miyabara.
93 Ibid.
94 Chief of Plans to Force Commander, 'Visit to Sector 1 (Dutchbatt), 20 January 1993, ADFA, Sanderson Papers, box 26, folder 145.
95 Interview with Bijsterbosch, 28 January 2004.
96 UNTAC Dutchbat II, Weekly Sitrep no. 15, 6-13 March 1993, CAD, TCBU, Documents UNTAC, box 1.
97 Interview with Bijsterbosch, 28 January 2004. Later in the mission there were other incidents with much higher levels of violence involving Pakistani and Indian troops. However, it was the first-known incident where UNTAC used force and did so with restraint. Interview with Huijssoon.
98 Sanderson to Akashi, Control of CPAF Activities, 17 March 1993, ADFA, Sanderson Papers, folder 12.
99 W.B. Kroon en J.B.C. van der Veer, 'Rules of Engagement: Ervaringen van Nederlandse Land- en Luchtmachtmilitairen Tijdens UNPROFOR en IFOR,' *Militaire Spectator*, Vol. 166, No. 10 (1997) 468.
100 Interview with Cammaert, 15-16 October 2003. See also: UNTAC Dutchbat II, Weekly Sitrep No. 16, 13-20 March 1993, CAD, TCBU, Documents UNTAC, box 1.

Chapter 5

1 United Nations Security Council Resolution 792 (30 November 1992). Published in: United Nations Blue Book Series Vol. II (with an Introduction by Boutros Boutros-Ghali), *United Nations and Cambodia* (New York 1995) 26-27.
2 There was much criticism at the time about the lack of firmness regarding the Khmer Rouge. For a compilation of, and counterarguments against, such criticism see: Doyle, *UN Peacekeeping*, 67; Findlay, *Cambodia*, 129-130.
3 Steve Heder (Deputy Director Info/Ed – Analysis) to Sanderson, Translation of PDK Document, 14 September 1993, ADFA, Sanderson Papers, box 6, folder 33.
4 Findlay, *Cambodia*, 56.
5 HQ UNTAC, Warning order 1 for operation order no. 2, 15 November 1992, IMH, UNTAC, 099, Schoonoord, inv. 52; HQ UNTAC, Operation order no. 2, 9 December 1992, Ibid. Schoonoord, inv. 49; HQ UNTAC, Operation order nr. 3, March 1993, CAD, TCBU, Documents UNTAC, box 1. The force commander's third operational order to his military force was 'to provide security and support to the electoral component throughout all phases of the election process.'
6 Findlay, *Cambodia*, 54-56.
7 Zhou Mei, *Radio UNTAC of Cambodia: Winning the Ears, Hearts and Minds* (Bangkok 1994).
8 UNTAC Chronology (p11), ADFA, Sanderson Papers, box 7, folder 34.
9 Anatoly Mkrtchyan to Timothy Carney, Distribution of donated radios, 26 April 1993, ADFA, Sanderson Papers, folder 207; UNTAC Chronology (p8), ADFA, Sanderson Papers, box 7, folder 34.
10 Shawcross, *Deliver Us from Evil*, 75.
11 Findlay, *Cambodia*, 110.
12 Sanderson to Akashi, Joint Inspections Teams Report, 3 August 1993, ADFA, Sanderson Papers, box 3, folder 14. Sanderson aired similar critique on some of the civilian components' staff in: Sanderson, 'Command at the Operational' (Presentation, 26 June 2000) 6. Findlay confirms the enormous discrepancy in the quality of civilian staff, which Akashi dryly noted was 'not uniformly outstanding.' Findlay, *Cambodia*, 147. However, Sanderson would also admit to Huijssoon that also within his own military staff, a substantial number of officers was largely ineffective. Interview with Huijssoon, 4 May 2004.
13 John M. Sanderson, 'UNTAC's Military Component,' Presentation to International Conference UNTAC: Debriefing and Lessons (Singapore, 3 August 1994) 16. See also Sanderson, 'UNTAC: Successes and Failures,' in: Hugh Smith (ed.), *International Peacekeeping: Building on the Cambodian Experience* (Canberra 1994).
14 Findlay, *Cambodia*, 125.
15 Karl Farris, 'UN Peacekeeping in Cambodia: On the Balance, a Success,' *Parameters*, Vol. 24, No. 1 (1994) 48.
16 Porcell did not provide the 'other' viewpoint. Speech by Gérard Porcell at UNTAC Force Commander Conference, 22 Jan 1993, ADFA, Sanderson Papers, box 7, folder 35.
17 Interview with Huijssoon, 4 May 2004. Sanderson's personal archive from the UNTAC period, which is held at the ADFA Library, is a clear indicator of the central role played by the force commander. It is far more than a collection of military documents, and holds reports and analysis of all components involved.
18 Shawcross, 'The UN's Biggest Gamble,' 20.
19 James A. Schear and Karl Farris, 'Policing Cambodia: The Public Security Dimension of U.N. Peace Operations,' in: Robert B. Oakley, Michael J. Dziedzic and Eliot M. Goldberg (eds.), *Policing the New World Disorder*, 93-94.
20 Dennis McNamara, *UN Peacekeeping and Human Rights in Cambodia: A Critical Evaluation* (Paper prepared for a meeting on UN peacekeeping and human rights organized by the Aspen Institute with support of the Ford Foundation, Geneva 1994) 9-10. See also

John Sanderson, 'The East Timor Challenge,' *Sydney Morning Herald*, 20 September 1999. Sanderson lauded those courageous Cambodians who were prepared to give evidence.

21 Harry Broer and Michael Emery, 'Civilian Police in U.N. Peacekeeping Operations,' in: Oakley, Dziedzic and Goldberg (eds.), *Policing the New World Disorder*, 369-370. Boer and Emery refer to an interview with Roos held in July 1997; Chopra, *Peace Maintenance*, 48.

22 McNamara, 'UN Peacekeeping and Human Rights in Cambodia' (Paper, Geneva 1994), 10.

23 'Meeting with Core Group,' 8 February 1993, Sanderson Papers, box 31, folder 174.

24 Schear and Farris, 'Policing Cambodia: The Public Security Dimension of U.N. Peace Operations,' 94.

25 Plunkett, 'Establishment of the Rule of Law,' in: Smith (ed.), *International Peacekeeping*, 71.

26 US Department of State, Cambodia Human Rights Practices, 1993. For details on the detainees, see Jarat Chopra, 'United Nations Authority in Cambodia,' Occasional Paper No. 15, The Thomas J. Watson Jr. Institute for International Studies (Providence 1994) 40-42.

27 'Sihanouk sluit weer vrede met de VN,' *NRC Handelsblad*, 11 January 1993; 'VN-macht kondigt maatregelen aan,' *Algemeen Dagblad*, 8 January 1993.

28 There are no references to these measures in any of the documents researched by the author; interview with Cammaert, 15-16 October 2003; for Cammaert's remark in 1993 on wishing he had the mandate to disarm and arrest, see: Bais, *Het Mijnenveld voor een Vredesmacht*, 56.

29 Interview with Cammaert, 15-16 October 2003.

30 W.A. Huijssoon, 'United Nations Transitional Authority in Cambodja: Een Terugblik op een Grootse VN-Missie ,' *Militaire Spectator*, Vol. 163, No. 12 (1994) 533.

31 Findlay, *Cambodia*, 47.

32 UNTAC Dutchbat II, Weekly Sitrep no. 18, 28 March-3 April 1993, CAD, TCBU, Documents UNTAC, box 1.

33 Findlay, *Cambodia*, 132-133.

34 Dennis McNamara, 'UN Peacekeeping and Human Rights in Cambodia: A Critical Evaluation' (Paper prepared for a meeting on UN peacekeeping and human rights organized by the Aspen Institute with support of the Ford Foundation, Geneva 1994) 8; Doyle, *UN Peacekeeping in Cambodia*, 47.

35 Findlay, *Cambodia*, 48.

36 Doyle, *UN Peacekeeping in Cambodia*, 86.

37 Stefan Ciacek to Austin, Security of DESs in Kampong Thom Province, 6 April 1993, ADFA, Sanderson Papers, box 16, folder 74.

38 Schoonoord, *Mariniers in Cambodja*, 210.

39 Austin to Akashi, Electoral Staff Security, 10 March 1993, ADFA, Sanderson Papers, box 16, folder 74.

40 Sanderson in interview for *Free Choice: UNTAC Electoral Component Newsletter No. 11* (15 January 1993). As cited in James A. Shear, 'Riding the Tiger: The UN and Cambodia,' in William J. Durch (ed.), *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s* (Houndmills etc. 1997) 165.

41 UNTAC Joint Security Directive No. 1: Inter-Component Coordination in Provision of Security During the Electoral Process (agreement between Sanderson and CivPol commissioner Brig. Gen. Roos, 13 March 1993), ADFA, Sanderson Papers, box 2, folder 12; UNTAC Joint Security Directive no. 2: Supervision of Public Meetings / Political Rallies (agreement between Sanderson and CivPol commissioner Brig. Gen. Roos, 16 March 1993), Ibid.

42 Other concerns ventilated by Sanderson were: 'Who decides which potential targets are going to be protected and which are not? [...] We must not get sucked into a situation

where we are seen to assume the SOC responsibility.' Sanderson to Sadry (DSRSG), Phnom Penh Special Task Force for Security, 4 March 1993.
43 UNTAC Chief of Plans to SRSG (through the Force Commander), Reinforcement of the military component (15 April 1993), ADFA, Sanderson Papers, box 26, folder 146.
44 UNTAC Chronology, ADFA, Sanderson Papers, folder 50; Interview with Huijssoon, 4 May 2004.
45 Huijssoon to Defensiestaf, Weekly Sitrep UNTAC (9 May-13 May 1993) CAD, TCBU, Documents UNTAC, box 1.
46 Letter from DESs Siem Pang to Deputy PEO Stung Treng, Proposed withdrawal from SiemPang, STUNG TRENG, ADFA, Sanderson Papers, box 16, folder 74.
47 Chief of Plans to SRSG, Subject: Reinforcement of the Military Component, 15 April 1993, ADFA, Sanderson Papers, box 26, folder 146.
48 Interview with Huijssoon, 4 May 2004.
49 Cheryl M. Lee Kim and Mark Metrikas, 'Holding a Fragile Peace: The Military and Civilian Components of UNTAC,' in: Michael W. Doyle, Ian Johnstone and Robert C. Orr, (ed)., *Keeping the Peace: Multidimensional UN Operations in Cambodia and El Salvador* (Cambridge, Mass. 1997) 108.
50 Interview with Huijssoon, 4 May 2004.
51 Ibid.
52 Findlay, *Cambodia*, 132-133.
53 Bais, *Het Mijnenveld voor een Vredesmacht*, 50.
54 Huijssoon to Defensiestaf, Weekly Sitrep UNTAC (17-24 May 1993) CAD, TCBU, Documents UNTAC, box 1.
55 Article 11 of the Paris Peace Agreement: 'The objective of the military arrangements during the transitional period shall be to stabilize the security situation and build confidence among the parties to the conflict, so as to reinforce the purposes of this agreement and to prevent the risk of a return to warfare.'
56 UNTAC Dutchbat II, Weekly Sitrep no. 18 (27 March-3 April 1993), CAD, TCBU, Documents UNTAC, box 1.
57 Commanders Assessment, UNTAC Dutchbat II, Weekly Sitrep no. 15 (6 March-13 March 1993), CAD, TCBU, Documents UNTAC, box 1; Schoonoord, *Mariniers in Cambodja*, 208-210.
58 UNTAC Dutchbat II, Weekly Sitrep no. 19 (3-10 April 1993), CAD, TCBU, Documents UNTAC, box 1.
59 Lt Col Suresh Nair to Col K. Farris, Subject: Sit pre electoral analysis-Sector 1, 19 May 1993, ADFA, Sanderson Papers, box 14, folder 67; UNTAC Dutchbat II, Weekly Sitrep no. 23 (1-8 May 1993), CAD, TCBU, Documents UNTAC, box 1.
60 UNTAC Dutchbat II, Weekly Sitrep no. 24 (8-15 May 1993), ibid.
61 UNTAC Dutchbat II, Weekly Sitrep no. 15 (6-13 March 1993), ibid.
62 Bais, *Het Mijnenveld voor een Vredesmacht*, 94.
63 UNTAC Dutchbat II, Weekly Sitrep no. 24 (8-15 May 1993), CAD, TCBU, Documents UNTAC, box 1.
64 UNTAC Dutchbat II, Weekly Sitrep no. 15, 6-13 March 1993, ibid.
65 On summary justice in Funcinpec and KPNLF areas, see John M. Sanderson, 'The UNTAC Military Component,' in Ramesh Thakur (ed.), *Past Imperfect, Future Uncertain: The United Nations at Fifty* (London 1998) 117.
66 UNTAC Dutchbat II, Weekly Sitrep no. 15, 6-13 March 1993, CAD, TCBU, Documents UNTAC, box 1; Schoonoord, *Mariniers in Cambodja*, 235.
67 Bais, *Het Mijnenveld voor een Vredesmacht*, 104; Lt Col Suresh Nair to Col K. Farris, Subject: Sit pre-electoral analysis – Sector 1, 19 May 1993, ADFA, Sanderson Papers, box 14, folder 67.
68 Schoonoord, *Mariniers in Cambodja*, 225.

69 UNTAC Dutchbat II, Weekly Sitrep No. 23 (1-8 May 1993), CAD, TCBU, Documents UNTAC, box 1.
70 UNTAC Dutchbat Logbook, 18 May 1993; Schoonoord, *Mariniers in Cambodja*, 235.
71 Bartu to Sanderson, Military Information, Recent Developments – Military Situation, 15 August 1993, ADFA, Sanderson Papers, box 15, folder 68.
72 Findlay, *Cambodia*, 111; Doyle, *UN Peacekeeping*, 58.
73 Huijsoon to Defensiestaf, Sitrep UNTAC, 9-13 May 1993, CAD, TCBU, Documents UNTAC, box 1.
74 T. Noel (PEO Kampong Cham) to Austin, Security, 12 April 1993, ADFA, Sanderson Papers, box 16, folder 74; Letter from DESs Siem Pang to Deputy PEO Stung Treng, Proposed withdrawal from SiemPang, STUNG TRENG, ADFA, Sanderson Papers, box 16, folder 74; Interview with Huijssoon, 4 May 2004.
75 W.A. Huijssoon, 'United Nations Transitional Authority in Cambodja: Een Terugblik op een Grootse VN-Missie,' *Militaire Spectator*, Vol. 163, No 12. (1994) 532.
76 Lt. Col. Suresh Nair to Col K. Farris, Subject: Sit pre-electoral analysis – Sector 1, 19 May 1993, ADFA, Sanderson Papers, Box 14, folder 67.
77 UNTAC Dutchbat II, Weekly Sitrep no. 24 (8-15 May 1993), CAD, TCBU, Documents UNTAC, box 1; UNTAC Dutchbat II, Weekly Sitrep no. 25 (15-22 May 1993), ibid.
78 Interview with Cammaert, 15-16 October 2003.
79 Interview with Huijssoon, 4 May 2004.
80 Sanderson, 'Command at the Operational Level' (Presentation, 26 June 2000); Huijssoon to Defensiestaf, Sitrep UNTAC (17-24 May), CAD, TCBU, Documents UNTAC, box 1.
81 Info/Edu Division reports by Penny Edwards, Judy Ledgerwood and Jay Jordans on polling in several districts in the provinces Takeo, Kampong Cham and Battambang. ADFA, Sanderson Papers, box 17, folder 85.
82 Doyle, *UN Peacekeeping*, 57.
83 Info/Edu Division reports by Penny Edwards, Judy Ledgerwood and Jay Jordans on polling in several districts in the provinces Takeo, Kampong Cham and Battambang. ADFA, Sanderson Papers, box 17, folder 85.
84 For instance, in the south of Cambodia, Frenchbat was 'doing an excellent job' according to UNTAC information branch personnel, but the wide dispersal of sites there allowed them merely visit each of the polling sites. Dutchbat was everywhere performing static guard duties as the size of their sector and reduced number of polling sites made this possible.
85 All Dutchbat's riflemen were in the field and logistical and staff personnel took over the security of the bases. The battalion's kitchen staff was tasked to protect fuel convoys.
86 Interview with Cammaert, 15-16 October 2003.
87 UNTAC Dutchbat, Logbook, 27 May 1993.
88 UNTAC Dutchbat II, Weekly Sitrep no. 26 (24 May 1993), CAD, TCBU, Documents UNTAC, box 1.
89 Confirmed by UN source in *Bangkok Post*, 27 May 1993, p1.
90 United Nations, 'United Nations Focus: Cambodia Election Results,' July 1993.
91 Interview with Cammaert, 15-16 October 2003; UNTAC Dutchbat II, Weekly Sitrep no. 26, CAD, TCBU, Documents UNTAC, box 1.
92 Raoul M. Jennar, 'UNTAC: 'International Triumph' in Cambodia?,' *Security Dialogue*, Vol. 25, No. 2 (1994) 148. Also Karl Farris and Michael Maley give much credit to the UNTAC military staff for the security plan for enabling successful elections. See Karl Farris, 'UN Peacekeeping in Cambodia: On the Balance, a Success,' *Parameters*, Vol. 24, No. 1 (1994).
93 Captain Blackhurst estimated the most effective days for the Khmer Rouge to disrupt the elections would have been the days just prior to the first day at the polls. UNTAC Dutchbat II, Weekly Sitrep no.24 (8-15 May 1993), CAD, TCBU, Documents UNTAC, box 1.
94 Within UNTAC headquarters, Huijssoon and others presumed that the Khmer Rouge esti-

mated the voter turnout would only be between 25 to 30 percent. Interview with Huijssoon, 4 May 2004.

95 It is unclear if Sanderson expected Pol Pot to believe these estimates. Sanderson, 'Command at the Operational Level' (Presentation, 26 June 2000).

96 Findlay, *Cambodia*, 84-85.

97 Sanderson, 'Command at the Operational Level' (Presentation, 26 June 2000).

98 Steve Heder (Deputy Director Info/Ed – Analysis) to Sanderson, Translation of PDK Document, 14 September 1993, ADFA, Sanderson Papers, box 6, folder 33.

99 W.A. Huijssoon, 'United Nations Transitional Authority in Cambodja: Een Nabeschouwing van een Grootse VN-Missie (deel 2, slot),' *Militaire* Spectator, Vol. 164, No. 1 (1995) 28. Huijssoon refers to analyses by UNTAC staff made in retrospect that confirm the Khmer Rouge preparations for the post-election offensive that never materialized.

100 Michael Doyle noticed a common characteristic of the successful parts of the operation. All these operations were directly run by UNTAC and had required no 'positive cooperation' from the factions. However, he fails to take into account the essential military and police cooperation from the three factions during the elections. Doyle, *UN Peacekeeping*, 67.

101 UN, Mid-Term Report of the Secretary-General on the UN Military Liaison Team in Cambodia, UN Document S/1994/169, 14 February 1994. As quoted in Findlay, *Cambodia*, 165.

102 Koninklijke Marine, 'Evaluatie KM-deelname aan operaties van de United Nations Transitional Authority Cambodia' (Date unknown but produced soon after December 1993). A Dutch parliamentary research report criticized the Royal Navy UNTAC evaluation and the 'lessons learned' process after UNTAC. It specifically lamented this Navy evaluation of the mission for being solely for internal use. Lessons thus failed to reach other military services and presumably also the Ministry of Defense. Tweede Kamer der Staten-Generaal, *Rapport van de Tijdelijke Commissie Besluitvorming Uitzendingen* (The Hague 2000) 452.

103 W.A. Huijssoon, 'Een Terugblik op UNTAC, Cambodja 1992-1993,' Presentation at the Royal Insititute for the Navy (February 1994).

104 Despite the lack of codified learning, a solid history was written by Marine colonel and historian Dick Schoonoord on the experiences of 2,288 Marines and Navy personnel during eighteen months in Cambodia. Although it was written primarily as a commemorative book and chronology for the officers and men involved, it was nevertheless far superior to anything written in self-analysis by the Dutch Army on its many operations in the coming years. D.C.L. Schoonoord, *De Koninklijke Marine in Actie voor de Verenigde Naties: Mariniers in Cambodja 1992-1993* (Leeuwarden and Mechelen 1993).

105 Karl Farris, 'UN Peacekeeping in Cambodia: On the Balance, a Success,' *Parameters*, Vol. 24, No. 1 (1994). Authors such as Trevor Findley and Michael Doyle give an overall positive judgment on UNTAC, despite its many failings. Jarat Chopra is very critical of UNTAC and the performance of its military component. For another critique of UNTAC see: Raoul M. Jennar, 'UNTAC: 'International Triumph' in Cambodia?,' *Security Dialogue*, vol. 25, No 2, (1993).

106 UNTAC's official cost was 1.5 billion dollars, but most observers have estimated that including repatriation, rehabilitation and other costs excluded from the UN budget, the costs are more likely to have been close to 2.8 billion dollars. The total death toll was relatively high in Cambodia with a total of ninety military, police and other civilian staff killed in two years. Doyle, *UN Peacekeeping*, 73; Doyle, 'UNTAC – Successes and Failures,' 86.

107 Sanderson, 'Intervening for Peace: The Question of Standing Forces for the United Nations' (Paper delivered at the Governor's Forum; Government House, Melbourne 23 March 1995) 11.

Chapter 6

1 United States Forces, *Somalia After Action Report and Historical Overview: The United States Army in Somalia, 1992-1994* (Center of Military History, Washington 2003) 26.
2 Lieutenant Colonel O'Leary reminded his troops that they should kill anyone that fired on them. If armed Somalis left the Marines alone, the Marines would 'let them live to fight another day.' David A. Dawson, *The US Marines in Somalia: With Marine Forces, Somalia During Operation Restore Hope* (undated draft, available at the Marine Corps Research Center Archives) 2-6. US Marine Corps Captain David Dawson wrote his unpublished monograph as an eyewitness and on the basis of interviews and military documents after serving as a field historian for the US Marine Force in Somalia from mid-December until 22 March 1993.
3 Dawson, *The US Marines in Somalia*, 3-5; Martin Stanton, *Somalia on Five Dollars a Day: A Soldier's Story* (Novato 2001) 105. In his lucid and at times cynical account of an US Army battalion in Somalia, Stanton combines personal experiences with a somewhat broader view of the operation between December 1992 and April 1993.
4 Breen, *A Little Bit of Hope*, 53-54.
5 David Laitin, 'Somalia: Civil War and International Intervention,' in: Barbara F. Walter and Jack Snyder, *Civil Wars, Insecurity and Interventions* (New York 1999).
6 Ali Mahdi influenced a further 8,000 fighters in areas north of Mogadishu. United States Forces, *Somalia After Action Report*, 65-66.
7 Walter Clarke, 'Failed Visions and Uncertain Mandates in Somalia,' in: Walter Clarke and Jeffrey Herbst, *Learning from Somalia: The Lessons of Armed Humanitarian Intervention* (Boulder and Oxford 1997) 5.
8 There are various versions of this proverb circulating. This version is taken from Bob Breen, *A Little Bit of Hope: Australian Force Somalia* (Sydney 1998) 1.
9 Terrence Lyons and Ahmed Samatar, *Somalia: State Collapse, Multilateral Intervention and Strategies for Political Reconstruction* (Washington, DC 1995) 21.
10 Laitin, 'Somalia: Civil War and International Intervention', 2; Abdullah A. Mahamoud, *State Collapse and Post-Conflict Developments in Africa: The Case of Somalia, 1960-2001* (unpublished dissertation; University of Amsterdam 2002) 3.
11 Omar Jess's SPM-SNA militia, operating in the Lower Juba area in southern Somalia, was approximately 2,000 strong. Faction affiliations were even more complicated as Jess's SPM-SNA and Morgan's faction were two of three splinter groups that comprised the SPM. United States Forces, *Somalia After Action Report*, 66; See also Lynn Thomas and Steve Spataro, 'Peacekeeping and Policing in Somalia,' in: Robert B. Oakley, Michael J. Dziedzic and Eliot M. Goldberg, *Policing the New World Disorder* (Washington, DC 1998) 177-178.
12 Terrence Lyons and Ahmed Samatar, *Somalia: State Collapse, Multilateral Intervention, and Strategies for Political Reconstruction* (Washington, DC 1995) 7. Also Durch wrote about 'Hobbesian anarchy.' W.J. Durch, 'Introduction to Anarchy: Humanitarian Intervention and 'State-Building' in Somalia,' in W.J. Durch (ed.), *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s* (New York 1996) 311.
13 Lee V. Cassanelli, 'Somali Land Resource Issues in Historical Perspective,' in: Clarke and Herbst, *Learning From Somalia*, 67-76.
14 Khalil Dale in an interview with PBS *Frontline* for the documentary 'Ambush in Mogadishu' (Posted on PBS Online, September 1998).
15 Breen, *A Little Bit of Hope*, 2. Also Dawson mentions that the setting reminded US Marines of the Mad Max movies that were known under the alternative title 'Road Warrior' in the United States.
16 Andrew S. Natsios, 'Humanitarian Relief Intervention in Somalia,' 84-85.
17 The most critical account of NGO relief operations in Somalia is given in Michael Maren, *The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity* (New York

1997). Although disputed by some NGOs, the then-vice president of World Vision and later USAID director Andrew Natsios and CARE USA. president Philip Johnston were quoted saying that as much as up to eighty percent of all relief supplies were diverted or looted in what euphorically became know as 'spontaneous distribution.' See Michael J. Kelly, *Peace Operations: Tackling the Military, Legal and Policy Challenges* (Canberra 1997) 7-9.

18 John T. Fishel, *Civil – Military Operations in the New World* (Westport 1997) 190.

19 Michael G. MacKinnon, *The Evolution of US Peacekeeping Policy under Clinton: A Fairweather Friend?* (London and Portland 2000) 119.

20 Fishel, *Civil – Military Operations in the New World*, 190.

21 Oakley, 'The Urban Area during Support Missions,' 310; John L. Hirsch and Robert B. Oakley, *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping* (Washington, DC 1995) 42.

22 United Nations Security Council Resolution 794 (1992).

23 Kelly, *Peace Operations,* 7-23n103. Kelly established this by referring to an interview with Colonel Lorenz and to Colin L. Powell, *My American Journey: An Autobiography* (Random House 1995). 565. See also Dawson, *The US Marines in Somalia*, 1-10. Walter Clarke mentions the 'Thanksgiving decision' in Clarke, 'Failed Vision,' 9.

24 United States Forces, *Somalia After Action Report*, 61.

25 Ambassador Oakley's title was honorific, reflecting his previous service as a United States ambassador. With no government in Somalia, the American president could not send an ambassador.

26 Hirsch and Oakley, *Somalia and Operation Restore Hope*, 50; Fishel, *Civil – Military Operations in the New World*, 190.

27 Stanton, *Somalia on Five Dollars a Day*, 89.

28 Dawson, *The US Marines in Somalia*, 2-1; Hirsch and Oakley, *Somalia and Operation Restore Hope*, 54.

29 Dawson, *The US Marines in Somalia*, 3-5.

30 David Laitin, 'Somalia: Civil War and International Intervention,' n24. Laitin found out that reliable figures on the numbers of Somalis saved in the initial months are hard to come by. According to Laitin, a conservative but reliable estimate by Steven Hansch, based on reasonable statistic evidence, holds between 10,000 and 25,000 lives were saved by the initial US-led intervention and an estimate 100,000 by the international effort as a whole. The unsubstantiated figure of 250,000 was often used, while the staunchest advocated of overall success in the US-led phase of the operations, who also fail to provide any data, argue that half a million people owe their lives to the intervention. Steven Hansch et al., *Excess Mortality and the Impact of Health Interventions in the Somalia Humanitarian Emergency* (Washington, DC: Refugee Policy Group and Centers for Disease Control and Prevention, 12 August 1994) The figure 250,000 is used by Chester Crocker, 'Lessons of Somalia,' *Foreign Affairs,* Vol. 75, No. 3 (1995) 3; Patman, 'Beyond the Mogadishu Line,' 62; Michael Mandelbaum even said that 500,000 lives were saved, but also he failed to provide any data. Michael Mandelbaum, 'Foreign Policy as Social World,' *Foreign Affairs* Vol. 75, No. 1 (1996) 30.

31 United States Forces, *Somalia After Action Report*, 25; Fishel, *Civil – Military Operations in the New World,* 191.

32 George Bush, Humanitarian Mission to Somalia: Address to the Nation, Washington, DC, 4 December 1992.

33 Jeffrey Record, 'Exit Strategy Delusions,' *Parameters*, Vol. 31, No. 4 (Winter 2001-2002) 21-27.

34 Fishel, *Civil – Military Operations in the New World,* 191-193.

35 Ibid., 190. See also: Shawcross, *Deliver Us from Evil*, 84-85.

36 Colin Powell with Joseph Persico, *My American Journey* (New York 1995) 576.

37 See Chapter 2. Robert M. Cassidy, 'Prophets or Praetorians? The Uptonian Paradox and the Powell Corollary,' *Parameters*, Vol. 33, No. 3 (Autumn 2003) 141.
38 Adam B. Siegel, 'Mission Creep: An Autopsy of a Hopefully Dying Term,' *Low Intensity Conflict and Law Enforcement*, Vol. 8, No. 1 (1999).
39 Dawson, *The US Marines in Somalia*, 2-5.
40 The definition for crew-served weapons given in the UNITAF ROE is 'any weapons system that requires more than one individual to operate. Crew-served weapons include but are not limited to tanks, artillery pieces, anti-aircraft guns, mortars and machine guns.' They also included technicals.
41 Dawson, *The US Marines in Somalia*, 2-10; Patman, 'Crossing the Mogadishu Line,' 63, 73n21.
42 United States Forces, *Somalia After Action Report*, 26.
43 One such arms storage sites owned by Aideed and discovered by UNITAF in the early days of the operation contained an amount of weaponry and ammunition that would have required 200 five-ton trucks to empty. Kelly, *Peace Operations*, 7-24.
44 In order to avoid confiscation of their larger arms and stocks some warlords moved large columns of vehicles and equipment over the Kenyan and Ethiopian border and toward the southern Galgadud province, outside the reach of the intervention force. Kelly, *Peace Operations*, 7-24.
45 This notion emerges from the United States Forces, *Somalia After Action Report*, which is more critical of the initial phase of the intervention under UNITAF than most US official accounts.
46 Jennifer Parmelee, 'Waltzing with Warlords,' *Washington Post* (25 June 1993); William Claiborne and Keith B. Richburg, 'US Envoy Oakley Arranges Talks Between Two Top Somali Warlords,' *Washington Post* (11 December 93) A44.
47 Hirsch and Oakley, *Somalia and Operation Restore Hope*, 56-64, 70-1, 78. A more critical account in offered in Walter Clarke and Jeffrey Herbst (eds.), *Learning from Somalia* (Boulder 1997). Most of the authors contributing to this volume agree that Oakley sided too closely with the warlords.
48 Dawson, *The US Marines in Somalia*, 3-10; Breen, *A Little Bit of Hope*, 35.
49 Breen, *A Little Bit of Hope*, 37.
50 Stanton, *Somalia on Five Dollars a Day*, 132. Stanton wrote: 'About an hour into the trip we had passed so many crops that I began to feel vaguely silly about bringing a load of relief rice and lentils to this land of plenty. Sean Naylor wondered aloud about this too. Kirk Hashank (who was quicker on the draw than I was) quipped, 'Hell, I don't know, Sean, maybe they don't eat corn.''
51 Kenneth Allard uses this image in an interview for the PBS *Frontline* documentary 'Ambush in Mogadishu' (Posted on PBS Online, September 1998).
52 Dawson, *The US Marines in Somalia*, 4-10.
53 Ibid., 4-4, 7, 13.
54 Ibid., 3-33, 7-2.
55 Robert B. Oakley, 'The Urban Area during Support Missions, Case Study: Mogadishu, The Strategic Level' (Presentation for RAND Conference), in: Russ Glenn (ed.), *Capital Preservation: Preparing for Urban Operations in the Twenty-First Century* (Proceedings of the RAND Arroyo-TRADOC-MCWL-OSD Urban Operations Conference, March 22-23, 2000) 324.
56 Breen, *A Little Bit of Hope*, 53-54.
57 Dawson, *The US Marines in Somalia*, 7-3, 4.
58 Oakley, 'The Urban Area during Support Missions' (Presentation, 22 March 2000) 325.
59 Breen, *A Little Bit of Hope*, 60; according to Dawson, however, '[t]he Marines found very few casualties on the objective.' Dawson, *The US Marines in Somalia*, 7-22.
60 Ibid., 7-24 to 7-31.
61 Breen, *A Little Bit of Hope*, 57. Breen refers to a report by the Australian liaison officer

at CENTCOM, Colonel Jock Murray, of a briefing held by General Hoar on 28 December 1992.

62 United States Forces, *Somalia After Action Report*, 57.

63 Kenneth Allard, *Somalia Operations: Lessons Learned* (National Defense University, Washington, DC 1995) 50. According to Major Stanton, 'no technicals' and 'no roadblocks' was pretty straightforward and enforceable, but 'no visible weapons' and 'no banditry' were much harder to enforce. Stanton, *Somalia on Five Dollars a Day*, 107.

64 'This, combined with our rules of engagement, soon caused a change in attitude of the Somali political factions. Instead of being fearful of UNITAF forces, they looked for ways to circumvent and work around them.' Stanton, *Somalia on Five Dollars a Day*, 106-107.

65 Oakley, 'The Urban Area during Support Missions' (Presentation, 22 March 2000).

66 Kevin M. Kennedy, 'The Military and Humanitarian Organizations,' in: Clarke and Herbst, *Learning from Somalia*, 117n16. For these figures Colonel Kennedy refers to UNITAF briefing for the Joint Chiefs of Staff, 7 April 1993. Of those 4,621, close to 900 were confiscated by the Australian forces in the Bay province. For the number of 2,250 small arms and heavy weapons seized by UNITAF in the first ninety days of operations, Patman refers to Lorenz, 'Weapons Confiscation Policy During the First Phases of Operation 'Restore Hope',' *Small Wars and Insurgencies*, Vol. 5, No. 3 (1994) 414-415.

67 Laura Miller and Charles Moskos, 'Humanitarians or Warriors? Race, Gender, and Combat Status in Operation Restore Hope,' *Armed Forces and Society*, Vol. 21, No. 4 (Summer 1995). This point is also mentioned in the excellent masters thesis by: Major Harold E. Bullock, *Peace by Committee: Command and Control Issues in Multinational Peace Enforcement Operations* (Air University, Maxwell Air Force Base, Alabama, June 1994), 42.

68 Kennedy, 'The Military and Humanitarian Operations,' 109, 113.

69 United States Forces, *Somalia After Action Report*, 58.

70 Kennedy, 'The Military and Humanitarian Operations,' 109-114. Colonel Kennedy specifically mentions the Australian and Belgian contingents.

71 Dawson, *The US Marines in Somalia*, 7-31, 32. Also Bullock mentions the use of tent stakes by US troops. Bullock, *Peace by Committee,* 36-37: 'The sticks worked well since the normal tool for internal discipline among Somalis is a large, ornate stick wielded freely by a tribal elder. In situations where a bullet was too much, tent stakes often served well. Tent stakes were also affixed, pointing outward, to vehicles as make-shift spikes to ward off attackers in a style reminiscent of the Road Warrior movie vehicles.'

72 Bullock, *Peace by Committee,* 37. Stanton gives a fascinating account of a riot at a food warehouse in Wanwaylen. He recalled: 'I was at the time unfamiliar with the incredible speed at which a relatively peaceful crowd can become a rock-throwing mob.' The Botswanian troops, with whose performance most Western units were impressed, earned what Stanton called 'a reputation for kick-ass riot control.' Stanton, *Somalia on Five Dollars a Day*, 117-118, 154.

73 Dana Priest, *The Mission: Waging War and Keeping Peace with America's Military* (New York and London 2003) 202. This account by Priest is based on interview with Wilhelm.

74 Dawson, *The US Marines in Somalia*, 7-31, 32; Dana Priest, *The Mission*, 202.

75 Mark S. Martins, 'Rules of Engagement for Land Forces: A Matter of Training, not Lawyering,' *Military Law Review,* Vol. 143, No.1 (Winter 1994) 64, 129-130.

76 Martins, 'Rules of Engagement for Land Forces,' 17-18, 127-128.

77 Interview with Khalil Dale for PBS *Frontline* documentary, 'Ambush in Mogadishu' (Posted on PBS Online, September 1998). Somewhat later in the mission, UNOSOM official Patrick Vercammen had similar experiences with US troops in Mogadishu, which he contrasted with the behavior of Australian troops in Baidoa. Patrick Vercammen in interview with author, Brussels (12 June 2003).

78 Bullock found that the Belgians were overall lauded for 'doing an excellent job' in Kismayo, but were accused of 'practically ignoring the countryside.' Bullock, *Peace by Committee,* 41.

79 Allard, *Somalia Operations: Lessons Learned*, 6.
80 'Somali Human Rights Abuses by the UN Forces,' *African Rights* (July 1993). As quoted in Miller and Moskos, 'Humanitarians or Warriors,' n30.
81 Ibid., 630.
82 For a raw portrait of Marine Corps culture in the early 1990s see Anthony Swofford, *Jarhead: A Marine's Chronicle of the Gulf War and Other Battles* (New York 2003).
83 Todd W. Lyons, *Military Intervention in Identity Group Conflicts* (thesis for the Naval Postgraduate School, Monterey California, 2000) 62n82.
84 Gérard Purnier, 'The Experience of European Armies in Operation Restore Hope,' in: Clarke and Herbst, *Learning from Somalia*, 139. His account on French posture and intelligence gathering is confirmed in an interview with the author by Patrick Vercammen (Brussels, 12 June 2003), who as a humanitarian coordinator worked for UNOSOM II with the Australians, French and Americans in Baidoa through much of 1993.
85 Kelly, *Peace Operations*, 7-22.
86 The phrase 'three block war,' an influential notion in the US military, was first used in 1995 by General Charles Krulak, the then-commandant of the US Marine Corps. *A Concept for Future Military Operations on Urbanized Terrain* (Quantico, VA: Marine Corps Development Command 1997) III–6.
87 In order to offset some of the antagonism caused by thorough weapons searches by his Marines in one of the most troublesome areas of Mogadishu, Colonel Newbold initiated a small-scale medical and dental civic action progam in January, threatening some 300 patients. Dawson, *The US Marines in Somalia*, 7-38.
88 Kelly, *Peace Operations*, 7-23. Based on interview by Kelly with Lorenz. Confirmed by United States Forces, *Somalia After Action Report*, 255.
89 After three months of US operations, the force commanders assessed: 'all areas [were] stable or relatively stable.' United States Forces, *Somalia After Action Report*, 57.
90 George Bush, 'Humanitarian Mission to Somalia: Address to the Nation.'
91 Kelly, *Peace Operations*, 7-32.
92 Stanton, *Somalia on Five Dollars a Day*, 144.
93 Clarke, 'Somalia and the Future of Humanitarian Intervention,' 79.
94 Thomas and Spataro, 'Peacekeeping and Policing in Somalia,' 185; Bullock, *Peace by Committee*, 35.
95 Bullock, *Peace by Committee*, 38; Dawson, *The US Marines in Somalia*, 1-27. The comprehensive 'History of the Marines' wrongly claimed that the troops 'trained specifically for combat as an aggressive, mobile, quick strike force' was 'forbidden to exchange fire except when directly attacked.' Jack Murphy, *History of the Marines* (World Publishing Group, North Dighton 2002) 250.
96 Allard, *Somalia Operations: Lessons Learned*, 36.
97 Dawson, The US Marines in Somalia, 1-27; Allard, *Somalia Operations: Lessons Learned*, 36-37.
98 Bullock, *Peace by Committee*, 38.
99 The ROEs for *Operation Restore Hope* were printed in 1994 as an example in US Army Field Manual 100-23, 'Peacekeeping Operations.' On the ROEs in Somalia see also Dawson, *The US Marines in Somalia*, 1-27; Kelly, *Peace Operations*, 7-32; Bullock, *Peace by Committee*, 36.
100 Bullock, *Peace by Committee*, 39.
101 Lieutenant Colonel Christopher L. Baggot, *A Leap into the Dark: Crisis Action Planning for Operation Restore Hope* (monograph for School of Advanced Military Studies, USACGSC, Fort Leavenworth, 1996) 19. This thesis is available at the NDU Library.
102 Bullock, *Peace by Committee*, 38.
103 Kelly, *Peace Operations*, 7-32, 7-33. See also Kelly, *Restoring and Maintaining Order*, 198.
104 Kelly, *Peace Operations*, 34.

105 F.M. Lorenz, 'Response: The US Perspective of Operation Restore Hope,' in: Oakley, Dziedzic and Goldberg, *Policing the New World Disorder*, 50.
106 Kelly, *Peace Operations*, 7-39, 40n174. In his book, Kelly reproduced the text from this memorandum from Lorenz to General Johnston, which is dated 1 December 1992.
107 W. Hays Parks (Special Assistant to the Judge Advocate General of the Army, Washington, DC) 'International Humanitarian Law in Multinational Operations: How do Multinational Forces work within Constraints set by Differing Commitments of Individual States?,' Presentation for EAPC Workshop on International Humanitarian Law and Multinational Forces, London, 20-21 November 2000.
108 This is the basic argument made in Kelly, *Peace Operations*, chapters 3 and 4; for an excerpt of his argument see: Kelly, 'Legitimacy and the Public Security Function,' in Robert B. Oakley, Michael J. Dziedzic and Eliot M. Goldberg, *Policing the New World Disorder* (Washington, DC 1998).
109 Kelly, 'Legitimacy and the Public Security Function,' 410-411.
110 Walter Clarke, 'Failed Visions and Uncertain Mandates,' in: Clarke and Herbst, *Learning from Somalia*, 9; Fishel, *Civil – Military Operations in the New World*, 193. On initial plans for more military police support, see Lieutenant Colonel Christopher L. Baggot, *A Leap into the Dark: Crisis Action Planning for Operation Restore Hope* (monograph for School of Advanced Military Studies, USACGSC, Fort Leavenworth, 1996) 19.
111 Ann Wright served as chief of UNOSOM's Justice Division from May to August 1993. See Kelly, *Peace Operations*, 7-17.
112 Fishel, *Civil–Military Operations in the New World*, 193-194.
113 Bullock, *Peace by Committee*, 62; Clarke mentions 7 to 30 CA personnel in theater. Walter Clarke, 'Failed Visions and Uncertain Mandates,' in: Clarke and Herbst, *Learning from Somalia*, 9.
114 Kennedy, 'The Military and Humanitarian Operations,' 102-103.
115 Stanton, *Somalia on Five Dollars a Day*, 156.
116 Hirsch and Oakley, *Somalia and Operation Restore Hope*, 69-71. John Hirsh was Oakley's deputy in Somalia. 'CIA types' are mentioned by Stanton who based on his account on first-hand experiences in Bale Dogle and Belet Huen. Stanton, *Somalia on Five Dollars a Day*, 100.
117 Ambassador Robert B. Oakley in an interview with the author (Washington, DC, 21 October 2003).
118 Hirsch and Oakley, *Somalia and Operation Restore Hope*, 69-71.
119 Interview with Ambassador Robert B. Oakley, 21 October 2003.
120 An Army document dated 24 January 1993 reported that the civil affairs staff was only prepared as survey teams before deployment, but ended up doing a good job. Bullock, *Peace by Committee*, 62. The document used by Bullock was drafted by US Army Lieutenant Moase, 'Special Operating Forces – Civil Affairs,' JULLS 12457-88301 (00112), 24 January 1993.
121 Dawson, *The US Marines in Somalia*, 6-8, 30.
122 Dawson was with the Marines at the time and bases his account on situation reports and interviews with Newbold and Hellmer. He mentioned Omar Elmi as the local leader of the Aideed faction in Baidoa. Dawson explains how Elmi 'described the locations of Somalia National Alliance (SNA) forces in the area. The SNA, of course, was a rival faction.' The field historian does not address the fact that the SNA was in fact Aideed's faction, locally called SLA (or SNA-SLA). See Kelly, *Peace Operations*, 8-2, 8-3, 8-23, 8-25; Breen, *A Little Bit of Hope*, 88-89. Elmi's name does not appear in Kelly's, Breen's or any other account of UNITAF operations in Baidoa.
123 Dawson, *The US Marines in Somalia*, 5-10, 11.
124 Kelly, *Peace Operations*, 8-3.
125 Stanton, *Somalia on Five Dollars a Day*, 133, 139.

126 Among those claiming to be the first to set up local police forces are the US Army battalion in Marka, Oakley in Mogadishu, and the Marines in Baidoa. General Zinni regarded police reconstruction more important than delivering food aid in accomplishing UNITAF's mission. See Lyons, *Military Intervention in Identity Group Conflicts,* 82.
127 Ganzglass, 'The Restoration of the Somali Justice System,' in: Clarke and Herbst, *The Lessons of Armed Humanitarian Intervention*, 20-21; Thomas and Spataro, 'Peacekeeping and Policing in Somalia,' 178.
128 Interview with Oakley, 21 October 2003.
129 Kelly, *Peace Operations,* 7-36.
130 Hirsch and Oakley, *Somalia and Operation Restore Hope*, 87-92.
131 Oakley, 'The Urban Area during Support Missions' (Presentation, 22 March 2000) 332-333.
132 Ibid.
133 Ibid.; See also Kelly, *Peace Operations,* 7-35n154, 7-37; Dawson, *The US Marines in Somalia*, 4-11, 12.
134 Hirsch and Oakley, *Somalia and Operation Restore Hope*, 88-89.
135 Gérard Prunier, 'The Experience of European Armies in Operation Restore Hope,' in: Clarke and Herbst, *Learning from Somalia*, 140-141.
136 Kelly, *Peace Operations,* 7-36, 37; Ganzglass, 'The Restoration of the Somali Justice System,' 24.
137 Kelly, *Peace Operations,* 7-37. Kelly refers to memorandum from Provost Marshal (Spataro) to UNITAF J-3 (Zinni), 'Auxiliary Security Force,' 27 January 1993.
138 Stanton, *Somalia on Five Dollars a Day*, 156. See also Conrad C. Crane, *Landpower and Crisis: Army Roles and Mission in Smaller-Scale Contingencies During the 1990s* (US Army War College, Strategic Studies Institute, January 2001) 18.
139 Kelly, *Peace Operations,* 7-21. As Clarke wrote late 1993, '[w]hen there is no central government, the occupying force in a Chapter VII operation can become the de facto government.' Walter S, Clarke, 'Testing the World's Resolve in Somalia,' *Parameters*, Vol. 23 (Winter 1993-94) 55. William Shawcross wrote: 'When a massive US armed force appeared in a country where there were not institutions, they became in effect the state.' Shawcross, *Deliver Us from Evil*, 88.
140 Bullock, *Peace by Committee,* 42. Based on Bullock's interview with Clarke.
141 Ganzglass, 'The Restoration of the Somali Justice System,' 20-37. Karin von Hippel writes that Walter Clarke wrote to her that a mere two Somali prisoners were held in Mogadishu prison at the time the Marines left the city on 4 May 1993. Von Hippel, *Democracy by Force*, 73.
142 Ganzglass, 'The Restoration of the Somali Justice System,' 27-28.

Chapter 7

1 Based on a conversation between the author and Alan Ryan, a senior defense analyst at the Land Warfare Studies Centre (Canberra, September 2001).
2 Bob Breen, *A Little Bit of Hope: Australian Force Somalia* (Sydney 1998) 58-59. This chapter dwells heavily on Bob Breen's outstanding field history, which is based primarily on research in Australian military archives and interviews with Australian military personnel during and after operations in Somalia. The book is out of print and appears to have received no attention outside Australia. Another important source used to reconstruct Australian operations in Somalia are Michael Kelly's writings. The Australian legal advisor based various publications on the Australian experience in Somalia. Michael J. Kelly, *Peace Operations: Tackling the Military, Legal and Policy Challenges* (Canberra 1997). Kelly later adapted this book, which was based on his PhD dissertation and published it with Kluw-

er Law International. Michael J. Kelly, *Restoring and Maintaining Order in Complex Peace Operations: The Search for a Legal Framework* (The Hague 1999).

3 Breen, *A Little Bit of Hope*, 61. Breen's account is based on an interview with Lieutenant Colonel David Hurley.

4 For an important journalistic account of the rising influence of the regional military commands on American foreign policy, see Dana Priest's *The Mission*. Central Command's budget grew from $36.7 million in 1990 to $55.2 million by 2000, when the military staff at its headquarters in Florida had doubled to some 1,050 people. Priest, *The Mission*, 71n, 74.

5 Breen, *A Little Bit of Hope*, 37.

6 David A. Dawson, *The US Marines in Somalia: With Marine Forces, Somalia during Operation Restore Hope* (undated draft, available at the Marine Corps Research Center Archives) 8-18, 19.

7 Ibid., 8-20.

8 Hirsch and Oakley, *Somalia and Operation Restore Hope*, 71; Human Rights Watch, *Somalia Beyond the Warlords: The Need for a Verdict on Human Rights Abuses* Report, HRW Report, Vol. V, Issue No. 2 March 7, 1993. The report, based on the situation in early January 1993 stated how 'Baidoa was repeatedly touted as the 'model' of what is being accomplished in the political realm through Operation Restore Hope.' It seriously questioned the policy choices made by the Marines in Baidoa.

9 Dawson, *The US Marines in Somalia*, 8-24, 25.

10 Ibid., 4-9.

11 Kelly, *Peace Operations*, 8-3; Breen, *A Little Bit of Hope*, 88-89. As indicated in the previous chapter, Dawson mentioned Omar Elmi as the local leader of the Aideed faction in Baidoa. However, his name does not appear in Kelly's, Breen's or any other account of UNITAF operations in Baidoa.

12 At the time, according to Hurley, no ordinary citizen dared to go out in the streets at night and only a few would come out in daytime.

13 Breen, *A Little Bit of Hope*, 59.

14 Ibid., 73, 192. P. Kieseker, 'Relationships Between Non-Governmental Organisations and Multinational Forces in the Field,' in: Hugh Smith (ed.), *Peacekeeping – Challenges for the Future* (ADFA Canberra 1993). Three of the six men attacking the Swiss expatriate were reportedly his own security guards.

15 Breen, *A Little Bit of Hope*, 74, 77.

16 Private letter by Hurley to his family, 12 January 1993, Australian War Memorial Archive (Hereafter AWM), PR 00294 (Papers of Lt-Col D. Hurley 1 RAR, Hereafter referred to as AWM, Hurley Papers).

17 Breen, *A Little Bit of Hope*, 72-74.

18 Dawson, *The US Marines in Somalia*, 4-16, 17.

19 Breen, *A Little Bit of Hope*, 59.

20 Hirsch and Oakley, *Somalia and Operation Restore Hope*, 71-72.

21 Private letter by Hurley to his family, 13 January 1993, AWM, Hurley Papers.

22 Kelly, *Peace Operations*, 8-3. Kelly´s account was confirmed by UNOSOM officer Patrick Vercammen in an interview with the author. According to Human Rights Watch nine of the eleven foreign NGOs active in Baidoa boycotted the meeting between the relief committee, the NGOs and the UNITAF civilian-military operations officer. See Human Rights Watch, *Somalia Beyond the Warlords: The Need for a Verdict on Human Rights Abuses* Report, HRW Report, Vol. 5, Issue. 2 (7 March 1993).

23 Todd W. Lyons, *Military Intervention in Identity Group Conflicts* (thesis for the Naval Postgraduate School, Monterey California, 2000) 66.

24 Breen, *A Little Bit of Hope*, 208-9.

25 Private letter by Hurley to his family, 13 January 1993, AWM, Hurley Papers.

26 Hussein Barre Warsame was a 49-year-old former officer from the Barre Army loyal to Aideed's USC-SNA. See *Breen, A Little Bit of Hope,* 89. He should not be confused with General Ahmed Warsame Mohammed Hashi, a Majertain-Darood clan leader who had fought for Barre in defense of Mogadishu and expelled Aideed's Hawiye militia from Bardera in October 1992. American Forces Somalia, After Action Report, 68.

27 Kelly, *Peace Operations*, 8-2, 23, 25, Breen, *A Little Bit of Hope* 88-89. According to Kelly, Gutaale took his order from one of Aideed's trusted subordinates, Colonel Arabee, who visited the region occasionally from Mogadishu to ensure that Aideed was getting his fair share of the local revenue.

28 Breen, *A Little Bit of Hope,* 89. In Dawson's account the Marines used the services of local gunmen as guards in charge of airport security. There is a possibility that they were hiring Gutaale's men. As soon as the Australians took over, Gutaale offered his 'services' for airports security, vowing to kill any infiltrator immediately. His offer was declined.

29 Kelly, *Peace Operations*, 8-3; Breen, *A Little Bit of Hope,* 88-89.

30 Kelly, *Peace Operations*, 8-4, 22n84.

31 Breen, *A Little Bit of Hope*, 73, 89.

32 Ibid., 55,68; Lieutenant J.A. McTavish, 'Rifle Platoon Command Experience – Operation Solace,' *Combat Arms Journal,* Issue 2 (1993) 12.

33 Ibid., *A Little Bit of Hope*, 78-79.

34 'Always keep your cool. Be polite and patient. Do not show anger or lose you temper. You lose your credibility if you indicate you cannot control your emotions.' Australian Defence Force (Army), *Soldiers Handbook Operation Solace, Somalia* (1993).

35 Breen, *A Little Bit of Hope*, 90-91.

36 Graham McBean, 'Taking Comfort from Solace: Aussie Doctrine Stands the Acid Test,' *Army Magazine*, No. 19 (Winter 1994) 14-18.

37 McBean, 'Taking Comfort from Solace,' 15; Breen, *A Little Bit of Hope*, 78, 91-92. Company commander Major Mick Moon said how by the end of January, 'many of the lads very tired now. I can't see us keeping up this pace for too long.'

38 The method was tiring on the soldiers and was combined with regular section/sized and half-platoon patrols. Although the Australians had received no specific training in the brick method, troops were happy with the flexibility that the method afforded. McTavish, 'Rifle Platoon Command Experience,' 13-14.

39 McBean, 'Taking Comfort from Solace.'

40 Breen, *A Little Bit of Hope*, 96.

41 Ibid., 97-98.

42 Ibid., 67, 106.

43 Ibid., 101.

44 Ibid., 106-107.

45 On 29 December 1992, the Australian defence minister's spokesman Senator Robert Ray said: 'Our general attitude is, if UNOSOM, the group that is to follow Operation Restore Hope, is to be successful, some attempt must be made to disarm the warring factions.' Breen, *A Little Bit of Hope*, 48.

46 McTavish, 'Rifle Platoon Command Experience,' 12.

47 Breen concludes that issuing weapons cards was well intended but ineffectual, because NGO guards had access to vast amounts of arms. Breen, *A Little Bit of Hope*, 341. However, while there is no denying that there was an abundance of arms, the registration system served as a basis on which the Australian could found their weapons policy and exert their authority within the framework of a set of rules.

48 The Australians captured and held 900 weapons, ranging from pistols to a 106-mm recoilless rifle. The vast majority was of the confiscated arms were assault rifles. David J. Hurley, 'Operation Solace,' *Australian Defence Force Journal*, no. 104 (January and February 1994) 30. Patman gives the unsubstantiated number of 1,000 firearms captured by the

Australians. Patman, 'Beyond the Mogadishu Line,' 65. The grand total captured by UNITAF in April was 4,651 of which 710 were returned to NGO guards. The total amount captured and held by the end of the operations is therefore likely to have been between 4,000 and 5,000. Kevin M. Kennedy, 'The Military and Humanitarian Organisations,' 117n16 (Mentioned in previous chapter).

49 Breen, *A Little Bit of Hope*, 85-87.

50 Ibid., 341.

51 Michael Kelly, 'Legal Regimes and Law Enforcement on Peace Operations,' Hugh Smith (ed.), *The Force of Law: International Law and the Land Commander* (Australian Defence Studies Centre, Canberra 1994) 199.

52 The Counter Intelligence personnel's tent, initially in a distant corner near the latrines, inched ever closer to the staff quarters during the deployment. The CI teams ended up inside the headquarters building next door to Hurley's office. Breen, *A Little Bit of Hope*, 87-88.

53 Lieutenant Colonel G. Peterson, 'Human Intelligence and Somalia – A Cost Effective Winner for a Small Army,' *Australian Defence Force Journal*, No. 104 (January and February 1994) 36; Breen, *A Little Bit of Hope*, 341.

54 Peterson, 'Human Intelligence,' 37.

55 Ibid., 35.

56 Breen, *A Little Bit of Hope*, 85-87, 339,341. The additional Counter Intelligence personnel consisted of one warrant officer and three non-commissioned officers.

57 McTavish, 14; McBean, 'Taking Comfort from Solace,' 14-18; Breen described a large number of contacts. Breen, *A Little Bit of Hope*, 91, 109, 123, 127.

58 McBean, 'Taking Comfort from Solace,' 16; Kelly, *Peace Operations*, 8-16.

59 McBean, 'Taking Comfort from Solace,' 16. In April a bandit in a crowded streets held a gun against a Diggers stomach and pulled the trigger. The gun jammed and the assailant was wrestled to the ground by the bewildered Digger.

60 Hurley, 'Operation Solace,' 29. The appropriateness of many elements of the Services Protected Evacuation training for deployment in Somalia is also mentioned in Kelly, 'Legitimacy and the Public Security Function,' 416; Breen, *A Little Bit of Hope*, 20.

61 Sergeant Wayne Douglas, the intelligence specialist, just happened to be leading a US intelligence officer into town to chat with local political leaders. They stumbled onto this crime in action. Breen, *A Little Bit of Hope*, 128.

62 Another borderline case that stretched the Rules of Engagement to their limits was the 'white light ambush.' These ambushes were conducted on roads approaching the base. Soldiers would lay an ambush in pitch dark with night-vision equipment, wait for bandits to approach, flood them with light when just in front of the ambush and demand they surrender. If a suspect pointed his weapon, the Diggers were allowed to open fire according to the rules. Sensing the danger of escalation, Hurley stopped such operations around Baidoa late January. Breen, *A Little Bit of Hope*, 340.

63 Breen, *A Little Bit of Hope*, 339.

64 Ibid., 69-70.

65 Interview with Australian Army Warrant Officer Paul Angus in Somalia 1993. Australia Army Directorate General of Public Information, 'Solace: Everyone's Mother Can Be Proud,' Documentary on Operation Solace (1993, Available at ADFA Library).

66 Breen, *A Little Bit of Hope*, 117.

67 Ibid., 119-122; Lieutenant W.R.A. Bowyer, 'Somalia Engineer Support,' *Combat Arms Journal*, Issue 2, 1993, 25.

68 David Hurley, 'An Application of the Law of Armed Conflict: Operation Solace,' in: Hugh Smith (ed.), *The Force of Law: International Law and the Land Commander* (Canberra 1994) 185.

69 'Mission command' as a warfighting command philosophy is primarily attributed to the

German military. *Auftragstaktik* meant 'directive control' and was opposed to *Befehlstaktik,* a style of command which essentially meant control by detailed order. Its early development was rooted in German tactics at the end of the First World War and further developed in the Second World War.

70 United States Military Academy, West Point, Department of History, *History of Revolutionary Warfare, Volume IV: British Experience: 'Keeping the Peace'* (West Point – New York 1971) 4-5.

71 Although the particularities of US culture provide no sufficient explanation, the tendency in public life in the United States to warn for all sorts of eventualities and to prescribe in meticulous detail what *not* to do – which seems related to the claims-culture of the late-twentieth-century American society – appear to hamper 'mission command' within the US military.

72 Based on conversation with Alan Ryan, LWSC, Canberra, September 2002.

73 Diary entry by Caligary, 2 March 1993 as quoted in Breen, *A Little Bit of Hope,* 126.

74 Breen, *A Little Bit of Hope,* 104-105.

75 Ibid., 109.

76 Peter Kieseker, 'Relationships Between Non-Governmental Organizations and Multinational Forces in the Field,' in Hugh Smith (ed.), *Peacekeeping: Challenges for the Future* (Canberra 1993) 74; Breen, *A Little Bit of Hope,* 129-130.

77 Breen, *A Little Bit of Hope,* 108, 125.

78 Ibid., 155-156.

79 Ibid., 159-160; Stanton, *Somalia on Five Dollars a Day,* 169.

80 McTavish, 'Rifle Platoon Command Experience,' 15.

81 Private letter by Hurley to his family, 11 February 1993, AWM, Hurley Papers.

82 Hurley, 'Operation Solace,' 30.

83 Private letter by Hurley to his family, 20 March 1993, AWM, Hurley Papers; Breen, *A Little Bit of* Hope, 131.

84 W. Traynor and M.J. Kelly, 'The Australian Army and its Role in Assisting other Nations to Build, 1973–1995,' in: David Horner ed., *Armies and Nation Building* (1995) 62.

85 Nevertheless, some Australian military personnel did long for more conventional infantry work. One lieutenant thought his job would be easier if an open war was declared. 'At least we would feel free to act as an Army should, rather than as a police force which is what it feels like at the moment.' Breen, *A Little Bit of Hope,* 336, 105.

86 Hurley, 'An Application of the Law of Armed Conflict,' 185; Michael Kelly, 'Legal Regimes and Law Enforcement on Peace Operations,' 197.

87 Breen, *A Little Bit of Hope,* 109.

88 Hurley, 'Operation Solace,' 30; Breen, *A Little Bit of Hope,* 142-143.

89 Kelly, 'Legal Regimes and Law Enforcement on Peace Operations,' 200. In Bardera, US Marine Corps Colonel Bedard seized and burned a large shipment of *khat* late December, only to find out that this was like destroying a shipment of tea to the British. *Khat* is a mild narcotic leaf chewed by the locals. The raid caused quite some embarrassment as the Marine colonel was obliged to compensate the drug-traffickers in dollars. Dawson, *The US Marines in Somalia,* chapter 5.

90 McTavish, 'Rifle Platoon Command Experience,' 15.

91 In March 1993, the NGO community wrote a letter to commend the Australians for their actions. Kelly, *Peace Operations,* 8-11. This letter is also mentioned in Breen, *A Little Bit of Hope*. Patrick Vercammen, a Belgian civilian UNOSOM field officer in Baidoa also regarded them the best peacekeepers he met in all his postings as an NGO worker in Africa. He contrasted their behavior with the bluntness of US Marines in executing orders. Patrick Vercammen in interview with author (Brussels, 12 June 2003).

92 Breen, *A Little Bit of Hope,* 339.

93 During the previous decades the Australian military had participated in various United

Nations peace operations with support units, but no substantial combat units had been deployed. For an overview of Australian peacekeeping experiences, see Lieutenant Colonel N.F. James, 'A Brief History of Australian Peacekeeping,' *Australian Defence Force Journal*, no. 104 (January and February 1994) 3-18.

94 McBean, 'Taking Comfort from Solace,' 16. Also Lieutenant McTavish wrote, '[o]peration Solace was a rewarding experience for me personally and professionally.' McTavish, 'Rifle Platoon Command Experience,' 15.

95 Peter Dennis and Jeffrey Grey, *Emergency and Confrontation: Australian Military Operations in Malaya and Borneo 1950-1966* (Sydney 1996).

96 Michael Evans, *Forward from the Past: The Development of Australian Army Doctrine, 1972-Present* (Land Warfare Studies Centre, Study Paper no. 301; Canberra 1999) 7.

97 Ibid., 9.

98 Lieutenant General John M. Sanderson, *Command at the Operational Level* (Presentation to the Australian Command and Staff College, Queenscliff, 26 June 2000); Evans, *Forward from the Past*, 73.

99 Like most of the European armed forces, the Australians were unable to provide expeditionary land forces capable of higher level offensive operations during the Gulf crisis of 1990-1991.

100 Evans, *Forward from the Past*, 20-22, 36-37.

101 Hurley, 'An Application of the Laws of Armed Conflict,' 181.

102 Interview with Australian Army Warrant Officer Paul Angus in Somalia 1993. Australia Army Directorate General of Public Information, 'Solace: Everyone's Mother Can Be Proud,' Documentary on Operation Solace (1993, Available at ADFA Library).

103 McBean, 'Taking Comfort from Solace,' 17.

104 In retrospect, Hurley mentioned counterinsurgency various times in relation to the operations in Somalia. Hurley, 'Testimony to Joint Standing Committee Inquiry on Australia's Participation in Peacekeeping (JCS Inquiry), Official Hansard Transcript (8 April 1994) 531; Hurley, 'Operation Solace,' 30; Hurley, 'An Application of the Law of Armed Conflict,' 180. In this last article Hurley wrote: 'The operation was conducted in a similar manner to counterinsurgency operations: establish a secure base and expand in steps to establish controlled areas.' This is the only explicit reference Hurley makes to counterinsurgency principles as they were codified from the 1960s. Kelly wrote: 'The appropriate strategy applied by the Australian commanders was derived from a rich vein of received wisdom in the Australian Army based on a wealth of experiences in such circumstances. The circumstances in fact bore a close relationship to counterinsurgency or guerrilla warfare. The strategy therefore was to include, as an essential element, effective civil affairs. Australian experience in the years since World War II brought home the importance of civil affairs, particularly when operating in environments where the opposing elements are difficult to distinguish from the community and where a sensitivity to, and the support of, the community is essential to achieving success. This experience includes conflicts in Malaya, Vietnam and Borneo and then an array of peace operations.' Although his suggestions of the applicability of such traditions and concepts are correct, he fails to explain how counterinsurgency and civil affairs were used by the Australians as concepts. Kelly, *Peace Operations*, 8-4. See also Kelly, 'Legitimacy and the Public Security Function,' 420. Also Patman makes a reference to counterinsurgency without explaining if or how its principles were consciously applied. Robert Patman, 'Beyond 'the Mogadishu Line': Some Australian Lessons for Managing Intra-State Conflicts', *Small Wars and Insurgencies,* Vol. 12, No. 1 (Spring 2001) 62-63.

105 United States Military Academy, Westpoint, Department of History, History of Revolutionary Warfare, Volume IV, British Experience: 'Keeping the Peace' (West Point – New York 1971) 4-5.

106 Thomas R. Mockaitis, *British Counterinsurgency* (Hong Kong 1990) xi.

107 Hurley, 'An Application of the Law of Armed Conflict,' 180.
108 Larry Cable, 'Reinventing the Round Wheel: Insurgency, Counterinsurgency and Peacekeeping Post Cold War,' *Small Wars and Insurgencies*, Vol. 4, No. 2 (Autumn 1993) 229.
109 Hurley, 'An Application of the Law of Armed Conflict,' 184. See also Hurley, 'Operation Solace,' 31; Kelly, *Peace Operations*, 8-6.
110 Also Oakley was convinced that 'the Australians came much better prepared.' Robert B. Oakley in an interview with the author (Washington, DC, 21 October 2003). The presumption of a preconceived Australian plan for such institution building activities found its way into a number of articles: Robert Patman, 'Disarming Somalia: The Contrasting Fortunes of United States and Australian Peacekeepers During United Nations Intervention, 1992-1993,' *African Affairs* (October 1997); Robert Patman, 'Beyond 'the Mogadishu Line'': Some Australian Lessons for Managing Intra-State Conflicts', *Small Wars and Insurgencies*, Vol. 12, No.1 (Spring 2001). Martin Ganzglass, Letter to the Editor, *World View*, Vol. 8., No. 2 (Spring 1995) 2. (As quoted in Kelly, *Peace Operations*, 8-34n111; Ganzglass, 'The Restoration of the Somali Justice System,' 27.
111 Kelly, *Peace Operations*, Chapter 7, 8-6.
112 Kelly suggested that restoring the Somali police force was 'part of efforts to meet the Hague Regulations,' that obligated an occupation force to restore law and order. Kelly, *Peace Operations*, 8-12.
113 W. Hays Parks (Special Assistant to the Judge Advocate General of the Army, Washington, DC) 'International Humanitarian Law in Multinational Operations: How do Multinational Forces work within Constraints set by Differing Commitments of Individual States?,' Presentation at EAPC Workshop on International Humanitarian Law and Multinational Forces (London, United Kingdom, 20-21 November 2000).
114 Hurley, 'Operation Solace,' 30: 'As the stability and security levels in the [Humanitarian Relief Sector] improved the civil-military operations gained greater importance as attempts were made to re-establish the law and order system of the country.'
115 Breen, *A Little Bit of Hope*, 189-190, 432n1; Hurley, 'An Application of the Law of Armed Conflict,' 181.
116 According to Kelly, 'the genocidal campaign against the Ranhanweyn people of the Bay region was well on the way to succeeding.' Kelly, *Peace Operations*, 8-2.
117 Kelly, *Peace Operations*, 8-12; Breen, *A Little Bit of Hope*, 206.
118 Breen, *A Little Bit of Hope*, 206-207.
119 Zinni in interview in the PBS *Frontline* documentary 'Ambush in Mogadishu' (Posted on PBS Online, September 1998). Zinni talks of the surprisingly cordial relations he and Oakley had with Aideed during the initial months of *Operation Restore Hope*.
120 Former police commander Ahmed Jama argued that in Mogadishu 'the better people were silenced by the gun.' Ganzglass, 'The Restoration of the Somali Justice System,' 24.
121 According to Patman, 'the Australians embarked upon a process of 'bottom-up' political reconstruction' by fostering the third, new wing of the SDM. 'This caused problems with UN, who stuck to a top-down approach.' Robert Patman, 'Disarming Somalia: The Contrasting Fortunes of United States and Australian Peacekeepers During United Nations Intervention, 1992-1993,' *African Affairs* (October 1997) 7.
122 Captain Tony Anetts (Administrative Support Officer), Diary Entry 1, March 1993, AWM Archive, Private Records Collection, PR 00286; idem, 29 March 1993: 'On 26 March [...] I went out on a Counter Intelligence task. We accompanied 2x int Sgts as close protection, to speak to the SDM and SLA. The SDM were very helpful and really appear to want to turn Somalia around.'
123 Life and Peace Institute, Horn of Africa Program, *Local Administrative Structures in Somalia: A Case Study of the Bay Region* (Nairobi, June 1995). 'The Boonka [Baidoa] meeting was extremely successful and represents a landmark in inter-riverine history. A unification was obtained between all the clans participating and a new chairman of SDM was

unanimously elected. The meeting also appointed a committee of clan leaders to be in charge of the daily affairs of the areas under control.' Kelly, *Peace Operations,* 8-6n.

124 Private letter by Hurley to his family, 20 March 1993, AWM, Hurley Papers.

125 'The UN had o direct input into the Group's activities although the view of the humanitarian assistance officer were frequently sought.' Hurley, 'Operation Solace,' 29.

126 Breen, *A Little Bit of Hope,* 211.

127 Ibid., 210; Kelly, *Peace Operations,* 8-5, 6.

128 'The United States, Italy, and France had military police personnel and units. Each of these nations used its MPs differently in support of ASF. Police officers in the ASF were most effective when integrated as equal partners into a military commander's strategy for providing security.' Thomas and Spataro, 'Peacekeeping and Policing in Somalia,' 198n50.

129 RACMP Sergeant P.J. Watson (Commander 1st Military Police Company) to Commander Australian Forces Somalia, Post Operation Report Operation Solace, May 1993.

130 Thomas and Spataro, 'Peacekeeping and Policing in Somalia,' 196. Spataro cooperated with UNOSOM officer Lynn Thomas on police reconstruction in Somalia in 1993.

131 There is general consensus that the United States and the UN are both to blame for the failure to sufficiently support the re-creation of a national police force. See: Thomas and Spataro, 'Peacekeeping and Policing,' 187.

132 Martin Ganzglass in interview with the author (Washington, DC, 20 October 2003). See also: Ganzglass, 'The Restoration of the Somali Penal System,' 25-29. For the daily cost of US operations in Somalia, see: George J. Church, 'Mission Half Accomplished: Hard Lessons from Mogadishu as Clinton Pursues Military Intervention in Bosnia,' *Time Magazine,* 17 May 1993.

133 Hirsch and Oakley, *Somalia and Operation Restore Hope,* 91; Oakley's account found its way into Robert M. Perito, *Where's the Lone Ranger When You Need Him? America's Search for a Postconflict Stability Force* (Washington, DC 2004) 103.

134 Ganzglass, 'The Restoration of the Somali Penal System,' 24, 38n19.

135 Martin Ganzglass in interview with the author (Washington, DC, 20 October 2003). See also Ganzglass, Letter to the Editor, *World View,* Vol. 8, No. 2 (Spring 1995) 3. Ganzglass wrote: 'In all the zones controlled by the Marines and the US Army, there were no organized programs to work with local councils and rebuild courts and police stations or to train and equip the police. The US regarded such efforts as 'mission creep'.

136 'I'd say that in five of every six of them, including Mogadishu, the police performed effectively.' The ASF was established in sixteen different cities and towns. Robert B. Oakley, 'The Urban Area during Support Missions, Case Study: Mogadishu, The Strategic Level' (Presentation for RAND Conference), in: Russ Glenn (ed.), *Capital Preservation: Preparing for Urban Operations in the Twenty-First Century* (Proceedings of the RAND Arroyo-TRADOC-MCWL-OSD Urban Operations Conference, March 22-23, 2000) 336.

137 This comment was attributed by the Refugee Policy Group to Ambassador David Shin, in charge of Somali affairs in the State Department. Quoted in Ganzglass, 'The Restoration of the Somali Penal System,' 39n31.

138 Thomas and Spataro, 'Peacekeeping and Policing in Somalia,' 213-214. Oakley considered Mogadishu, Baidoa, Huddur, Marka and Belet Weyne the most successful ASF examples. For the Ambassador's account see Oakley, 'The Urban Area during Support Missions,' 335; Hirsch and Oakley, *Somalia and Operation Restore Hope,* 91.

139 Hurley, 'Testimony to Joint Standing Committee Inquiry on Australia's Participation in Peacekeeping (JCS Inquiry), *Official Hansard Transcript* (8 April 1994) 535. As cited in Kelly, *Peace Operations,* 8-5.

140 Breen, *A Little Bit of Hope,* 208-9:

141 Private letter by Hurley to his family, 12 February 1993, AWM, Hurley Papers.

142 Kelly, *Peace Operations,* 8-11, 12. February is also mentioned as the start for the ASF in Baidoa in: Private letter by Hurley to his family, AWM, Hurley Papers.

143 All material support was hampered by US legislation that prohibited its military from supporting foreign police services outside the Western Hemisphere (see previous chapter).
144 Breen, *A Little Bit of Hope,* 213; Kelly, *Peace Operations,* 8-12, 13.
145 Kelly, *Peace Operations,* 8-15.
146 Eighty policemen were placed in Baidoa, forty in Buurkhaba and twenty each in of the other six major towns. Kelly, *Peace Operations,* 8-13.
147 Kelly, 'Legal Regimes and Law Enforcement on Peace Operations,' 197; private letter by Hurley to his family, 24 April 1993, AWM, Hurley Papers. Hurley wrote: 'The activity level has slowed down considerably over here. Most locals are getting on with life. The Battalion had become very much a police force in town, arresting criminals etc. We are still patrolling in the outer towns.'
148 Breen, *A Little Bit of Hope,* 218, 130-131.
149 Ibid., 145.
150 Kelly, *Peace Operations,* 8-13.
151 In March, Breen writes, '[t]here appeared to be little chance of creating an impartial police force.' He called the ASF 'ineffectual' in this regard. 'If the SDM factions had been given their way, the focus of the ASF enforcement duties would have been on tax collection, and possibly the elimination of political opponents...' Breen, *A Little Bit of Hope,* 213, 348-9.
152 Vercammen in an interview with the author (Brussels, 12 June 2003). Vercammen, who was running UNOSOM's post in Baidoa all by himself, hardly recalled his involvement in police reconstruction, indicating that this was primarily an Australian military activity.
153 According to Kelly the CID was 'working independently the time the Australians left.' Kelly, *Peace Operations,* 8-20, 21.
154 In Oakley's account, which has been copied since, there was also substantial progress toward 'the beginnings of a court and prison system' in Mogadishu and other locations. See Hirsch and Oakley, *Somalia and Operation Restore Hope,* 91. This view is echoed in Perito, *Where Is the Lone Ranger when You Need Him?* 102. Clarke, Ganzglass, Thomas and Spataro, all of whom were present in Somalia in 1993, saw little evidence thereof. In correspondence with Karin von Hippel, Clarke told her that only two Somalis were detained in Mogadishu prison when the last Marines left the city on 4 May 1993. Von Hippel, *Democracy by Force,* 73. See also Thomas and Spataro, 'Peacekeeping and Policing in Somalia,' 214. Ganzglass, 'The Restoration of the Somali Penal System'; Walter Clarke, 'The Political Component: The Missing Vital Element in US Intervention Planning,' *Parameters,* Autumn 1996.
155 F.M. Lorenz, 'Will the Rule of Law Replace the Law of the Gun?,' *Washington State Bar News,* February 1994, 19. As referred to in Ganzglass, 'The Restoration of the Somali Penal System,' 39n26. Reliability of former legal personnel was problematic, as many unqualified judges had been appointed on political grounds in the latter years of the Barre regime.
156 Ganzglass, 'The Restoration of the Somali Penal System,' 25; Kelly, *Peace Operations,* 7-37, 8-15.
157 Kelly, *Peace Operations,* 8-15.
158 Ibid., 8-16. See also *Breen, A Little Bit of Hope,* 212-13.
159 *Breen, A Little Bit of Hope,* 218-219.
160 Kelly, *Peace Operations,* 8-18. For his up-beat account of the functioning of the court system Kelly refers to his own observations and a report by Patrick Vercammen to UNOSOM dated 21 March 1993.
161 Kelly, *Peace Operations,* 8-23; *Breen, A Little Bit of Hope,* 136; Hurley wrote in a letter to his wife just before the news of the release of Warsame broke: 'We have had some recent success in capturing bandit leaders and have one more in our sights.' Private letter by Hurley to his family, 20 March 1993, AWM, Hurley Papers.

162 RACMP Sergeant P.J. Watson (Commander 1st Military Police Company) to Commander Australian Forces Somalia, Post Operation Report Operation Solace, May 1993, 26-31; Post Kelly, *Peace Operations*, 8-22, 23.

163 When Jess was apprehended by UNITAF in February, a political decision was made not to prosecute him, even though there was ample evidence of his crimes, such as the mass killing of elders prior to UNITAF's arrival. Kelly, *Peace Operations*, 7-35, 36.

164 Kelly, 'Legal Regimes and Peace Operations,' 200; Watson, Post Operation Report Operation Solace, 33.

165 Thomson's account in *Breen, A Little Bit of Hope*, 137.

166 Watson, Post Operation Report Operation Solace, 33; Kelly, *Peace Operations*, 8-28.

167 Watson, Post Operation Report Operation Solace, 34-35; Contrary to Somali law, Gutaale's appeals panel sat the day after the trial, instead of giving the defence the required fifteen days preparation period. Court officials allegedly feared that they could not hold Gutaale in jail for the prescribed period. United States Department of State, *Somali Human Rights Practices 1993* (1 January 1994).

168 Stanton, *Somalia on Five Dollars a Day*, 162.

169 Colonel Mellor reconfirmed this in: W.J.A. Mellor, 'Somalia – A Catalyst for Change in the Command and Control of UN Operations' in Hugh Smith (ed.), *International Peacekeeping: Building on the Cambodian Experience* (Canberra: Australian Defence Force Academy 1994) 163.

170 Abdullah A. Mahamoud, *State Collapse and Post-Conflict Developments in Africa: The Case of Somalia, 1960-2001* (unpublished dissertation, University of Amsterdam, 2002).

171 *Breen, A Little Bit of Hope*, 223.

172 American Forces Somalia, After Action Report, 100-103.

173 Kelly, *Peace Operations*, 8-35, 36.

174 Thomas and Spataro, 'Peacekeeping and Policing in Somalia,' 214. Somalis who attended a 1995 Princeton University conference on the UN intervention in Somalia confirmed that the Australian approach in the Bay region was very successful when compared to the efforts in other regions of Somalia.

175 Patrick Vercammen addressed Oakley's reaction to this remark in interview with the author; George J. Church, 'Mission Half Accomplished: Hard Lessons from Mogadishu as Clinton Pursues Military Intervention in Bosnia,' *Time Magazine*, 17 May 1993. Andrew Purvis was *Time*'s Africa Bureau chief at the time.

176 A crucial problem after May was that UNOSOM II's operational tempo was far lower than that of the US-led force. UNITAF forces were by and large high-quality troops, while the quality of the contingents during UNOSOM II went down. This was not simply a matter of Western or non-Western troops. The UNITAF contingents from Botswana and Zimbabwe were highly respected. The quality of some national contingents decreased as countries such as Pakistan replaced their elite units such as the 6th Battalion Punjab Regiment with inferior units. Meanwhile many of the Western troops were under strong restrictions as to what kinds of activities they could legally engage in. Bullock, *Peace by Committee*, 37; United States Forces, Somalia After Action Report, 61-62.

177 UNSCR 814 noted that it was to set up 'transitional government institutions and consensus on basic principles and steps leading to the establishment of representative democratic institutions.'

178 Clarke, 'Failed Visions and Uncertain Mandates,' 9. Clarke argues that all the major Security Council Resolutions on Somalia, including the initial draft for UNSRC 814 on nation building, were written by US officials, mainly in the Pentagon.

179 John T. Fishel, *Civil-Military Operations in the New World*, 197-198. Fishel argued that unity of effort was lost not because American forces operated partly under UN command as has been argued, but because 'the US military refused to allow the elaborate command and control structure it had created to work in the way intended.'

180 Walter S. Clarke, 'Testing the World's Resolve in Somalia,' *Parameters*, Vol. 23 (Winter 1993-94) 55.
181 Oakley, 'The Urban Area during Support Missions,' 350.
182 Between 1997 and 1999 there were several periods of intensive fighting in the central Bay and Bakool regions, where the newly created Rahanweyn Resistance Army (RRA), with substantial Ethiopian military support, sought to dislodge Hussein Aideed's SNA militias from Baidoa town. Hussein Aideed, ironically a former US Marine, succeeded his father after his death. Amnesty International Country Report on Somalia, 1998 and 1999; Kieran Murray, 'Latest fighting in Somalia may set ground for peace,' *Reuters*, 7 July 1999; 'Civil war heating up in Somalia again,' Associated Press, 7 July 1999.
183 Hirsch and Oakley, *Somalia and Operation Restore Hope*, xii.
184 Kenneth Allard, *Somalia Operations: Lessons Learned*, 31.
185 Clarke, 'Somalia and the Future of Humanitarian Intervention.'; Michael G. MacKinnon, *The Evolution of US Peacekeeping Policy under Clinton: A Fairweather Friend?* (London and Portland 2000) 119.
186 For an early expression of this concern, see James H. Baker, 'Peace Missions Dull the Army's Combat Edge,' *Army Times*, December 6, 1993, p. 37. By the turn of the century, other voices were heard claiming the exact opposite. Charles Moskos, 'Peacekeeping Improves Combat Readiness,' *Wall Street Journal*, 26 April 2001. See also Edith B. Wilkie, Beth C. DeGrasse and Richard W. Roan, *A Force for Peace and Security: US and Allied Commander's Views of the Military Role in Peace Operations and the Impact on Terrorism of States in Conflict* (Report, Peace Through Law Education Fund 2002).
187 Clarke and Herbst, Somalia and the Future of Humanitarian Intervention,' *Foreign Affairs*, (March /April 1996) 70.

Chapter 8

1 Ivo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy* (Washington, DC 2000); Richard Holbrooke, *To End a War* (New York, 1998); David Halberstam, *War in a Time of Peace: Bush, Clinton, and the Generals* (New York etc. 2002) 358.
2 The estimated figure of between 200,000 and 250,000 fatalities during the war is commonly used in the media, but has been disputed and other unofficial UN figures that put the death toll at half that number. A report by Sarajevo's Investigation and Documentation Center, headed by Mirsad Tokaca, scaled down previous generally accepted figures for war losses in Bosnia-Herzegovina in the 1992-95 war. 'We can now say with almost absolute certainty that the number is going to be more than 100,000 but definitely less than 150,000,' Tokaca, an ethnic Muslim, said in an interview with Reuters. *Reuters, AlertNet*, 10 December 2004. (Available online at http://www.bosnia.org.uk/news/).
3 The General Framework Agreement, Annex 1A: Agreement on the Military Aspects of the Peace Settlement.
4 In the winter of 1995-1996 the size of the deployment into Bosnia was 55,000, with an additional 5,000 support personnel in Croatia. The US contributed some 20,000 US troops, the British 12,000 Brits and the Dutch 2,100.
5 United Nations Security Council Resolution 1031, paragraph 14 (15 December 1995).
6 Ivo Daalder in an interview for PBS *Frontline* Documentary, 'Give War a Chance: Examining the Gulf Between What Diplomats Want and the Military is Prepared to Deliver.' (PBS Online 1999, available at http://www.pbs.org/wgbh/pages/frontline/shows/military/etc/daalder.html).
7 PBS *Frontline* interview with Daalder. R. Craig Nation called the exit date a 'polite fiction,' which 'the architects of the project could hardly have taken seriously.' R. Craig Nation, *War in the Balkans, 1991-2002* (unpublished report, US Army War College, August 2003)

194. (http://www.carlisle.army.mil/ssi/pubs/2003/warbalkn/warbalkn.pdf); Elizabeth Cousins and Michael Doyle, 'Dayton Accord's Dangerous Duelling Missions,' *The Christian Science Monitor*, Vol. 88, No. 21 (26 December 1995).

8 Nation, *War in the Balkans, 1991-2002*, 194.

9 PBS Frontline interview with Daalder. Ivo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy* (Washington: Brookings Institution, 2000).

10 Elizabeth Cousins and Michael Doyle, 'Dayton Accord's Dangerous Duelling Missions,' *Christian Science Monitor*, Vol. 88, No. 21 (26 December 1995) 23.

11 Richard M. Swain, *Neither War Nor Not War: Army Command in Europe During the Time of Peace Operations: Tasks Confronting US AREUR Commanders, 1994-2000* (NDU SSI May 2003) 7.

12 The steering board members of the Peace Implementation Council were the United States, France, Germany, the United Kingdom, Russia, Canada, Italy, Japan, the Presidency of the European Union, the European Commission, and the Organization of the Islamic Conference (OIC), which was represented by Turkey. (See OHR website at http://www.ohr.int/ohr-info/).

13 For a critique of the lack of shared strategic vision on reintegrating Bosnia, see ICG Balkans Report No. 121, *Bosnia: Reshaping the International Machinery* (29 November 2001).

14 Leighton W. Smith, 'NATO's IFOR in Action: Lessons from the Bosnian Peace Support Operations,' *Strategic Forum*, No. 154 (January 1999).

15 Carl Bildt, *Peace Journey: The Struggle for Peace in Bosnia* (London 1998) 130-131.

16 Pauline Neville-Jones, 'Dayton, IFOR and Alliance Relations in Bosnia,' *Survival*, vol. 38, no. 4 (Winter 1996-1997).

17 Swain, *Neither War Nor Not War*, 17; Holbrooke, *To End a War*, 361-2.

18 Wesley K. Clark, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (Oxford 2001) 55.

19 Robert Gravelle, 'The Role of SFOR in Bosnia and Herzegovina,' Remarks at the 47th Atlantic Treaty Association General Assembly, 5 October 2001; In retrospect Jouwlan seemed to agree, promoting an integrated civil-military command structure under NATO. George Joulwan and Christopher Shoemaker, *Civil-Military Cooperation in the Prevention of Deadly Conflict: Implementing Agreements in Bosnia and Beyond* (New York: Carnegie, 1998).

20 In Holbrooke's account 'all the [US] civilians in the meetings' prior to Dayton expected the military to 'lean forward' as the operation unfolded. Holbrooke, *To End a War*, 223. In an interview for the PBS Frontline documentary 'Give War a Chance' Holbrooke argued that Smith 'interpreted his assignment in a greatly different way than those of us who had written the Dayton Agreements envisaged. Not just me, but Secretary Christopher and our entire team.' Ivo Daalder in his interview for PBS Frontline confirms Holbrooke's account.

21 The General Framework Agreement, Annex 1A, VI-5: Agreement on the Military Aspects of the Peace Settlement. Holbrooke points at Shalikashvilli for suggesting the silver bullet clause. Holbrooke, *To End a War*, 222-223. In Wesley Clark's account, the silver bullet clause was suggested by Madeleine Albright, ambassador to the UN. Clark, *Waging Modern War*, 58-59.

22 Clark, *Waging Modern War*, 58.

23 Ibid., 59. Clarke cited the paragraph VI-3 from The General Framework Agreement, Annex 1A, as the silver bullet clause: 'The Parties understand and agree that the IFOR Commander shall have the authority, without interference or permission of any Party, to do all the Commander judges necessary and proper. [...] The violating Party shall be subject to military action by the IFOR, including the use of necessary force to ensure compliance with the Annex.' Clark wrote: 'Under our agreement, we were seeking to limit the obligations of the military – you can't do everything with military forces – but to give the commander unlimited authority to accomplish these limited obligations.'

24 Holbrooke, *To End a War*, 328.
25 US Army officer in conversation with author. 'Snuffy Smith' was an American hillbilly-type comic-strip figure from the 1940s.
26 After his retirement Jouwlan wrote in 1998: 'But SFOR – without a more imaginative approach to civilian-military interaction – will be no more successful in achieving international objectives by itself in Bosnia than was IFOR.' George Joulwan and Christopher Shoemaker, *Civil-Military Cooperation in the Prevention of Deadly Conflict: Implementing Agreements in Bosnia and Beyond* (New York: Carnegie Commission on Preventing Deadly Conflict, 1998) 25. There is a passage in Clark's book that suggests that also Joulwan before him tried, but failed to take more direct control of operations in Bosnia in order to move the operation forward. Clark, *Waging Modern War*, 86.
27 Robert Gravelle, coordinator and senior adviser on police matters, 'The Role of SFOR in Bosnia and Herzegovina,' Remarks at the 47th Atlantic Treaty Association General Assembly, 5 October 2001.
28 Colonel Greg Fontenot (ret.), 'The Urban Area During Stability Missions, Case Study: Bosnia Herzegovina, Part 1,' in: Russel W. Glenn (ed.), *Capital Preservation: Preparing for Urban Operations in the Twenty-First Century* (RAND 2000) 203.
29 Holbrooke, *To End a War*, 338. Holbrooke wrote: 'It was almost as if they had an implicit understanding with the IFOR command: we will not attack you forces if you leave us alone to pursue an ethnically divided country.'
30 The so-called 'grey zone' of operation included maintaining civil law and order, discovering and prevent crimes (serious crimes such as murder and rape, arson, or property related crime such as theft and plundering), riot control and large scale civil disturbances, intervening against armed 'gangs,' either criminally or politically motivated but often mixed, maintaining order and security during an election process, monitoring and assisting in disarming civilians, escorting civilians in violence-prone areas, and protecting refugees in refugee camps from armed elements.
31 Of the total figure of 44,750 policemen provided by the UN IPTF advance mission, 29,750 were working in Muslim-controlled areas, 3,000 in Croat areas and 12,000 in the Republika Srpska. The Muslim-Croat Federation agreed to reduce their forces to 11,500. The Republika Srpska, however, refused to participate in process. An IFOR study conducted in 1996 concluded that eighty percent of the Federation police forces had less than six years of policing experience. The figures from the UN advance mission are mentioned in Michael J. Dziedzic and Andrew Bair, 'Bosnia and the International Police Task Force,' in: Robert B. Oakley, Michael J. Dziedzic, Eliot M. Goldberg (eds.), *Policing the New World Disorder: Peace Operations and Public Security* (National Defense University, The Institute for National Strategic Studies 1998) 50. These numbers differ substantially from those provided by Human Rights Watch, which wrote in a report that '[w]ith some 20,000 members in the Bosnian-Croat Federation, and between 10,000 and 50,000 in Republika Srpska at the time of the IPTF's deployment in early 1996, the police force needed to be reduced by at least half.' Human Rights Watch, *Bosnia and Herzegovina: Beyond Restraint, Politics and the Policing Agenda of the United Nations International Police Task Force*, HRW Publications, Vol. 10, No. 5 (D) June 1998.
32 US Army Colonel K. Greer, 'The Urban Area during Stability Missions, Case Study: Bosnia-Herzegovina,' in: Russel W. Glenn (ed.), *Capital Preservation: Preparing for Urban Operations in the Twenty First Century* (RAND 2000) 223.
33 The IPTF was established by UN Security Council resolution 1035 (1995) and was designated as part of the UN Mission in Bosnia and Herzegovina (UNMIBH). The IPTF was the one of the three UNMIBH components. Its mandate was to (1) monitor, observe, and inspect the parties' law enforcement activities and facilities; (2) advise governmental authorities on how to organize effective civilian law enforcement agencies; (3) advise and train law enforcement personnel; and (4) investigate and report on any human rights abuses

by Bosnia's police. IPTF's mandate does not include the power of arrest. The name UN CIVPOL was a term consciously avoided.

34 High Commissioner for Human Rights, *Field Guide for IPTF and UNTAES CIVPOL* (1996).

35 See Holbrooke, *To End a War*, 251-252.

36 Ibid, 252. Like Holbrooke, specialist in international policing Robert Perito mentions 'European countries' insisting on a more restrictive IPTF mandate. See: Andrew F. Tully, 'Kosovo and Bosnia: A Tale of Two Police Forces,' *RFE/RL Balkan Report*, Vol. 5, No. 64, 11 September 2001.

37 The local parties involved in the negotiations were sufficiently distrustful of the other not to have raised objections to a police force with the authority to arrest persons who were violating the agreement.

38 Holbrooke, *To End a War*, 221.

39 Dziedzic and Bair, 'Bosnia and the International Police Task Force,' in: Robert B. Oakley, Michael J. Dziedzic, Eliot M. Goldberg eds., *Policing the New World Disorder: Peace Operations and Public Security* (National Defense University, The Institute for National Strategic Studies 1998) 50.

40 Holbrooke, *To End a War*, 251, 362.

41 SACEUR Joulwan said in December 1995: 'IFOR will not act as a police force. That function will be the responsibility of the civilian side of the peace implementation operation. IFOR personnel will have the authority to detain any persons who interfere with the IFOR mission ...' Joulwan in Department of Defense Press Briefing; US Department of Defense, 'Operation Joint Endeavor Fact Sheet No. 004-B (December 7, 1995).

42 The General Framework Agreement, Annex 1A, VI-3d stated that IFOR, within the limits of its capabilities, shall have right 'to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate violence to life and person.'

43 In Haiti early revisions of the Rules of Engagement did authorize members of the Multinational Force to intercede to halt Haitian-on-Haitian violence after the US forces there received much negative publicity for looking on as someone was beaten to death in the streets by an angry mob.

44 Stefan Ekecrantz in e-mail correspondence with author, 7 January 2004.

45 W.B. Kroon and J.B.C. van der Veer, 'Rules of Engagement: Ervaringen van Nederlandse Land- en Luchtmachtmilitairen Tijdens UNPROFOR and IFOR,' *Militaire Spectator,* Vol. 166, No. 10 (1997) 465.

46 Center for Law and Military Operations (CLAMO), *Rules of Engagement Handbook for Judge Advocates* (1 May 2000) 3-20. In 1999 the US Army 10th Mountain Division included the following language on their ROE card as part of SFOR: 'You may use the minimum force necessary, including deadly force, to stop and detain persons committing, or about to commit, in your presence, serious criminal acts upon other persons (for example murder, rape, and serious assault).'

47 Paul Johnston, 'Doctrine Is Not Enough: The Effect of Doctrine on the Behavior of Armies,' *Parameters* (Autumn 2000) 30-39. As far as war fighting is concerned, Johnston argues that the way armies have fought is more a function of their culture than of their doctrine.

48 Clark, *Waging Modern* War, 55.

49 Pauline Neville-Jones wrote that '[n]o one wanted IFOR soldiers to get involved in these [policing tasks].' Neville-Jones, 'Dayton, IFOR and Alliance Relations in Bosnia,' 52.

50 General Framework Agreement for Peace, Annex 1A, II-1: 'Each Party shall ensure that all personnel and organizations with military capability under its control or within territory under its control, including armed civilian groups, national guards, army reserves, military police, and the Ministry of Internal Affairs Special Police (MUP) (hereinafter 'Forces') comply with this Annex.'

51 Richard Holbrooke, *To End a War*, 336. Holbrooke's account is based the eyewitness account of US Assistant Secretary of State Robert Gelbhard and Deputy High Representative Michael Steiner.

52 Richard K. Sele, 'Civil-Military Operations in the Post-War Sarajevo Region,' *Low Intensity Conflict and Law Enforcement* Vol. 8, No. 1 (1999), 87-118; Kevin F. McCarrol and Donald R. Zoufal, 'Transition of the Sarajevo Suburbs,' *Joint Forces Quarterly* (Summer 1997) 50-53. McCarroll and Zoufal, both civil affairs officers, explain how essential this CA support was to making the IPTF operational and supporting the transition as a whole, but fail to place this tactical success in the larger context of the dramatic developments in the Sarajevo suburbs in March 1996.

53 IFOR, but most of all Americans, tended to blame the IPTF. Boutros Boutros-Ghali, in March 1996: 'It is unrealistic to envisage a civilian police operation continuing its work without the framework of security provided by the presence of a credible international military force.' Boutros Boutros-Ghali in his report to the Security Council, S/1996/210 of 29 March 1996, para. 42-43; For a poignant journalist's account of the events in Sarajevo in March 1996 see Greg Campbell, *The Road to Kosovo*, 1-23. For the number of 70,000 he refers to a UNHCR Press Briefing, 16 March 1996, Sarajevo. Other sources mention a total of 100,000 Serbs leaving Sarajevo between from January to March.

54 Richard Holbrooke, *To End a War*, 335-339.

55 Admiral Smith in interview for *PBS News* (1 Feb 1996): 'Unfortunately,' the Admiral complained, 'a lot of people read our peace agreement and they interpret my job for me. And they are very happy to tell whoever might want to listen what my job is.'

56 Ivo Daalder in PBS *Frontline* interview.

57 US Army Peacekeeping Institute, *SFOR Lessons Learned in Creating a Secure Environment with Respect for the Rule of Law* (Based on a Study of Bosnia, May 2000) 12.

58 Murray and Gordon, *IFOR on IFOR*, 83

59 Fontenot, 'The Urban Area During Stability Missions,' 50.

60 On 30 April 1996, the British divisional headquarters moved from Gornji Vakuf to Banja Luka to enhance cooperation with the civilian organizations that were established in the region's biggest city. Christ Klep and Richard van Gilst, *Van Korea tot Kosovo: De Nederlandse Militaire Bijdrage aan Vredesoperaties* (The Hague 2000) 326.

61 Murray and Gordon, *IFOR on IFOR*, 89.

62 Ibid, 105.

63 Ibid, 41.

64 US Army Peacekeeping Institute, *SFOR Lessons Learned in Creating a Secure Environment with Respect for the Rule of Law* (Based on a Study of Bosnia, May 2000) 12. Colonel Fontenot, a US brigade commander in IFOR agreed: 'Hunkering down in base camps in not only an ineffective way to advance the cause, but increases the risk to the troops.' Fontenot, 'The Urban Area During Stability Missions,' 213.

65 Christ Klep en Richard van Gils, *Van Korea tot Kosovo*, 332.

66 US Army Peacekeeping Institute, *SFOR Lessons Learned in Creating a Secure Environment with Respect for the Rule of Law*, 37.

67 Richard M. Swain called it naive to say, as some do, 'civil implementation did not keep pace with military implementation.' Compared it to a marathon runner not keeping up with a sprinter. Swain, *Neither War Nor Not War*, 50.

68 This argument was put forward by Generals Smith and Joulwan. Smith: 'Throughout most of 1997, the High Representative did not use his authority to enforce the parties' compliance with the civil provisions of the Dayton Agreement. George Joulwan and Christopher Shoemaker, *Civil-Military Cooperation in the Prevention of Deadly Conflict: Implementing Agreements in Bosnia and Beyond* (New York: Carnegie Commission on Preventing Deadly Conflict, 1998).

69 PBS *Frontline* interview with Daalder.

70 Sophia Clément, 'The issues raised by Bosnia, and the transatlantic debate,' *Chaillot Paper,* No. 32 (Institute for Security Studies of WEU, May 1998).
71 The prerogatives of High Representative Carlos Westendorp, were increased during the meeting of the Peace Implementation Council (PIC) in Sintra in May and Bonn in December 1997.
72 UNTAES was a civil-military success. It had an integrated UN civil-military command structure, dynamic leaders of both the civilian and military component, and a strong police force. UNTAES' only NATO contributor was Belgium. It had military means and enforcement mandate similar to that of IFOR, but was not as much hampered by the national restraints NATO countries put upon the use of their contingents in Bosnia.
73 Dana Priest, *The Mission*, 50. On Clark's balancing act between the State Department and the Pentagon see also Swain, *Neither War Nor Not War,* 142.
74 Clark, *Waging Modern War*, 80.
75 Swain, *Neither War Nor Not War*, 142.
76 In 1997, the new British government's support for the ICTY was in marked contrast that provided by its predecessor. The new Foreign Minister Robin Cook authorized the Special Air Service (SAS) to arrest indicted war criminals in the British sector and British support for the ICTY included shared telephone intercepts and other intelligence, and increased Britain's financial contributions to the ICTY. Sophia Clément, 'The issues raised by Bosnia, and the transatlantic debate,' *Chaillot Paper,* No. 32 (Institute for Security Studies of WEU, May 1998).
77 Clarke, *Waging Modern War*, 65.
78 For Admiral Smith's argument against arrests and his vision on the limited mandate, see his interview for the PBS *Frontline* documentary, 'Give War a Chance: Examining the Gulf Between What Diplomats Want and the Military is Prepared to Deliver.' (PBS 1999; Available online at *http://www.pbs.org/wgbh/pages/frontline/shows/military/guys/smith.html*).
79 IFOR AFSOUTH, Transcript of Press Briefing, 12 September 1996 (Available online at *http://www.nato.int/ifor/trans/t960912a.htm*).
80 Louise Arbour, Chief Prosecutor of International War Crimes Tribunal, in an interview with PBS Frontline for the documentary 'The World's Most Wanted Man' (PBS May 1998, Available online at *http://www.pbs.org/wgbh/pages/frontline/shows/karadzic/interviews/-arbour.html*).
81 Center for Law and Military Operations (CLAMO), The Judge Advocate General's School United States Army, *Law and Military Operations in the Balkans 1995-1998: Lessons Learned for Judge Advocates* (Charlottesville, 13 November 1998) 124-125. For other accounts of IFOR and SFOR troops ignoring the known presence of war crimes suspects see Laura Palmer and Cristina Posa 'The Best-Laid Plans: Implementation of the Dayton Peace Accords in the Courtroom and on the Ground,' *Harvard Human Rights Journal*, Vol. 12 (Spring 1999); F.M. Lorenz, 'War Criminals: Testing the Limits of Military Force,' *Joint Forces Quarterly* (Summer 1997) 59-65.
82 Halberstam, *War in a Time of Peace*, 482.
83 Calum Macdonald in House of Commons, 18 Jul 1996 The Official Report (Hansard) Column 1331. (Available online at *http://www.parliament.the-stationery-office.co.uk/*.
84 Swain, *Neither War Nor Not War*, 50.
85 Palmer and Posa, 'The Best-Laid Plans: Implementation of the Dayton Peace Accords in the Courtroom and on the Ground,' 50.
86 On 17 and 18 December 1997, Dutch Army Commandos and Royal Marines specialists with support from the Dutch battalion performed 'Operation Iron Glance.' Human Rights Watch, 'Bold Arrest Action in Bosnia Contrasts with Clinton Statement on Karadzic' (New York, 18 December 1997, available online at http://www.hrw.org/press97/dec/vitez.htm). The most elaborate description of the action appeared on the website *SpecialOperations.com* ('Special Operations Forces and Bosnian War Crimes Suspects' available at *http://www.spe-*

cialoperations.com/Focus/warcrimes.html). For support from the Dutch SFOR battalion to this operation, see A. Oostendorp, 'CIMIC in an SFOR Peace Support Operation in Bosnia,' M.T.I. Bollen, R.V.A. Janssens, H.F.M. Kirkels, J.L.M. Soeters (eds.), *NL-Arms, Netherlands Annual Review of Military Studies 2002: Civil-Military Cooperation, a Marriage of Reason* (Royal Netherlands Military Academy; Breda 2002) 109.

87 According to *The Economist*, the Netherlands, together with Britain and the Americans, were the most active in funding ICTY and the most generous in sharing intelligence. 'At Last a Court that War Criminals Must Take Seriously,' *The Economist*, 31 January 1998, 43.

88 US Army Peacekeeping Institute, *SFOR Lessons Learned in Creating a Secure Environment with Respect for the Rule of Law* (Based on a Study of Bosnia, May 2000) 27.

89 *Solana Pledges Tough Stand on War Criminals*, RFE/RL Newsline, (22 January 1998) 30.

90 US officials accused the French of leaking plans for Karadzic's arrest. R. Jeffrey Smith, 'Secret Meetings Foiled Karadzic Capture Plan: US Says French Jeopardized Mission,' *Washington Post*, 23 April 1998, A1; Laura Rozen, 'Kosovo culture clash: War criminals in the former Yugoslavia are getting a free ride from French and American peacekeepers.' Article published on 21 December 1999 at Salon.com. (*http://www.salon.com/news/feature/1999/12/21/balkans/?CP=YAH&DN=110*).

91 *Der Spiegel*, 24 September 2001, 42 (for German contributions to arrests of war crimes suspects see also the German military website *http://www.military-page.de/einheit/ksk/ksk_01.htm*.).

92 'SAS Swoop on Serb Butcher,' *Daily Mail*, 21 December 1999; Louise Arbour, Chief Prosecutor of International War Crimes Tribunal, in an interview with PBS *Frontline* for the documentary 'The World's Most Wanted Man' (PBS Online May 1998).

93 For a critique of ICTY and NATO motives for arrests, see Nation, *War in the Balkans, 1991-2002*, 203.

94 In 1997, a conference was held on the subject of public security in peace operations at the Institute for National Strategic Studies (National Defense University). For the proceedings of this conference see: Robert B. Oakley, Michael J. Dziedzic, Eliot M. Goldberg eds., *Policing the New World Disorder: Peace Operations and Public Security* (National Defense University, The Institute for National Strategic Studies 1998). For another early publication on the subject see: Espen Barth Eide, 'Filling the Public Security Gap in Bosnia. Reflections on the Possible Relationship between International Police Assistance and a Post-SFOR Force,' background paper for the CPN briefing on Post-SFOR Options for the European Commission and Parliament, Brussels, 28 October 1997.

95 Espen Barth Eide, 'The Public Security Gap in Modern Peace Operations,' paper presented at the ACCORD, NUPI, ISS Seminar on the role of civilian police in UN peace operations, 25-27 February 1998, Durban South Africa. See also: Espen B. Eide, International Police Assistance and a Post-SFOR Force.'

96 Annika S. Hansen, although not 'orthodox' in her analysis of UN CivPol, writes that the IPTF was 'venturing dangerously close to executive policing.' However, this judgment only concerned executive power as far as policing the police was concerned. Annika S. Hansen, *From Congo to Kosovo: Civilian Police in Peace Operations* (IISS Adelphi Paper 343, 2002) 30.

97 Hansen, *From Congo to Kosovo*, 66

98 Swain, *Neither War Nor Not War*, 122-123. Only in 1997, were all illegal police checkpoints cleared. French and US division commanders had initially opposed this new policy on checkpoints because of 'risk' involved. The British were far less concerned.

99 Eide, 'The Public Security Gap in Modern Peace Operations,' 25-27. See also Espen B. Eide, International Police Assistance and a Post-SFOR Force.'

100 Swain, *Neither War Nor Not War*, 50.

101 Robert Gravelle, Coordinator and Senior Adviser on Police Matters, 'The Role of SFOR

in Bosnia and Herzegovina,' Remarks at the 47th Atlantic Treaty Association General Assembly, 5 October 2001.

102 Hansen, *From Congo to Kosovo*, 71. The International Crisis Group was very critical about the use and performance of the MSU. ICG, 'Policing the Police in Bosnia: A Further Reform Agenda Balkans' Report No.130 (10 May 2002) 58, f405: 'The suggestion that MSUs might be attached to the follow-on mission is akin to taking a bad idea and making it worse. Analysts have always lamented the disjunction between the "inner shel" of security provided by the police and the 'outer shell' provided by SFOR. This is the so-called enforcement gap. Yet contrary to prevailing hopes in NATO circles in late 2000 and early 2001, MSUs have not been able to plug this gap, owing to their restrictive Rules of Engagement and the reluctance of their contributing countries to see these loosened. The impotence of the MSUs during the events surrounding the seizure of Hercegovacka Banka confirmed this.'

103 The proposal for an international gendarmerie was first made early on by General Shalishkashvili and the US military seems have remained more enthusiastic about the third force option that Europeans. One of the American propagators of the MSU was Susan Woodward from the Brookings Institution in Sophia Clément, 'The issues raised by Bosnia, and the transatlantic debate,' *Chaillot Paper,* No. 32 (Institute for Security Studies of WEU, May 1998). Also Swain was relatively positive. Swain, *Neither War Nor Not War*, 191-2.

104 Annika S. Hansen, *From Congo to Kosovo*, 67.

105 US Army Peacekeeping Institute, *SFOR Lessons Learned in Creating a Secure Environment with Respect for the Rule of Law* (Report Based on a Study of Bosnia, May 2000) iii, 18.

106 Ibid, 28n31.

107 General Clark's predecessor Joulwan had also tried to gain more direct control of the operation but failed. Clark, *Waging Modern War*, 83-85.

108 Ibid. General Clark's answer to objections over the loss of consent of one of the parties and fears of troublemakers moving underground was that they were just as much trouble out in the open, so you might as well confront them.

109 Plavsic faced the hard-line Serb Tri-Presidency Member Momcilo Krajisnik, who had no legal authority over internal policy in the Republica Sprska. Clark told the US Division Commander David Grange that the strategic objective for the year was the reelection of President Plavsic. The key to achieving that was control of the MUP, controlling the hard-line media and a successful information operations program in the Republica Srpska. Swain, *Neither War Nor Not War,* 158n12.

110 Plavsic held a top Bosnian Serb leadership position during the Bosnian war and was closely linked to other Bosnian Serb leaders who have since been indicted for war crimes. In December 2002, former US Secretary of State Madeleine Albright testified that Plavsic bore responsibility for crimes committed in Bosnia during the war, but Albright also said that Plavsic later played an important role in Bosnia's peace process. *(http://www.rferl.org/-features/2002/12/17122002192321.asp)*; see also the ICTY website 'Indictments and Proceedings.' (*http://www.un.org/icty/cases/indictindex-e.htm*).

111 Clark, *Waging Modern War*, 83-84, 87.

112 Ibid, 87.

113 For the most complete account of this event see Swain, *Neither War Nor Not War*, 148.

114 It is likely that the IPTF was not aware of the direct political motives of the United States and NATO behind the series of raids on police stations. Swain, *Neither War Nor Not War*, 149.

115 Dziedzic and Bair, 'Bosnia and the International Police Task Force,' 50.

116 Col Fontenot described the August 1997 actions by the Bosnian Serbs as 'rent a mob.' Fontenot, 'The Urban Area During Stability Missions,' 50.

117 For a detailed account of the events of 28 August 1997 from a military perspective see Fontenot, 'The Urban Area During Stability Missions.'

118 Clark, *Waging Modern War,* 100
119 Ibid, 50.
120 International Crisis Group, 'Dayton: Two Years on: A Review of Progress in Implementing the Dayton Peace Accords in Bosnia,' ICG Bosnia Project, Report No. 27 (19 November 1997) 7.
121 For this argument see Sophia Clément (ed.), 'The issues raised by Bosnia, and the transatlantic debate,' *Chaillot Paper,* No. 32 (Institute for Security Studies of WEU, May 1998); Holbrooke, *To End a War*, 336. Holbrooke called SFOR support to refugee returns 'whimsical.' It took years of hard work before some belief returned in repatriation schemes by UNHCR, whimsically supported by NATO.' According to Human Rights Watch, [o]nly in 2000 a breakthrough occurred in the return of refugees and displaced persons: 'For the first time since the signing of the Dayton Peace Accords ... refugees and displaced persons returned in relatively large numbers to areas where they would be part of the ethnic minority.' Human Rights Watch, *World Report 2000 – Bosnia*, 1-2.
122 Dana Priest, *The Mission*, 259.
123 Priest, *The Mission*, 261-262. Priest wrote that the US Army regarded a substation in Srebrenica too a big a drain on manpower, as '[i]t would take as many soldiers to guard it as to staff it. No wonder the Muslim mayor wouldn't move back. [...] This was one of the thousand small examples that cemented the status quo and prevented real change in Bosnia.'
124 General George Joulwan in Department of Defense News Briefing, 'Subject: Role Of IFOR In Bringing Safety And Security To Bosnia' (27 March 1996). The US Army deployed 352 CIMIC personnel to Bosnia, compared to approximately 40 French and some 50 from other nations. Larry Wentz, (ed.), *Lessons from Bosnia: The IFOR Experience* (US Department of Defense Command and Control Research Program 1997) 130.
125 General George Joulwan in Department of Defense News Briefing, 'Subject: Role Of IFOR In Bringing Safety And Security To Bosnia' (27 March 1996); PBS Online Newshour, Joulwan in interview with Jim Lehrer (27 March 1996. Available at http://www.pbs.org/newshour/bb/bosnia/joulwan_3-27.html).
126 IFOR AFSOUTH Fact Sheet, 'Combined Joint Civil Military Cooperation,' 20 August 1996.
127 The 1998 draft of NATO AJP-09 made the following distinction. CIMIC activity: 'A military activity intended to support the achievement of a military mission by pursuing an objective with the responsibility of a civilian authority, international or non-governmental organization, or civilian activity intended to support the achievement of a civil aim by assisting in the pursuit of a military objective.' CIMIC operation: 'A military operation the primary intention and effect of which is to support a civilian authority, population, international or non-governmental organization, the effect of which is to assist in the pursuit of a military objective.' This doctrinal distinction was dropped in 2001.
128 Richard K. Sele, 'Civil-Military Operations in the Post-War Sarajevo Region,' *Low Intensity Conflict & Law Enforcement* Vol. 8, No. 1 (1999), 87-118.
129 US Army Field Manual (FM) 41-10, *Civil Affairs Operations* (US Government Printing Office Washington, DC, January 1993), 1-1.
130 US Army Field Manual 100-23, *Peace Operations* (1994) 40.
131 'The future success in military operations for the United States, however, rests on a clear understanding that the purely military does not exist. All operations are civil military in their basic character.' However, the notion that political rather than military objectives dominate, 'had only been accepted grudgingly, if at all, by the American military.' John T. Fishel, *Civil Military Operations in the New World*, 235.
132 Lieutenant Colonel Wally Z. Walters (US Army), *The Doctrinal Challenge of Winning the Peace Against Rogue States: How Lessons from Post-World War II Germany May Inform Operations Against Saddam Hussein's Iraq* (USAWC Strategic Research Project, Carlisle Barracks, 9 April 2002) 27, 7 Walters analyzed the following doctrine publications: FM 27-

5, FM 41-15 (1954), FM 27-5, FM 41-5 (1958), FM 41-10 (1962, 1969, 1998, 2000) and JP 3-57 (2001). He wrote: 'By 2000, FM 41-10 evolution dropped all reference to military government, except for two pages on 'Civil Administration in Occupied Territories' that identify the goal as creating effective civil government that does not threaten future peace and stability. The pages only provide definitions.' In the field manuals there was no content for field use, no techniques, methods or how Civil Affairs units should be employed to execute this task. The 2001 version of JP-3-57 CMO hardly made any reference to Military Government and Civil Administration.

133 The capabilities of US Army civil affairs were described in these words at the Special Operations website (http://www.specialoperations.com/Army/Civil_Affairs/default.html).

134 Major J.H.J. Ouwerling, *Cursus Verslag Civil Affairs Course 99/02* (US Army John F. Kennedy Special Warfare Center and School, Fort Bragg, 1 February 1999 – 12 March 1999).

135 Wentz, *Lessons from IFOR*, 131. After 1996, the IFOR CJCIMIC became Combined Joint Civil-Military Taskforce', also called CIMIC Taskforce.

136 Ibid., 126n23.

137 Swain, *Neither War Nor Not War*, 50.

138 Wentz, *Lessons from IFOR*, 135.

139 Ibid., Executive Summary. This notion of constraints being placed on civil affairs staff and the lack of understanding of the its role was confirmed during various conversations between author and US civil affairs personnel during the World Wide Civil Affairs Conference in New York, June 2001.

140 Wentz, *Lessons from FOR*, 135.

141 The 320-strong CIMIC staff had changed names to Combined Joint Civil Military Cooperation Task Force (CJCMTF), or CIMIC Task Force. By 1998 half its staff was European and rising to 75 percent. See: The official SFOR website (http://www.nato.int/sfor/cimic/introduction/cimic.htm).

142 Lieutenant Colonel Jeffrey A. Jacobs, 'Civil Affairs in Peace Operations,' *Military Review* (July-August 1998) 11-16.

143 For instance a study from the Dutch Army Section Lessons Learned concluded that 'CIMIC has to be flexible and as peace is gradually reestablished, the S5 [CIMIC] Section will grow in size.' Royal Netherlands Army, Operational Staff, Section Lesson Learned Publication, 'CIMIC' (2000). This notion of CIMIC was often picked up by the author in presentations and conversations with military personnel.

144 A proposal for funds directly allocated by NATO funds was cancelled. See Adam B. Siegal, 'Associating Development Projects with Military Operations: Lessons Learned from NATO's First Year in BiH,' *International Peacekeeping*, Vol. 8, No. 3 (Autumn 2001) 105.

145 Ibid, 108.

146 Remarks by Kevin Mannion in the Dutch documentary 'Circus Sarajevo,' *VPRO DNW: Rooksignalen uit de Nieuwe Wereld* (6 February 2000).

147 A study into civil-military operations in Sarajevo in 1996 nominated support to the IPTF not only as the most successful, but also most crucial in enhancing peace implementation. See Richard K. Sele, 'Civil-Military Operations in the Post-War Sarajevo Region,' *Low Intensity Conflict and Law Enforcement* Vol. 8, No. 1 (1999), 87-118. However, direct support from IFOR combat units to the IPTF during the transition of the Sarajevo suburbs had been minimal.

148 Colonel William R. Phillips, 'Civil-Military Cooperation: Vital to peace implementation in Bosnia,' *NATO Review*, Vol. 46, No. 1 (Spring 1998) 22-25.

149 Joint Analysis Team, Bosnia Final Report, Chapter 6, CIMIC Command and Control. Lieutenant. This document is cited in: Colonel Mark Rollo-Walker, SHAPE, Chief CIMIC Section End of Tour Report (23 August 1999).

150 NATO Ministerial Guidance 1997 DPC-D (97); NATO Allied Joint Publication 01 (AJP-01), Chapter 21, CIMIC In Allied Joint Force Operations (October 1998).

151 NATO AD 86-2, CIMIC 2000: Establishment of an ACE CIMIC Capacity (13 January 1999). See also Phillips, 'Civil-Military Cooperation: Vital to peace implementation in Bosnia,' *NATO Review*, Vol. 46, No. 1 (Spring 1998).

152 NATO AJP-9. From August 2001 AJP-9 defined CIMIC as 'The coordination and cooperation, in support of the mission, between the NATO commander and civil populations and local authorities, as well as international, national and non-governmental organizations and agencies.'

153 H. Rappard, 'An Active Dutch CIMIC Policy Is Not A Bridge Too Far,' in: M.T.I. Bollen, R.V.A. Janssens, H.F.M. Kirkels, J.L.M. Soeters (eds.), *NL-Arms, Netherlands Annual Review of Military Studies 2002: Civil-Military Cooperation, a Marriage of Reason* (Royal Netherlands Military Academy; Breda 2002) 74-77.

154 Ibid.

155 Conversation with member of the UK Civil Affairs Group at the World Wide Civil Affairs Conference held in New York in June 2001. The same idea of CIMIC or civil affairs being perceived and executed as part of the British military's ongoing operation also surfaces in James Landon's contribution on CIMIC to Wentz, *Lessons from IFOR*, 127.

156 Bogdan Denitch, *Ethnic Nationalism: The Tragic Death of Yugoslavia* (1996). As quoted in: Robert Gravelle, coordinator and senior adviser on police matters, 'The Role of SFOR in Bosnia and Herzegovina,' Remarks at the 47th Atlantic Treaty Association General Assembly, 5 October 2001.

157 For this argument see Gary Dempsey, 'Rethinking the Dayton Agreement: Bosnia Three Years Later,' *Cato Policy Analysis*, No. 327 (14 December 1998). Sophia Clément wrote: 'Those who believe that the military deployment, or at least its American ground component, should end – a camp led by Senator Kay Bailey Hutchison and former Secretary of State Henry Kissinger – say that the goal of creating an integrated, multiethnic state in Bosnia is a chimera, and that the sooner the Clinton administration recognizes that Bosnia has been partitioned, the sooner Americans will be able to leave.' Sophia Clément, 'The Issues Raised by Bosnia, and the Transatlantic Debate,' *Chaillot Paper,* No. 32 (Institute for Security Studies of WEU, May 1998).

Chapter 9

1 During most of 1999, the official geographical names in Kosovo were all still written in Serbo-Croat. It became common practice after 1999 to write geographic names in both Albanian and Serbo-Croat, I have chosen to use the Serbo-Croat names as it was common within the international community and among the NATO military to do so during the period analyzed here.

2 R. Abels, M. Pelt and P. Jacobs, *Licht Boven Orahovac: 1 (NL) Arty Bn RA KFOR I, Kosovo 1999* (Wezep 2000); P.G. F. Hoefsloot, 'Ervaringen van een Batterijcommandant van de Gele Rijders: De Periode in Kosovo,' *Carré* (5 mei 2000).

3 For a short history of the Kosovo conflict prior to the NATO intervention see Raymond Detrez, *Kosovo: De Uitgestelde Oorlog* (Antwerpen and Baarn 1999). Translated into Albanian by Mirela Shuteriqi and published by Skanderbeg, Tirana 2004. See also: Noel Malcolm, *Kosovo: A Short History* (New York 1998).

4 As quoted in: William Shawcross, *Deliver Us from Evil: Peacekeepers, Warlords and a World of Endless Conflict* (New York etc. 2000) 361.

5 UK Parliament, House of Commons, Minutes of Evidence Taken before the Defence Select Committee, 20 June 2000 (1086). See also Patrick Wintour, 'War strategy ridiculed,' *The Guardian* (21 July 2000). Henry Kissinger argued that the Rambouillet text was 'a provocation, an excuse to start bombing.' As cited in: Shawcross, *Deliver Us From Evil*, 364.

6 Peter J. Boyer, 'General Clark's Battles,' *The New Yorker* (17 November 2003).

7 The Independent Kosovo Commission chaired by Nelson Mandela concluded that the war was illegal for its failure to secure UN approval, but that it was legitimate on the basis of the gross human right violations.
8 For a first-hand account of coalition warfare or 'war by committee' see: Wesley K. Clarke, *Waging Modern War: Bosnia, Kosovo, and the Future of Combat* (New York 2002).
9 OSCE, Kosovo/Kosova as Seen as Told: The Human Rights Findings of the OSCE Kosovo Verification Mission, October 1998-June 1999 (OSCE Secretariat, Vienna 1999) chapter 14.
10 Mike Jackson, 'KFOR: The Inside Story,' *RUSI Journal* (February 2000) 13. Based on a presentation given at the Royal United Services Institute on 23 November 1999.
11 Jackson, 'KFOR: The Inside Story,' 14.
12 The massive military effort in support of humanitarian operations in Macedonia and Albania, at times close to a military takeover, reaffirmed the predominant perception of CIMIC during peace operations as a predominantly humanitarian issue.
13 For an analysis of the NATO air campaign see Ivo H. Daalder and Michael O'Hanlon, *Winning Ugly: NATO's War to Save Kosovo* (Washington, DC 2001).
14 Clark, *Waging Modern War,* 424–425; Dana Priest, 'Kosovo Land Threat May Have Won War,' *Washington Post* (10 September 1999) A1; Jackson, *KFOR: The Inside Story*, 14.
15 Dutch NATO Ambassador Niek Biegman quoted in: Tweede Kamer de Staten-Generaal, *Rapport van de Tijdelijke Commissie Besluitvorming Uitzendingen* (The Hague 2000) 381.
16 Military Technical Agreement Between the International Security Force ('KFOR') and the Governments of Federal Republic of Yugoslavia and the Republic of Serbia, 9 June 1999.
17 Jackson, *KFOR: The Inside Story*, 15-16.
18 UN Security Council Resolution 1244 (10 June 1999) paragraph 9.
19 UNSCR 1244; UNMIK Regulation 1999/1 on the Authority of the Interim Administration in Kosovo (25 July 1999); Robert Oakley, *Public Order in Kosovo: An Early Assessment* (Paper prepared for UNA-USA Roundtable, 18 October 1999).
20 Lecture by Bernard Kouchner on UNMIK (Harvard University, 16 May 2001).
21 Colonel Peter van den Aker confirms that Van Loon was 'intensively engaged in the operational decision taking process' within the brigade. P.J.E.J. van den Aker, 'Kosovo Force – 1: Tussen Trauma en Militaire Effectiviteit, Multinationaliteit en Militaire Effectiviteit,' *Militaire Spectator*, Vol. 169 (December 2000) 649.
22 Interview with Colonel Anton van Loon (First of two interviews; The Hague, 29 January 2003); Lecture by Lieutenant Colonel Anton van Loon, Commander 11th Artillery Battalion RNLA (SHAPE, 6 April 2000).
23 P.J.E.J. van den Aker, 'Kosovo Force – 1: Tussen Trauma en Militaire Effectiviteit, Multinationaliteit en Militaire Effectiviteit,' *Militaire Spectator*, Vol. 169 (December 2000) 649-650.
24 Interview with Colonel Anton van Loon (The Hague, 29 January 2003).
25 Abels, *Licht Boven Orahovac,* 20; P.G.F. Hoefsloot, 'Ervaringen van een Batterijcommandant van de Gele Rijders: De Periode in Kosovo,' *Carré,* 5 May.
26 Interview with Colonel Anton van Loon (The Hague, 29 January 2003).
27 Abels, *Licht Boven Orahovac*, 21.
28 Raymond Detrez, *Kosovo: De Uitgestelde Oorlog* (Antwerpen and Baarn 1999).
29 Interview Colonel Anton van Loon (The Hague, 29 January 2003).
30 Abels, *Licht Boven Orahovac,* 50; P.G.F. Hoefsloot, 'Ervaringen van een Batterijcommandant van de Gele Rijders: De Periode in Kosovo,' *Carré,* 5 May 2000.
31 Compared to the area of operations of Australian peacekeepers in Somalia or Dutch Marines in Cambodia, the municipality was small. While the whole of Kosovo measured approximately 11,000 square kilometers, the Bay region the Australian battalion group had to control six years earlier measured 17,000 square kilometers. The city of Baidoa had a population comparable to that of Orahovac with 50,000 to 60,000 inhabitants, including 20,000 refugees.

32 Jackson, *KFOR: The Inside Story*, 15-16.
33 Jackson, 'KFOR-1 Force Commanders Evaluation Report.' As quoted in P.J.E.J. van den Aker, 'Kosovo Force – 1: Tussen Trauma en Militaire Effectiviteit, Multinationaliteit en Militaire Effectiviteit,' *Militaire Spectator*, Vol. 169 (December 2000) 655.
34 Peter Finn and John Ward Anderson, 'Rebels Act to Assert Influence in Kosovo,' *Washington Post Foreign Service*, Tuesday, 15 June 1999, page A1.
35 Centraal Archieven Depot, Ministerie van Defensie (Central Archival Depot, Netherlands Ministry of Defense), Archive 1 (NL) Contingentscommando KFOR I & II (Hereafter referred to as CAD, 1 (NL) Contco KFOR I&II), Structurele rapportages, box 1, Contingentscommando Situation Report, 19 June 1999; interview with Colonel Anton van Loon (second interview, The Hague, 13 February 2003).
36 Centraal Archieven Depot, Ministerie van Defensie (Central Archival Depot, Netherlands Ministry of Defense), Archive 1 (NL) Artillery Battalion KFOR I (Hereafter referred to as CAD, 1 (NL) Arty Bn KFOR I), Structurele rapportages, box 1, folder 1.5, Situations and Missions MNB (S), 17 June 1999.
37 Anton van Loon, 'CIMIC in the Early Phase of the KFOR Mission in Kosovo,' in: M.T.I. Bollen, R.V.A. Janssens, H.F.M. Kirkels, J.L.M. Soeters (eds.), *Civil-Military Cooperation: A Marriage of Reason, NL Arms 2002* (Alblasserdam 2002) 119.
38 Abels, *Licht Boven Orahovac*, 27.
39 Ibid.
40 The KFOR ROEs said: 'Disarming armed individuals or groups, which represent an actual threat to the security of Friendly Forces, is authorized.' CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, doos 7 (Diversen), Map: HQ KFOR, Doc no. 2001.
41 Remarks by Ivo Daalder in: 'Newshour with Jim Lehrer: Law & Order,' 5 July 1999.
42 Jackson, 'KFOR: The Inside Story,' 16.
43 Personal observations by author in Kosovo, September 2002.
44 Interview with Ismet Tara, commander 124th Brigade UÇK in 1999 (Rahovec/Orahovac, 12 September 2002); Interview Colonel Anton van Loon (second interview, The Hague, 13 February 2003).
45 Abels, *Licht Boven Orahovac*, 94.
46 Fear of the 'honeymoon period' coming to an end in mentioned in: CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 1, folder 1.4, Intsum MNB(S), no. 118/99, 27-28 July 1999.
47 A trend analysis by KFOR's Operational Analysis Branch showed a sharp increase in UÇK non-compliance and mentioned the fear of elements of the UÇK going 'into the hills.' Presentation held by Mike Neighbour, head of this branch within ARRC Headquarters from 1998 to 2002, MORS Workshop Combat Analysis: Deploying Quantitative Support to the Combat Commander 28-30 January 2003. In an interview with the author, Dutch Major Roy Abels also mentioned fear within KFOR of guerilla-type activity around this time. Interview with Major Roy Abels ('t Harde, 3 September 2002).
48 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie Archief, box 7, folder HQ KFOR, no. 10054, Michael Jackson (COMKFOR) to KFOR brigade commanders (date unknown; estimated late August 1999).
49 Undertaking of Demilitarization and Transformation by the UÇK (signed 20 June 1999).
50 Jackson, 'KFOR: The Inside Story,' 16.
51 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 5, Intsum 1 (NL) Arty Bn RA, no. 143/99, 12 November 1999. The intelligence summery said: 'TMK 123 Bde commander seemed cooperative. He said to have met Van Loon and admires the 'successes' of Dutch contingent in Orahovac.' The remark about Hoxhaj as the 'local warlord' was made by Van Loon in interview with the author (13 February 2003).
52 Interview with Van Loon (13 February 2003).
53 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 3, Commanders Assessrep 14

September 1999; CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 3, Commanders Assessrep, 15 Sep 1999. The incident was also mentioned in Abels, *Licht Boven Orahovac*, 89.

54 CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 3, no.01901, Col. Peter van den Aker (DCOM MNB-South) to lt.col. Hans Damen (CS-CONTCO), Betreft: Kamervragen, 1 September 1999.

55 Mike Neighbour, Presentation at MORS Workshop Combat Analysis: Deploying Quantitative Support to the Combat Commander, 16.

56 ICG, *Kosovo Report Card 100*, 28 August 2000, 6.

57 Jackson, 'KFOR: The Inside Story,' 16.

Chapter 10

1 For the proceedings of this conference see Robert B. Oakley, Michael J. Dziedzic and Eliot M. Goldberg, *Policing the New World Disorder* (NDU, Washington, DC 1998).

2 Kelly, 'Legitimacy and the Public Security Function,' in: Oakley, Dziedzic and Goldberg, *Policing the New World Disorder* (NDU, Washington DC 1998). See also Michael Kelly, *Peace Operations: Tackling the Military, Legal and Policy Challenges* (Canberra 1997).

3 General Jackson called the situation in Kosovo 'anarchy or something not far from it.' Jackson, 'KFOR: The Inside Story,' 16.

4 R. Jeffrey Smith, 'Marines Kill Another Gunman in Kosovo,' *Washington Post* (26 June 1999) A17.

5 R. Abels, M. Pelt and P. Jacobs, *Licht Boven Orahovac: 1 (NL) Arty Bn RA KFOR I, Kosovo 1999* (Wezep 2000) 43; Greg Campbell, *The Road to Kosovo: A Balkan Diary* (Boulder and Oxford 2000) 229-235.

6 Abels, *Licht Boven Orahovac*, 50.

7 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 3.2, Situation and Mission van MNB(S)–G-3, 7 July 1999.

8 Ibid., folder 3.2, Situation and Mission van MNB(S)–G-3, 9 July 1999.

9 KFOR Press Update, 29 October 1999 and 11 December 1999; United Nations Press Briefing, 29 June 1999 (KFOR Press Updates are available online at *http://www.nato.int/kfor/*; UNMIK press briefings and releases are available online at *http://www.unmikonline.org*).

10 Lieutenant Colonel Ulrich Kilch (G-5, MNB South, July 1999-December 1999) lecture at Allied Forces Northern Europe (Powerpoint presentation; in author's possession).

11 Human Rights Watch, *Under Orders: War Crimes in Kosovo* (2001). For an assessment of abuses after June 1999 see chapter 17 of this report (This 593-page report is available online at *http://www.hrw.org/reports/2001/kosovo/*).

12 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 4.1, 1 (NL) Arty Bn RA TF Orahovac, Commanders Assessrep/Daily Sitrep, 30 June 1999 (Hereafter referred to as Daily Sitrep).

13 Interview with Colonel Anton van Loon (Second Interview, The Hague, 13 February 2003).

14 Campbell, *The Road to Kosovo*, 233-234.

15 While often critical of many aspects of KFOR's performance, reporters noted how most NATO units interpreted their role fundamentally different than in Bosnia. See for instance: R. Jeffrey Smith, 'Serbian Atrocity Suspect Arrested,' *Washington Post Foreign Service* (25 June 1999) A24; Campbell, *The Road to Kosovo*, 230-235.

16 John Sanderson, 'The Timor Challenge,' *Sydney Morning Herald* 23, 20 September 1999.

17 Interview with Lieutenant Colonel Bart Haverman (Breda, 10 April 2003).

18 Peter Viggo Jakobsen, 'The Role of Military Forces in Managing Public Security Challenges: As Little as Possible or Filling the Gap?,' Revised Draft for IPA book edited by

Michael Pugh and Waheguru Pal Sidhu (17 April 2002) 10.

19 Richard Norton-Taylor and Stuart Miller, 'Mines stand in the way of allied troops: Peacekeeping Ground forces prepare for the biggest military operation in Europe since 1945,' *Guardian* (5 June 1999).

20 Timothy Garton Ash, 'Anarchy and Madness,' *New York Review of Books*, Vol. XLVII, No.2 (10 February 2000).

21 Interview with Colonel (retd.) William Phillips (New York, 16 October 2003).

22 On 20 July 1999, more than a month into the operation, Jackson broke with the peacekeeping tradition of putting purely military tasks first when he addressed establishing and maintaining a secure environment 'including public safety and order' before separating the warring parties. CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, box 7 (Diversen), Map: MNB-S, nr. 7020, COMKFOR Directive, 20 July 1999.

23 Suggested by William Phillips in interview with author (New York, 16 October 2003).

24 Interview with Colonel Anton van Loon (First interview, The Hague, 29 January 2003).

25 Clark, *Waging Modern War*, 371.

26 CAD, 1 (NL) Arty Bn RA KFOR I, Correspondentie Archief, box 7 (Diversen), folder: HQ KFOR, OPLAN 10413 'Joint Guardian', SACEUR Operations Plan, Annex E – Rules of Engagement (L13).

27 The 'KFOR Rules of Engagement for Use in Kosovo: Soldier's Card' does not mention detention as a possible measure. However, the US Marine Expeditionary Unit's version 'MEU Supplemental Kosovo ROE card' did mention detention and categorized it under 'other measures.' These ROE soldier's cards and various examples of ROE annexes used by the US military are published in: Center for Law and Military Operations (CLAMO), *Rules of Engagement Handbook for Judge Advocates* (Charlottesville 1 May 2000).

28 CAD, 1 (NL) Arty Bn RA KFOR I, Correspondentie Archief, box 7 (Diversen), folder: HQ KFOR, Oplan 10413 'Joint Guardian', Annex E – Rules of Engagement; Van Loon wrote in retrospect that the German approach was 'oriented on POW treatment.' A.J.H. van Loon, 'Kosovo Force-1: Tussen Trauma en Toekomst (II) Mededeling van het Militair Gezag,' *Militaire Spectator*, Vol. 169 (December 2000) 663.

29 The operational directive and Rules of Engagement issues by the Dutch Ministry of Defense left out arrest, detention and serious crime in relation to the safety of the local population. 'Aimed fire' was allowed 'against any person involved in an unlawful act, or about to commit an act that threatens life or causes serious bodily harm, and if there is no other way of preventing this from taking place.' However, this provision was not part of public security directions, but a summary of rules related to self-defense, the defense of friendly forces, and persons explicitly under KFOR protection, such as international civilian workers. CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 1, (Voorlopige) Operationele Aanwijzing CDS nr. 004/99, Operation Joint Guardian, 11 June 1999; Ibid., Operationele Aanwijzing CDS nr. 004/99, Operation Joint Guardian, 18 June 1999.

30 Ibid., box 7, 'Aanwijzing Nr. 8 Voor de behandeling van vermoedelijke daders van misdrijven/strafbare feiten, die door de Nederlandse Krijgsmacht in Kosovo in verzekerde bewaring zijn gesteld resp. dienen te worden genomen' 23 Juni 1999 (Translation of German 'Weisung 8.').

31 Interview with Major Roy Abels ('t Harde, 3 September 2002).

32 CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 1, Kol v.d. Aker MNB(S) aan C-Contco, 23 juni 1999; Ibid., Structurele rapportages, box 1, Contingentscommando Sitrep A, KFOR (Hereafter referred to as: Sitrep), 22 June 1999.

33 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, doos 7 (Diversen), Map: HQ KFOR, no. 6012, Amendment to Annex R (Oporder 004), Law and Order (25 June 1999).

34 Interview with Lieutenant Colonel Bart Haverman (10 April 2003). Although apprehension of suspects without catching an offender in the act was not stimulated, a KFOR directive dated 20 July 1999 reconfirmed the possibility of arresting on the basis of suspicion,

and not merely when caught red handed. CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, doos 7 (Diversen), Map: MNB-S, no. 7020, COMKFOR Directive, 20-7-1999.

35 CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 1, Vraagpunten regelingen Op Joint Guarantor, 30 June 1999, 1 July 1999.

36 Interview with General Wesley Clark on PBS *Newshour* (1 July 1999).

37 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).

38 Interview with Ismet Tara, commander 124th Brigade UÇK in 1999 (Rahovec/Orahovac, 12 September 2002).

39 Interview with Colonel Anton van Loon (The Hague, 13 February 2003). For Van Loon's argument about his primary motive for extending the Task Force's policing tasks by his troops see also: Van Loon, 'CIMIC in the Early Phase of the KFOR Mission in Kosovo,' 120.

40 Interview with Agim Hasku (Rahovec/Orahovac, 10 September 2002).

41 Van Loon, 'CIMIC in the Early Phase of the KFOR Mission in Kosovo,' 120.

42 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 4.1, Daily Sitrep, 29 July 1999; Ibid., folder 4.2, Daily Sitrep, 16 July 1999.

43 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).

44 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 4.1, Daily Sitrep, 28 June 1999.

45 Statistics on arrests made by Task Force Orahovac printed in Abels, *Licht boven Orahovac*, 33.

46 Van Loon, 'CIMIC in the Early Phase of the KFOR Mission in Kosovo,' 120.

47 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 4.2, Daily Sitrep, 24 July 1999; Ibid., Daily Sitrep, 27 July 1999; Ibid, Daily Sitrep, 26 July 1999.

48 Ibid., Daily Sitrep, 28 July 1999; Confirmed in interview with Colonel Anton van Loon (The Hague, 13 February 2003).

49 William O'Neill, *Kosovo: An Unfinished Peace* (Boulder 2002) 75.

50 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 4.2, Daily Sitrep, 26 July 1999.

51 Christ Klep and Richard van Gils, *Van Korea tot Kosovo: De Nederlandse Military Deelname aan Vredesoperaties Sinds 1945* (The Hague 2000) 371.

52 Abels, *Licht Boven Orahovac*, 93. In this official account, the 'complaints bureau' was said to be openend on 20 June 1999. Other primary sources already mention the bureau to be open on 16 juni 1999.

53 Ibid., 33.

54 Interview with Major Roy Abels ('t Harde, 3 September 2002).

55 CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 1, Memorandum Majoor mr J.C. Groenheijde to C-CONTCO, Aanwijzing nr. 8 (aanhouden verdachten), 27 June 1999.

56 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 1, folder 1.5, MNB(S) Situations and Missions, 24 June 1999; Interview with Colonel Anton van Loon (The Hague, 13 February 2003).

57 CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 1, Memorandum Majoor mr J.C. Groenheijde to C-Contco, Aanwijzing nr. 8 (aanhouden verdachten), 27 June 1999.

58 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).

59 CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 1, Majoor mr J.C. Groenheijde to C-CONTCO, Aanwijzing nr. 8 (aanhouden verdachten), 27 June 1999.

60 International Crisis Group, 'Starting From Scratch in Kosovo,' *ICG Balkans Report* No. 83 (13 December 1999) 4.

61 Interview with Colonel Anton van Loon (The Hague, 29 January 2003).

62 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 1, folder 1.5, MNB(S) Situation and Missions, 17 June 1999. Within MNB(S) the order given not to allow the UÇK to occupy police stations and in Pristina British troops evicted the UÇK from a former police station.

63 Correspondence between author and Astrid van Genderen-Stort, the local UNHCR field officer in Rahovac/Orahovac in 1999-2000 (Letter received 3 August 2004).
64 Based on conversations with the population of Rahovec/Orahovac held by the author in September 2002.
65 CAD, 1 (NL) Contco KFOR I&II, Structurele Rapportages, box 1, Sitrep 21 June 1999.
66 Ibid., Werkarchief, box 5, Lkol Govaarts to Detco KMAR KFOR, 1 July 1999.
67 Ibid., box 1, Vraagpunten regelingen, 30 June 1999. 'Too mad for words' was a handwritten comment in sideline by General Bokhoven. In an interview with the author, Van Loon confirmed he knew this discussion was going on, but he said that he 'left this matter to Bokhoven.' Interview with Colonel Anton van Loon (13 February 2003).
68 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, no. 7038, Memorandum by Major Marcel van Weerd (CoS), 31 July 1999.
69 Interview with Colonel Anton van Loon (13 February 2003).
70 Interview with Colonel Anton van Loon (13 February 2003); interview with Ismet Tara (Rahovec/Orahovac, 12 September 2002).
71 Based on conversations between the author and several inhabitants of Orahovac.
72 Marechaussee First Class Jesper Koops quoted in: 'Marechaussee Blijft Oplettend,' *Defensiekrant*, 19 August 1999.
73 CAD, 1 (NL) Contco I&II, Werkarchief, box 9, DCBC Memorandum, Majoor I.H. van der Pool to Lgen A.P.P.M. van Baal, 16 September 1999.
74 'Gesloopt terug uit Kosovo,' *Algemeen Dagblad*, 18 September 1999; 'Brandbrief van Marechaussees,' *Het Parool*, 18 September 1999.
75 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, no. 7038, Memorandum by Major Marcel van Weerd (CoS), 31 July 1999.
76 ICG, 'Policing the Gap: Law and Order in the New Kosovo,' *ICG Balkans Report* (6 August 1999) p8.
77 Jakobsen, 'The Role of Military Forces in Managing Public Security Challenges,' 10-11.
78 CAD, 1 (NL) Contco I&II, Werkarchief, box 3, no. 01901, Col. Peter van den Aker (DCOM MNB-South) to lt.col. Hans Damen (CS-Contco), Betreft: Kamervragen, 1 September 1999.
79 Brigadier Jonathan D.A. Bailey (British Army), 'The Urban Area During Stability Missions: The British Experience in Kosovo,' RAND, Capital Preservation: Preparing for Urban Operations in the Twenty-First Century (Preceedings of the RAND Arroyo-MCWL-OSD Urban Operations Conference, March 22-23, 2000) 256.
80 It can even be argued that a force commander in UN operations had more authority, since the bulk of the contingents available to him came from developing countries, who tended to put far less restraints on the use of their troops than Western contributing governments.
81 UNMIK Press Briefing, 20 June 1999.
82 The Independent International Commission on Kosovo, *Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford 2000).
83 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, doos 7 (Diversen), Map: MNB-S, no. 7020, COMKFOR Directive, 20 July 1999.
84 Michael R. Gordon, 'NATO Patrols Edgy Border: This Time Protecting Serbs,' *New York Times*, 25 January 2001.
85 Graham Day and Christopher Freeman, 'Policekeeping is the Key,' *International Affairs* 79, 2 (2003) 304; International Crisis Group, 'Starting from Scratch in Kosovo: The Honeymoon is Over,' *ICG Balkans Report* no. 83 (13 December 1999) 2n2.
86 Alice Hills, 'The Inherent Limits of Military Forces in Policing Peace Operations,' *International Peacekeeping*, Vol. 8, No. 3 (Autumn 2001) 79-98.
87 Lieutenant Colonel Christopher Holshek, 'The Operational Art of Civil-Military Operations: Promoting Unity of Effort,' in: Larry Wentz, *Lessons From Kosovo* (US Department of Defence: The Command and Control Research Program 2002) 285.

88 Jackson, 'KFOR: The Inside Story,' 17.
89 Based on conversation between author and an American NGO worker who was stationed in Pristina in the second half of 1999 and interacted often with British KFOR.
90 RFE/RL radio broadcast by Ron Synovits, *Yugoslavia: Lawlessness Persists in Kosovo as Refugees Return* (25 June 1999).
91 Correspondence between Astrid van Genderen-Stort and the author (letter received 3 August 2004). Conversations between author and Kosovars in September 2003 confirmed that the Italian and French troops had gained little respect among the Albanian population, while the British, Germans and Americans were still held in high regard.
92 Interview with Lieutenant Colonel Bart Haverman (Breda, 10 April 2003).
93 Simon Chesterman, 'The Use of Force in UN Peace Operations,' *UN Peacekeeping Best Practices: External Study* (21 August 2004) 13.
94 Remarks by Ivo Daalder in: 'A Newshour with Jim Lehrer: Law & Order,' 5 July 1999.
95 Dana Priest, *The Mission: Waging War and Keeping Peace with America's Military* (New York and London 2003) 280.
96 R. Jeffrey Smith, 'Home Sweet Home in Kosovo: High-Security US Base Will Have All the Creature Comforts,' *Washington Post Foreign Service* (5 October 1999) A11.
97 Captain Alton L. Gwaltney, 'Law and Order in Kosovo: A Look at Criminal Justice During the First Year of Operation Joint Guardian,' in: Larry Wentz, *Lessons From Kosovo* (US Department of Defense: The Command and Control Research Program 2002).
98 Priest, *The Mission*, 405. In her analysis of KFOR operations in the US sector, Priest extensively uses the official inquiry following the rape and murder of an Albanian girl by a US Army sergeant in Vitina in 2000. She also extensively and vividly describes how during the winter of 1999-2000, elements of one unit of the 82nd Airborne became increasingly offensive towards the local Albanian population, and took drastic measures in their effort to investigate and break the criminal elements of the former UÇK. In siding with the minority Serb population they lost their impartiality and at times their discipline. For this story Priest refers primarily to: US Army Europe, 'Unit Climate and State of Discipline Within the 3rd Battalion, 504th Parachute Infantry Regiment, Task Force Falcon, Kosovo Force,' Army Regulation 15-6 Report of Investigation, 18 September 2000.
99 Figures assembled from R. Jeffrey Smith, 'Serbian Atrocity Suspects Arrested,' *Washington Post* (25 June 1999) A24; 'Gele Rijders Moeten Mogelijk Kamp Verlaten 'Komst Russen slecht voor rust in Orahovac',' *Reformatorisch Dagblad*, 7 July 1999; Holshek, 'The Operational Art of Civil-Military Operations,' 251, n45.
100 CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 3, DCBC Sitrep no. 140/99, 26 July 1999.
101 Ibid., box 4, DCBC Sitrep no. 146/99, 3 August 1999.
102 Lieutenant Colonel Ulrich Kilch (G-5, MNB South, July 1999-December 1999), lecture at Allied Forces Northern Europe (Powerpoint presentation).
103 Gwaltney, 'Law and Order in Kosovo,' 259.
104 Reinhardt, *KFOR: Streitkrafte fur den Frieden. Tagenbuchauzeichnungen als Deutscher Kommandeur im Kosovo* (Frankfurt am Main 2002) 179. Diary entry 8 november 1999.
105 ICG, 'Starting from Scratch in Kosovo,' 11.
106 Interview with Lieutenant Colonel Bart Haverman (10 April 2003).
107 Donald G. McNeil Jr, 'G.I.'s in Kosovo Are Judges, Jailers, and Much More,' *New York Times* (22 November 2000); Dana Priest, 'Waging Peace in Kosovo,' *Washington Post* (23 November 1999) A01.
108 Gwaltney, 'Law and Order in Kosovo,' 236.
109 Reinhardt, *KFOR*, 180; CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 5, Vraagpunten en regelingen Op Joint Guarantor, 13 Juli 1999, CoS SACEUR (Gen Dieter Stockmann) to Director International Military Staff, Subject: Kosovo – Transfer of Responsibilities to Civil Agencies (July 1999).

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111 International Crisis Group, 'Kosovo Report Card,' *ICG Balkans Report* No. 100 (28 August 2000) 15.
112 Ibid.
113 Lecture by Bernard Kouchner (Harvard University, 16 May 2001, notes taken by author).
114 The Conflict Prevention and Resolution Forum (CPRF), *Bridging the 'Post-Conflict Security Gap.'* (October 2003). Notes of Dr. Joseph J. Collins, Robert Perito, and Dr. Joanna Spear (Document available online at *http://www.sfcg.org/Documents/CPRF*).
115 Mark Plunkett, 'The Establishment of the Rule of Law in Post-Conflict Peacekeeping,' in: Hugh Smith (ed.), *International Peacekeeping: Building on the Cambodian Experience* (Canberra 1994) 71.
116 Espen Barth Edie, 'The Internal Security Challenge in Kosovo' (NUPI, Paper prepared for the UNA-USA/IAI Conference on 'Kosovo's Final Status', Rome 12-14 December 1999) 1.
117 CAD, 1 (NL) Contco I&II, Werkarchief, box 2, Vraagpunten en regelingen Op Joint Guarantor, 7 July 1999.
118 On 12 Aug 1999, Kofi Annan reported to the assembled G-8 ambassadors that close to 600 CIVPOL were in Kosovo and 200 were deployed each week. The International Crisis Group placed the number of those police officers deployment in late 1999 at somewhere between 80-100 per week. ICG, 'Starting from Scratch in Kosovo,' 4. NATO estimates in July were also far too optimistic: 'Deployment of all the civil administration staff will take 2 months with the civil police element estimated at 10 weeks.' CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 5, Vraagpunten en regelingen Op Joint Guarantor, 12 August 1999.
119 ICG, 'Starting from Scratch in Kosovo,' 4; Andrew Roche, 'Law and Order is Kosovo's Achilles Heel,' *Reuters* (27 December 1999).
120 Reinhardt described the American UNMIK Police, who 'praised the good cooperation with KFOR troops,' as a 'very robust, experienced cop from New York, who was determined to arrest and detain the criminals.' Reinhardt, *KFOR*, 271.
121 OSCE/UNMIK, *Municipal Profile: Orahovac/Rahovec* (1 April 2000); CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 5.2 Daily Sitrep 8 Sep 1999. Taks Force Orahovac reported that support to UNMIKPOL deployment was a top priority; Ibid., box 3, folder 'Sectie 2/3,' UNMIK rapportage Rahovec 52, 10 November 1999.
122 CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 7, Van Loon to Van den Aker (DCOM MNB South), 1 September 1999.
123 Carlotta Gall, 'German General's Kosovo Peacekeepers Are Fighting Crime,' *New York Times*, 21 December 1999.
124 Gregory Piatt, 'Law and order duties shifting away from US troops in Kosovo,' *Stars and Stripes European Edition*, November 27, 2000.
125 United Nations Document. S/2000/538, 6 June 2000, paras. 28 and 31; ICG, 'Kosovo Report Card,' 4. As in Bosnia, NATO also deployed the MSU which, like in Bosnia, the paramilitary unit had its successes and failures. The Royal Ulster Constabulary in cooperation with British troops proved most usefull, showing that a competent military force in close coop with police was the best solution to bridging the public security gap as long as there was mutual trust and information sharing. See: Annika S. Hansen, *From Congo to Kosovo: Civilian Police in Peace Operations* (IISS Adelphi Paper 343, 2002) 73.
126 Tim Ripley, 'KFOR Lightens Up,' *Jane's Defence Weekly* (9 May 2001) 26.
127 Jakobsen, 'The Role of Military Forces in Managing Public Security Challenges,' 9.
128 Steve Bennet, the official in charge of recruiting and training polce in Kosovo for the International Criminal Investigation Training Assistance Program (ICITAP), quoted in Andrew F. Tully, 'Kosova and Bosnia: A Tale of Two Police Forces,' *RFE/RL Balkan Report*, Vol. 5, No. 64 (11 September 2001); See also ICG, 'Kosovo Report Card,' 4.

129 Personal observations by author in Kosovo (September 2002).
130 Hansen, *From Congo to Kosovo*, 93.
131 Ibid.
132 Tully, 'Kosova and Bosnia: A Tale of Two Police Forces.'

Chapter 11

1 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie Archief, box 3, Dennis McNamara (Deputy SRSG for Humanitarian Affairs), Subject: 'Integrated Strategy for Minority Groups in Orahovac,' 20 September 1999.
2 'Russian, Albanians meet to end standoff,' *AP/USA Today*, 24 August 1999.
3 Frank van Vliet, 'Albanezen in Orahovac Weerstaan Druk Westen,' *De Telegraaf*, 28 August 1999.
4 Interview with Colonel Anton van Loon (second interview, The Hague, 13 February 2003).
5 R. Abels, M. Pelt and P. Jacobs, *Licht Boven Orahovac: 1 (NL) Arty Bn RA KFOR I, Kosovo 1999* (Wezep 2000) 96.
6 M.P. Peters, 'Gele Rijders of Russische Para's? Orahovac en de Blokkade Tegen de Russen,' *Militaire Spectator*, Vol. 170, No. 3 (2001) 117. See also the official KFOR evaluation of the Dutch Ministry of Defence. Ministerie van Defensie, *Evaluatie KFOR 1999* (The Hague, June 2000).
7 According to Agim Hasku, president of the 'Coordinating Council of the Protests,' Javier Solana advised him during a visit to Orahovac in early September to stress the council's independence by changing the name of the organization to 'Organizational Council of the Protests.' The Spaniard impressed Hasku as supportive of his cause. The former mayor even recalled the secretary general telling him 'you are on the right course, go on this way,' when they were alone in a room. It is not quite clear how his lack of knowledge of English allowed him to understand Solana. Interview with Agim Hasku (Rahovec/Orahovac, 10 September 2002); Interview with Ismet Tara, commander 124th Brigade UÇK in 1999 (Rahovec/Orahovac, 12 September 2002).
8 CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 2, Pim Kraan aan MinBZ, DCH/HH Verkenningsmissie Kosovo, Sitrep nr. 2, 11 July 1999.
9 Ibid., Vraagpunten en regelingen Op Joint Guarantor, 7 July 1999 (PV NAVO).
10 Jackson's priorities are mentioned in: CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 5, Daily Sitrep, 24 Nov 1999.
11 CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 7, Permanente Militaire Vertegenwoordiging bij het NAVO Militair Comité aan CDS, Onderwerp: Kort verlag van werkbezoek van PV en PMV NAVO aan Bosnië en Kosovo, 31 August 1999; Peters that NATO hoped the whole issue would wither away in time. See: Peters, 'Gele Rijders of Russische Para's?,' 128.
12 Karel Bagijn, 'Russen Blijven Weg uit Orahovac,' *Algemeen Dagblad* (10 March 2000); Peters, 'Gele Rijders of Russische Para's?,' 135.
13 OSCE & UNHCR, 'Has the War in Kosovo Actually Ended? Update on the Situation of Ethnic Minorities in Kosovo' (February-May 2000).
14 A UNHCR spokesperson was the source for this much-quoted figure in the world media. See: 'Kosovo Nu Bijna 'Gezuiverd',' *Algemeen Dagblad*, 25 August 1999.
15 The UNHCR first redressed the figure to 70,000. Later it was confirmed that approximately 100,000 Serbs remained in Kosovo. ICG, 'Kosovo Report Card,' 16; See also: ICG, 'Violence in Kosovo: Who's Killing Whom?,' *ICG Balkans Report* No. 78 (November 1999).
16 On 29 August 1999, *Reuters* reported that Bernard Kouchner had said: 'The rate of criminality is down – look at where we are and where we were just two months ago.' KFOR figures on murder rates from June to November listed 145 Albanian, 135 Serb and 99

'other' murder victims. Serb representatives in Kosovo claimed the figure for Serbs was around 400, but it was unclear how it gathered its data. For unsubstantiated Serb claims see ICG, 'Violence in Kosovo,' 1n2.

16 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 5.2, Daily Sitrep, 10 September 1999; Ibid., Daily Sitrep, 12 September 1999. This image of selective shortages, but a sufficient food supply, is confirmed by Astrid van Genderen-Stort, the local UNHCR field officer during 1999-2000 in correspondence with author (Letter received 3 August 2004).

17. CAD, I (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 5.2, Daily Sitrep, 10 September 1999; Ibid., Daily Sitrep, 12 September 1999. This image of selective shortages, but a sufficient food supply, is confirmed by Astrid van Genderen-Stort, the local UNHCR field officer during 1999-2000 in correspondence with author (letter received 3 August 2004).

18 Information provided by Jackson in briefing to North Atlantic Council on 7 July 1999. CAD, 1 (NL) Contco KFOR I&II, Werkarchief, box 2, Vraagpunten en regelingen Op Joint Guarantor, 7 July 1999 (PV NAVO).

19 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 4.1 Daily Sitrep, 2 July 1999; See also: Abels, *Licht Boven Orahovac*, 44, 95.

20 Correspondence between author and Van Gendereren-Stort (Letter received 3 August 2004); CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, box 3, Folder S-2/S-3, Memorandum DSRSG HA Dennis McNamara, 20 September 1999.

21 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).

22 Ibid.

23 Ibid.

24 Conversation between Dobrila Vitosevic and Ljubisa Velikic and author in Serb quarter Orahovac (13 September 2002).

25 Official Serbian Government of the Serbian Website, Memorandum of the government of the FRY on the U.N. Security Council Resolution 1244, Part 3 (5 November 1999; *http://www.serbia-info.com/news/1999-11/05/15431.html*; As of 27 September 2001 the Serbian Government website changed to *http://www.serbia.sr.gov.yu*) .

26 Hans-Jaap Melissen, 'Retourtje Kosovo,' *Wereldomroep*, 1 October 1999 (Available online at *http://www.rnw.nl/achtergronden/archief/blk/html/kosovo991001.html*).

27 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 4.1 Daily Sitrep, 28 June 1999. See also Van Loon quoted in *Trouw* (13 november 1999). Also Reinhardt spoke of about the Serbs in Orahovac as living 'like in a Ghetto' an referred to this process of 'Gettoisierung.' Reinhardt, *KFOR*, 271-272; For the comparisons to the 'Warsaw Ghetto' see: Jarad Israel, 'The Women of Orahovac Answer the Colonel' (23 November 1999; Available online at *http://www.emperors-clothes.com/interviews/trouw.htm*).

28 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).

29 Mike Jackson, 'KFOR: The Inside Story,' *RUSI Journal,* Vol. 145, No. 1 (February 2000).

30 Van Genderen's unenviable position was mentioned in: Chris Brid, 'No Sanctuary in Town Ruled by Hate,' *Guardian*, 28 October 1999. After four suspects were removed from one of her convoys and arrested by KFOR, she received death threats from the Serb quarter. Correspondence between author and Van Gendereren (Letter received 3 August 2004).

31 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, 4.2 Daily Sitrep, 29 July 1999.

32 Adam Roberts, 'The So-called 'Right' of Humanitarian Intervention.,' *Yearbook of International Humanitarian Law* (Summer 2001).

33 John Kifner, 'Mourners: After Scotland Yard Inquiry, a Kosova Village Buries 64: Serbs Had Killed 7 Children Under 12,' *New York Times* (6 July 1999). See also chapter 9 on Orahovac in 1998 and 1999 in: Human Rights Watch Report, 'Under Orders: War Crimes in Kosovo' (26 October 2001).

34 This explanation was given in all interviews by author with Dutch KFOR personnel and confirmed in correspondence between the author and Astrid van Gendereren (Letter received 3 August 2004).
35 Part of letter reproduced in Abels, *Licht Boven Orahovac*, 23, 29. On June 15 of every year since 1999, the day they witnessed their first mass grave, Van Loon invites the officers from his artillery battalion to gather at his family's farm in the south of the Netherlands.
36 John Kifner, 'Mourners: After Scotland Yard Inquiry, a Kosova Village Buries 64; Serbs Had Killed 7 Children Under 12,' *New York Times*, 6 July 1999.
37 Human Rights Watch, 'Under Orders: War Crimes in Kosovo' (Chapter 9).
38 UNSCR 1244 demanded 'full cooperation by all concerned, including the intenational security presence, with the International Tribunal for the Former Yugolsavia.'
39 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie Archief, box 7, folder: HQ, John T. Ralston (Chief of Investigations ICTY, Office of the Prosecutor) to General Mike Jackson.
40 Lecture by Colonel Anton van Loon at the Royal Military Academy at which the author was present.
41 Late June and early July Task Force Orahovac repeatedly reported to the German brigade commander and via the contingent commander to his own Ministry of Defense that his intelligence section and MPs were gathering substantial evindence on war crimes, on suspected perpetrators still residing in the area and on the fact that his unit was processing this information in a substantial intelligence database. The contingent commander also informed the Ministry of his intention to block them from leaving the province and reported that the Task Force's 'efforts are aimed at arresting suspects when possible.' CAD, 1 (NL) Contco I&II, Structurele Rapportages, box 1, Concto Situation Report no. 99/187, 21 juni 1999; CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, 4.1 Daily Sitrep, 5 July 1999; 'Omsingeld door Albanezen: Nederlanders Pakken Oorlogsmisdadigers Op,' *Haagse Courant*, 2 July 1999.
42 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 4.1 Daily Sitrep, 10 July 1999. Sitrep reported that the 124st Brigade UÇK handed over the MUP-archive to KFOR. See also: Abels, *Licht Boven Orahovac*, 33.
43 Interview with Van Loon in: Abe de Vries, 'De Albanezen halen ook weer het Servisch Vuil Op,' *Trouw*, 11 November 1999. The number of two thousand names in the intelligence database was mentioned by Major Roy Abels in an interview with the author ('t Harde, 3 September 2002).
44 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie Archief, Box 3, Folder: Section 2/3, UNMIK report Rahovac no. 48 (4 November 1999).
45 Pleuni Bos, 'Zonder Gerechtigheid Geen Vrede: Een Persoonlijk Impressie van de Samenwerking Tussen het ICTY en KFOR,' *Militaire Spectator*, Vol. 169 (December 2000) 694; CAD, 1 (NL) Arty Bn KFOR I, Correspondentie Archief, box 7, John H. Ralston (Chief of Investigations ICTY Office of the Prosecutor) to General Jackson (4 October 1999). Ralston said that the 'additional intelligence and investigative information to augment our on-site investigations [...] have set a very high standard for other support teams to meet.'
46 The other primary contributing factor to the radicalization of the Albanians was the continued imprisonment of an estimated 3,000 to 7,000 being held in Serbian prisons. ICG, 'Violence in Kosovo,' 4.
47 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 4.2 Daily Sitrep, 30 July 1999; Ibid., Daily Sitrep, 29 July 1999.
48 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).
49 Correspondence with Colonel Peter van den Aker, 4 April 2005.
50 German Minister of Defense Rudolf Scharping pointed at Kouchner as the initiator of the arrests in Orahovac in August. 'KFOR Houdt Servische Verdachten aan,' *NRC Handelsblad*, 21 August 1999.

51 This section of the Rules of Engagement for KFOR was directly taken from the SFOR Rules of Engagement.
52 R. Jeffrey Smith, 'Serbian Atrocity Suspect Arrested,' *Washington Post Foreign Service* (25 June 1999) A24.
53 Interview with Major Roy Abels ('t Harde, 3 September 2002).
54 The sudden increase in ICTY forensic teams in the area from two to four was another indicator that the Albanian population and the UÇK were not alone in their fear that evidence could go lost once the Russians took over. Interview with Colonel Anton van Loon (The Hague, 13 February 2003).
55 For a description of life in Velika Hoca in March 1999 see Carlotta Gall, 'In Kosovo's Furtive War, a Serb Just Disappears,' *New York Times*, 4 March 1999.
56 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, box 1, Van Loon to Legal Advisor KFOR (attn Ltc Buellesbach), C-MNB(S), C-Contco (3 November 1999), Subject: Policy Towards suspected (war) criminals in Orahovac. This source mentions the sixteen persons targeted for arrest in July. Additional sources from July and August 1999 referring to the sixteen persons in Orahovac and Velika Hoca listed by KFOR headquarters for arrest are all classified.
57 Interview with Colonel Anton van Loon (The Hague, 13 February 2003). On the difficulties involved in such actions and the different opions of top NATO generals on military involvement in arrests see: Edith B. Wilkie, Beth C. DeGrasse and Richard W. Roan, *A Force for Peace and Security: US and Allied Commander's Views of the Military Role in Peace Operations and the Impact on Terrorism of States in Conflict* (Report, Peace Through Law Education Fund 2002) 47-52; Rheinhardt, who was eager to arrest suspects, was made aware of the complexities involved in such arrest operations when he visited Orahovac in December 1999. See: Reinhardt, *KFOR*, 271.
58 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).
59 Ibid. Although Van Loon refused to mention in an interview which of NATO's Special Forces from what member state performed the arrest, he did mention that it was the commander of this unit who made the final selection. Other sources indicate that the primary role in the arrests was played by the German KSK (see following note).
60 Major Roy Abels mentioned the role played by the KSK in the arrests. Interview with Major Roy Abels ('t Harde, 3 September 2002). On 24 September 2001, the German magazine *Der Spiegel* ran an article on the German KSK and mentioned its role in the arrests on 20 August in Orahovac in collaboration with Dutch soldiers.
61 There are some indications of particaption of the Dutch Korps Commando Troepen (KCT) in the arrests, but no reliable sources that confirm this. In an analysis of the German KSK, Alexander Richter writes that on 20 August, the KSK 'together with Dutch Special Forces' arrested three war crimes suspects in Kosovo. Alexander Richter, 'Stichwort: Kommando Spezialkräfte,' Berlin Information Centre for Transatlantic Security (BITS, 15 January 2002; Available online at *http://www.bits.de/public/stichwort/spezialk.htm*). Arben Jaha, an Albanian translator for Task Force Orahovac present at the scene, was convinced that Dutch Special Forces performed the arrest. This however, would have been explicidly against orders from the Dutch Ministry of Defense. When confronted with Jaha's interpretation of events, Van Loon answered: 'Arben can say whatever he likes.' Interview with Arben Jaha (Rahovec/Orahovac 14 September 2002).
62 UNMIK/KFOR Press statement, 23 August 1999.
63 Interview with Ljubisa Velikic (Rahovec/Orahovac, 14 September 2002); Interview with Arben Jaha (Rahovec/Orahovac, 14 September 2002).
64 Interview with Ljubisa Velikic (Rahovec/Orahovac, 14 September 2002); Michel Maas, 'Terugkerende Serviers Zijn Teken van Hoop,' *De Volkskrant*, 7 February 2000; Abe de Vries, 'Meneer, U hebt hier een proefstation van gemaakt,' *Trouw*, 4 December 1999.

65 Statement by ICTY prosecutor Carla Del Ponte (29 September 1999). Cited in: Human Rights Watch, *Under Orders*.
66 UNMIK Press Release, 7 February 2002.
67 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, 5.1 Daily Sitrep, 22 August 1999; Intelligence Section TF Orahovac, *De Informant: Informatieblad voor TF Orahovac* (22 and 24 August 1999).
68 KFOR headquarters' instructions on law and order from 25 June 1999 further stated that 'all persons suspected of involvement in the commission of war crimes should be arrested.' See chapter 10.
69 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, box 1, Van Loon to Legal Advisor KFOR (attn Ltc Buellesbach), C-MNB(S), C-Contco (NL), 3 November 1999, Subject: Policy Towards suspected (war) criminals in Orahovac; CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, box 7 (Diversen), Map: Contco KFOR, no. 9048. Commander 1 (NL) Arty Bn RA to C-Contco, 27 September 1999.
70 International Crisis Group, 'Finding the Balance: The Scales of Justice in Kosovo,' *Balkans Report No. 134* (12 September 2002) 20; 'Del Ponte Maakt Vooral Jacht op Grote Criminelen,' *De Volkskrant*, 30 September 1999. How the failure to prosecute war crimes in Republika Srpska (Bosnia) affected refugee return and the peace process as a whole, is described in: ICG, 'War Criminals in Bosnia's Republika Srpska,' *Balkans Report No. 103* (2 November 2000).
71 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, Daily Sitrep, 8 September 1999.
72 Ibid., box 3, Daily Sitrep, 25 September 1999; Ibid., Daily Sitrep, 26 September 1999.
73 Nieuwbericht Ministerie van Defensie, 'Arrestatie oorlogsmisdadigers' (24 September 1999): 'The arrest was performed by UN civilian police officers together with German Feldjäger and Dutch KFOR troops.' However, according to the a daily situation report from the Task Force 'UNMIKPOL was informed, but did not participate in the arrest.' The investigations into these cases were conducted by Dutch military police in collaboration with UNMIK police, but thus far UNMIK police had no formal jurisdiction. CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 3, Daily Sitrep, 24 September 1999.
74 Vitoshevic was suspected of participating in the mass murders at Brestovac and Velika Krusa. CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 3, Daily Sitrep, 8 October 1999; Nieuwsbericht Ministerie van Defensie, 'Verdachte van Oorlogsmisdaden in Kosovo Aangehouden,' 7 October 1999.
75 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 4 Daily Sitrep, 23 October 1999; Ibid., Daily Sitrep, 24 October 1999. This sitrep reported: 'No extra tension noticed after yesterday's arrest of 2 Serbs.'
76 Minister van Defensie, Minister van Buitenlandse Zaken, Minister van Ontwikkelingssamenwerking, Brief aan de Tweede Kamer, 18 June 1999: 'Nederland streeft naar een zo breed mogelijk invulling van mandaat voor KFOR ter ondersteuning van de inspanningen van het ICTY.'
77 The Dutch media failed to describe in any length the actions by its troops and did not raise any questions over the arrests of war crimes suspects. Also no serious questions were raised in the press or parliament over the implications of Dutch soldiers' community-policing role in Kosovo.
78 The total of 40 arrests until August 2000 is mentioned in: Human Rights Watch, 'Under Orders' (2001); See also UNMIK-KFOR, Press Briefing (4 August 2000); 'KFOR Pakt Vier Serviers op na Vondst Massagraf,' *NRC Handelsblad*, 29 September 1999.
79 See for instance: 'KFOR arrests Serbs at the smallest Albanian sign,' *Politika* (6 October 1999); Milan Laketic, 'KFOR Arrests Serbs on Basis of Anonymous Reports,' *Politica*, (12 November 1999; articles available online at *http://www.kosovo.com/sk/news/kfn91006.html*).

In these Serb newspapers only German soldiers are mentioned performing the arrest and no reference is made to Dutch troops.

80 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, box 7 (Diversen), Folder: Contco KFOR, no. 9048. COM 1 (NL) Arty Bn RA to C-Contco, 27 September 1999.

81 Ibid., box 7, folder: DCBC, Ministerie van Defensie, Defensiestaf, Aanwijzing CDS, Betreft: Aanhouden verdachten van oorlogsmisdaden in Kosovo, 6 October 1999.

82 Ibid., box 1, Van Loon to Legal Advisor MNB-S (attn Ltc Buellesbach). In this document, Van Loon anwered questions from KFOR Legal Advisor (email 29 October 1999) passed to him by the German brigade's legal advisor concering UNHCR complains that KFOR's screening of Serbs leaving Orahovac limited their freedom of movement and that 'they could regard it as de facto detention.'

83 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie Archief, box 3, 9023, DSRSG for Humanitarian Affairs Dennis McNamara: 'Integrated Strategy for Minority Groups in Orahovac' (20 September 1999). An additional reason given by McNamara for the need to gradually evacuate instead of moving people on a massive scale at once, was to allow them to make an informed decision after careful counseling.

84 The UNHCR also raised the question whether the Task Force's investigations were based on reliable sources. Van Loon argued that a suspect would only be arrested after serious investigations, which included at least two matching witness accounts supported by other physical evidence. He went to great lengths to emphasize that KFOR did not work with the so-called 'UÇK-list' of 64 alleged war criminals, which Belgrade and local Serbs claimed he was using as a basis for arrest. He had received this list, but only claimed to use it to know who the UÇK was potentially targetting. CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, box 1, Van Loon to Legal Advisor KFOR (attn Ltc Buellesbach), C-MNB(S), CONTCO-NL (3 November 1999), Subject: Policy Towards suspected (war) criminals in Orahovac.

85 Ibid., C-MNB(S)/BG Sauer to COMKFOR, KFOR HQ, 3 November 1999; Ibid., Van Loon to Legal Advisor KFOR (attn Ltc Buellesbach), C-MNB(S), CONTCO-NL, 3 November 1999, Subject: Policy Towards suspected (war) criminals in Orahovac.

86 Reinhardt quoted in: Edith B. Wilkie, Beth C. DeGrasse and Richard W. Roan, *A Force for Peace and Security: US and Allied Commander's Views of the Military Role in Peace Operations and the Impact on Terrorism of States in Conflict* (Report, Peace Through Law Education Fund 2002) 48. See also: Klaus Reinhardt, *KFOR: Streitkräfte für den Frieden: Tagebuckaufzeichnungen als Deutcher Kommandeur im Kosovo* (Frankfurt am Main 2002) 271.

87 Referring to operations in Bosnia and Kosovo, Jackson added: 'Let's face it, we've been doing it with the military for some while now.' Jackson quoted in: Wilkie, Grasse and Roan, *A Force for Peace and Security*, 49.

88 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, doos 1, Preamble between UNMIK and MNB(S): 'As of 27.10.1999, 1800 hours UNMIK-Police in addition to KFOR will take over resp[onsibility] for upholding and maintaining civil law and order in the AOR of MNB(S) as follows: 1. Police Primacy/Investigative Authority. Includes the control of enforcing criminal codes, conducting investigation, making arrest for criminal offences and community interface. It is understood that KFOR's rights in criminal measures are not limited by this provision. [...].'

89 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, box 1, no. 11143, Contco aan C-11 AFDRA (Fax). Onderwerp: Russische CP en Oorlogsmisdadigers (12 November 1999). This directive also announced the impending alteration of the Dutch translation of Directive No. 8.

90 Ibid., no. 11150, C-Contco aan C-11 AFDRA: Onderwerp: oorlogsmisdadigers (13 November 1999); Ibid., doc. 11156, Deputy commander and SNO (NL) Kol P.K. Smit aan C-Contco.

91 These motives were stated several days later in: Ibid., box 7, Ministerie van Defensie (Defensiestaf), Aanwijzing CDS No. A-19 (18 November 1999).
92 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).
93 CAD, 1 (NL) Contco I&II, Werkarchief, box 1, Vraagpunten en regelingen Op Joint Guarantor, 21 June 1999 (PV NAVO). Considering the Dutch national obstructions to their own troops' proactive role in arrests in Kosovo, it may come as a surprise that the Dutch representative to NATO was among those propagating a more assertive role. The Dutch Foreign Minister Jozias van Aartsen and his colleague Defense Minister Frank de Grave propagated arrests as long as its KFOR headquarters ordered them after official indictments and request by ICTY or, in the case of Kosovo, local UN courts. It would then only agree if the Dutch chief of the defense staff had reviewed and agreed to proceed – a policy and procedure similar to that in Bosnia. For this purpose it even kept open the possibility of using its own Special Forces.
94 KFOR Rules of Engagement (L31).
95 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie-archief, box 1, no. 11194, DCBC Sitrep, 18 November 1999. ('Bijstand oppakken personen door UNMIK hoort nu ook bij takenpakket KFOR').
96 Ibid., box 7, Ministerie van Defensie (Defensiestaf), Aanwijzing CDS No. A-19 (18 November 1999).
97 Ibid., Maj. Mr J.C. Groenheijde to NL-SNR MNB(S), C-1(NL) Afdra/C-1(NL)Gnhulpbat, Betreft: Aanhouden verdachten (11 November 1999).
98 'KFOR Pakt Servier op,' *NRC Handelsblad*, 29 December 1999; Reuters, 'International Police Arrest Serb in Kosovo Enclave,' 28 December 1999.
99 Michel Maas, 'Terugkerende Serviers Zijn Teken van Hoop,' *De Volkskrant*, 7 February 2000; UNMIK-KFOR Press Briefing, 2 February 2000.
100 The number of indictees is that of police statistics reported in the press. See: Human Rights Watch, 'Under Orders,' 2001
101 Only in February 2003, KFOR arrested the first three former UÇK member that had been formally indicted by the ICTY for war crimes committed against both Serb and Albanian civilians. 'Drie Albanezen naar VN-Tribunaal in Den Haag,' *NRC Handelsblad*, 28 February 2003; *NRC Handelsblad*, 17 July 2003; early 2002 KFOR had arrested three former UÇK members, but these were charged with crimes committed against 'collaborating' Albanians during the 1998-1999 war.
102 ICG,'Finding the Balance: The Scales of Justice in Kosovo,' 20. See also: OSCE Mission in Kosovo, 'Kosovo's War Crimes Trials: A Review' (September 2001).
103 On 2 November 2001 the initial conviction of Kolasinac was reversed, but after an appeal by the prosecutor he was convicted to eight years imprisonment. *NRC Handelsblad*, 4 February 2003.
104 OSCE, 'Kosovo's War Crimes Trials: A Review' (September 2001).

Chapter 12

1 Chris Hedges, 'Kosovo's Next Masters,' *Foreign Affairs* (May/June 1999); See also: Dana Priest and Bradley Graham, 'NATO Faces Daunting Task of Governing Kosovo,' *Washington Post* (10 June 1999) A1.
2 Alexandros Yannis, *Kosovo Under International Administration: An Unfinished Conflict* (Athens 2001) 71.
3 Alan Ryan, *Primary Responsibilities and Primary Risks: Australian Defence Force Participation in the International Force East Timor*, Land Warfare Studies Centre Study Paper No. 304 (November 2000).
4 Yannis, *Kosovo*, 18n11.

5 Alexandros Yannis, 'Kosovo Under International Administration,' *Survival*, Vol., 43, No. 2 (2001) 36.
6 Dana Priest and Bradley Graham, 'NATO Faced Daunting Task of Governing Kosovo,' *Washington Post* (June 10, 1999) A1.
7 Sergio Vieira de Mello, 'How Not to Run a Country: Lessons for the UN from Kosovo and East Timor' (UNITAR-IPS-JIIA Conference to Assess the Report on UN Peace Operations, Singapore, February 2001).
8 The number of thirty UNMIK officials mentioned in a lecture by Bernard Kouchner about his time as UN special representative of the secretary general (Harvard University, 16 May 2001; notes taken by author). Other figures from: UN Doc. S/2000/538, 6 June 2000, par. 31; Koenraad van Brabant, 'Peace-Making Through Protectorate: Six Months in Kosovo' (29 November 1999) 32.
9 International Crisis Group, '*Waiting for UNMIK – Local Administration in Kosovo,' Balkans Report No. 79* (17 October 1999) 10.
10 KFOR G-5 Branch, 'KFOR CIMIC Handbook' (September 1999). The military end state was defined as the point when UNMIK able to operate without KFOR support.
11 Van Brabant, 'Peace-Making Through Protectorate,' 52.
12 International Crisis Group, 'Starting from Scratch in Kosovo: The Honeymoon is Over,' *Balkans Report No. 83* (13 December 1999) 11.
13 UNSCR 1244. Paragraph 10.
14 Report of the Secretary-General Pursuant to Paragraph 10 of Security Council Resolution 1244 (1999), S/1999/672 (12 June 1999) 10-11. UNMIK's Office for Judicial Affairs would be 'responsible for the organisation and oversight of the judicial system, authenticating legal documentation and related activities.'
15 ICG, '*Waiting for UNMIK,*' 4.
16 Publicly, policymaker adhered to the line that the UN would assume all civil administrative authority. '[US] Defense officials have ruled out establishing a military government in Kosovo. Instead, civil authority is to rest initially with an international group of professional administrators.' Bradley Graham and Dana Priest, 'Troops Are Ready to Enter Kosovo,' *Washington Post* (4 June 1999) A29.
17 As cited in: Richard Norton-Taylor and Stuart Miller, 'Mines stand in the way of allied troops: Peacekeeping Ground forces prepare for the biggest military operation in Europe since 1945, *Guardian* (5 June 1999); Bradley Graham and Dana Priest, 'Troops Are Ready to Enter Kosovo,' *Washington Post* (4 June 1999) A29. Ten days prior to entry, the American chairman of the Senate Armed Services Committee, Senator John W. Warner, had said, '[m]ilitary men are going to be challenged to perform tasks unlike any they have ever faced before.'
18 Dana Priest and Bradley Graham, 'NATO Faces Daunting Task of Governing Kosovo,' *Washington Post* (June 10, 1999) A1.
19 US Congress, Hearing of the Senate Committee on Armed Services, Subject: 'US Policy and NATO Military Operations in Kosovo,' Introduction to question by Chairman of the Senate Armed Services Committee Senator John W. Warner, 1 July 1999.
20 Ibid., Statement of William Cohen, Secretary of Defense, 20 July 1999.
21 Interview with Colonel Anton van Loon (The Hague, 29 January 2003).
22 Ibid. (The Hague, 13 February 2003).
23 Ibid.
24 Ibid.; Interview with Captain (rtd.) Wim Speth, CIMIC officer for Task Force Orahovac in 1999 ('t Harde, 28 November 2002).
25 Interview with Agim Hasku (Orahovac, 11 September 2002).
26 International Crisis Group, 'Policing the Gap: Law and Order in the New Kosovo' *Balkans Report*, (6 August 1999) 6.

27 Based on interview with Colonel Anton van Loon (The Hague, 13 February 2003). However, Qeska would eventually align himself with the PPDK, the political wing of the UÇK (later PDK). See: OSCE/UNMIK, Municipal Profile: Orahovac/Rahovec (1 April 2000).
28 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).
29 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, 4.1 Daily Sitrep, 30 June 1999. The council had conferred with UNMIK chief De Mello, who was in Orahovac that day for talks with both entities, thus giving the council some legitimacy.
30 ICG, 'Waiting for UNMIK,' 2.
31 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 4.2, Daily Sitrep, 16 July 1999.
32 The Independent International Commission on Kosovo, *Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford 2000) 104.
33 ICG, 'Waiting for UNMIK,' 4.
34 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, folder 4.2 Daily Sitrep, 20 July 1999; Ibid., Daily Sitrep, 22 July 1999.
35 Interview with Colonel Anton van Loon (The Hague, 13 February 2003). According to Van Loon, Queska may even have feared for his life.
36 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, 5.1 Daily Sitrep, 3 August 1999: 'UNMIK has failed to mention whether they want to continue talks with Mr. Thaqi.' On another occasion an UNMIK representative told a Dutch diplomat from the Dutch Embassy in Skopje that the UN would locally not counter self-styled local administrations, 'but when they monopolize and exclude others, the UN will intervene.' CAD, Contco KFOR I&II, Werkarchief, box 2. Pim Kraan, DCH/HH, Sitrep no 1. Verkenningsmissie in Kosovo (6 July 1999).
37 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, 5.1 Daily Sitrep, 6 August 1999, The commander's assessment was: 'Positive developments concerning the start of a dialogue between Serbs (and Roma) and Albanians. The UÇK mayor has left the town hall again and is now replaced by previous mayor [Quazim Quesku] who has a large percentage of Albanians support and even Serbs.'
38 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).
39 ICG, 'Waiting for UNMIK,' 3.
40 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).
41 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, 5.1 Daily Sitrep, 7 August 1999.
42 Interview with Qazim Qeska (Orahovac, September 2002). When visiting Orahovac the author noticed how people were generally avoiding having to answer questions about the initial struggle for administrative power in the second half of 1999.
43 Qeska appears to have been co-opted by the PPDK/Provisional Government. In 2000 he appeared on their PPDK (later PDK) list in the OSCE Municipal Report for Orahovac. Lacking popular support in Orahovac, Thaqi appears to have fallen from grace. He later joined the more radical Albanian party LKCK. See: OSCE/UNMIK, Municipal Profile: Orahovac/Rahovec (1 April 2000).
44 ICG, 'Waiting for UNMIK,' 11.
45 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, 5.1 Daily Sitrep, 7 August 1999.
46 OSCE/UNMIK, Municipal Profile Suharekë/Suva Reka (April 2000).
47 Ron Synovitz (RFE/RL), 'Yugoslavia: Lawlessness Persists In Kosovo As Refugees Return' (Urosevac, 25 June 1999).
48 Petra de Koning, 'UÇK-bestuur: we zijn geen stamhoofden,' *NRC Handelsblad*, 17 September 1999.
49 OSCE Report, *Kosovo/Kosova, As Seen, As Told, Part II: Regional Overviews of the Human Rights Situation in Kosovo* (June to October 1999).

50 OSCE/Council of Europe report 'Filling the Local Power Vacuum in Kosovo, Final Report from Joint Expert Mission 26 July – 6 August 1999,' as referred to in: ICG, 'Waiting for UNMIK.'
51 Mario Vigl, 'Von Stunde Null keine Spur mehr,' *Hamburger Abendblatt*, 24 June 1999.
52 Ibid.
53 Lieutenant Colonel Ulrich Kilch (G-5, MNB South, July 1999-December 1999) Lecture at Allied Forces Northern Europe (Powerpoint presentation).
54 OSCE Report, *Kosovo/Kosova, As Seen, As Told, Part II Regional Overviews of the Human Rights Situation in Kosovo, June to October 1999*, 113.
55 ICG, 'Waiting for UNMIK,' n10.
56 Ibid., 2. In this influential report on the lack of progress by the international administration in Kosovo the *International Crisis Group* therefore advised to co-opt the mayors in the municipalities and leave most of the executive functions to them, while keeping the political leadership firmly in UN hands. The report denounced the allegation that the mayors were simply a bunch of thugs and criticized UNMIK for holding them and the Kosovar population on a leash, failing to bring in the resources to provide a viable alternative 'but always telling them to wait just a little longer.'
57 CAD, Contco I&II, Werkarchief, box 5 DCBC Vraagpunten and regelingen Op Joint Guarantor, 13 July 1999 (PV NAVO): CoS SACEUR Gen Dieter Stockmann (GE) to Director International Military Staff, Subject: Kosovo – Transfer of Responsibilities to Civil Agencies.
58 Lieutenant Colonel Ulrich Kilch (G-5, MNB South, July 1999-December 1999) Lecture at Allied Forces Northern Europe (Powerpoint presentation). In one of its situation reports the Dutch battalion mentioned the need for similar funds to pay local personnel in the hospital, the firemen and garbage collectors. There are no indications, however, that these were ever paid by the Dutch KFOR. CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, 4.1 Daily Sitrep, 30 June 1999.
59 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, 5.2 Daily Sitrep, 4 September 1999.
60 Ibid., Folder 4.2 Daily Sitrep, 20 July 1999.
61 Ibid., Folder 5.1 Daily Sitrep, 5 August 1999.
62 ICG, 'Waiting for UNMIK,' 3. The ICG report stated that 'UÇK leaders issued public proclamations deploring crimes carried out in their name, but do not appear to have taken any action against them.'
63 Ibid.
64 Interview with Colonel Anton van Loon (The Hague, 13 February 2003).
65 CAD, 1 (NL) Arty Bn KFOR I, Structurele rapportages, box 2, 5.1 Daily Sitrep, 14 August 1999.
66 Ibid, box 2, 4.2 Daily Sitrep, 1 August 1999.
67 Interview with Colonel Anton van Loon (The Hague 13 February 2003).
68 Ibid.
69 Lecture by General (retd.) Klaus Reinhardt, 'My Experiences in Kosovo,' Atlantische Commissie (The Hague, 4 October 2001; notes taken by author).

Chapter 13

1 Interview US Army Colonel (retd.) William Phillips (16 October 2003). Confirmed by Colonel Michael Hess in conversation with author. Hess had prepared various options for a CIMIC Task Force. SHAPE, CIMIC Planning Considerations for Options in Kosovo (Powerpoint presentation prepared by US Army Civil Affairs Col. Michael Hess, 1999; on file with author).

2 Jackson, *KFOR: The Inside Story*, 18.
3 Christopher Holshek wrote that even in 2001, 'CMO is not yet seen as a key operational determinant, rather than [sic] just another battlefield operating system.' Lieutenant Colonel Christopher Holshek, 'The Operational Art of Civil-Military Operations: Promoting Unity of Effort,' in: Larry Wentz, *Lessons From Kosovo* (US Department of Defence: The Command and Control Research Program 2002) 288.
4 Lieutenant Colonel Wally Z. Walters (US Army), *The Doctrinal Challenge of Winning the Peace Against Rogue States: How Lessons from Post-World War II Germany May Inform Operations Against Saddam Hussein's Iraq*, USAWC Strategic Research Project, Carlisle Barracks, PA (9 April 2002) 27.
5 All first four KFOR commanders cooperated smoothly with Kouchner. Yannis, *Kosovo: An Unfinished Conflict*, 22.
6 Interview with US Army Col (retd.) William Phillips, 16 October 2003.
7 Jackson, *KFOR: The Inside Story*, 18.
8 Lieutenant Colonel Mark Rollo-Walker, SHAPE, Chief CIMIC Section End of Tour Report (23 August 1999).
9 UNSCR 1244, par 6.
10 Klaus Reinhardt, *KFOR – Streitkräfte für den Frieden: Tagebuckaufzeichnungen als Deutcher Kommandeur im Kosovo* (Frankfurt am Main 2002) 51-52. See also the photo section.
11 CAD, 1 (NL) Contco KFOR I&II , Werkarchief, box 2, DCBC Vraagpunten en regelingen Op Joint Guarantor, 13 Juli 1999: CoS SACEUR Gen Dieter Stockmann (GE) to Director International Military Staff, Subject 'Kosovo – Transfer of Responsibilities to Civil Agencies' (12 July 1999).
12 Interview Lieutenant Colonel Bart Haverman (KFOR legal officer 1999), Breda, 10 April 2003.
13 Yannis, *Kosovo: An Unfinished Conflict*, 22.
14 Reinhardt, *KFOR*, 263; Yannis, *Kosovo: An Unfinished Conflict*, 21-23.
15 Guy-Michel Chauveau and Gian Giacomo Migone, 'Cimic and Police: Forging the 'missing links' in crisis management,' NATO Parliamentary Assembly, Committee Report Subcommittee on Civilian Security and Cooperation, 23 March 2000; Lieutenant Colonel Mark Rollo-Walker, SHAPE, Chief CIMIC Section End of Tour Report (23 August 1999).
16 According to US Secretary of Defense Cohen, designated CIMIC forces could only occupy themselves with matters such as road construction, the humanitarian crisis, refugee resettlement.
17 Chauveau and Migone, 'Cimic and Police: Forging the 'missing links' in crisis management.'
18 NATO Allied Joined Publication 9 (AJP-9). Officially de redefinition only occurred when NATO Military CIMIC Policy (MC 411) was approved by the North Atlantic Council in July 2001.
19 Lieutenant Colonel Ulrich Kilch (G-5, MNB South, July 1999-December 1999) MNB(S) KFOR CIMIC Lecture at Allied Forces Northern Europe (Powerpoint Presentation, on file with author).
20 Holshek, 'The Operational Art of Civil-Military Operations,' 300.
21 Kilch, KFOR MNB(S) CIMIC Lecture.
22 Ibid.
23 KFOR CIMIC Handbook, G-5 Branch EDN 2 (No date, probably released in September 1999).
24 The early draft of NATO AJP-09 made the following distinction. CIMIC activity: 'A military activity intended to support the achievement of a military mission by persuing an objective with the responsibility of a civilian authority, international or non-governmental organization, or civilian acitivity intended to support the achievement of a civil aim by assiting in the persuit of a military objective.' CIMIC operation: 'A military operation the

primary intention and effect of which is to support a civilian authority, population, international or non-governmental organization, the effect of which is to assist in the pursuit of a military objective.'

25 Only close scrutiny of a detailed matrix of possible civil-support tasks would have made CIMIC officers within the brigades aware that during the first months of operations in Kosovo, NATO CIMIC had now come to include the provision of military forces 'to preserve law and order,' 'operate detention facilities to support law and order' and 'conduct some Civil Administrative functions until UNMIK is fully staffed.' KFOR CIMIC Handbook, 1-2-2.

26 Holshek, 'The Operational Art of Civil-Military Operations,' 283.

27 KFOR CIMIC Handbook, 5-3-2.

28 Lieutenant Colonel Jesper Olsen, KFOR HQ CIMIC Lecture (Powerpoint presentation, on file with author). The French held their CIMIC meetings in the afternoon at four, when most humanitarian workers were likely to be out in the field doing their job.

29 From a conversation between author, a US Civil Affairs officer and an American NGO worker.

30 Holshek, 'The Operational Art of Civil-Military Operations,' 285.

31 Major J.H.J. Ouwerling, Cursus Verslag Civil Affairs Course 99/02. US Army John F. Kennedy Special Warfare Center and School (USAJFKSWCS), Fort Bragg, 1 Febuary 1999 - 12 March 1999. See also: Anthony D. Sinnot, 'United States Success in Peace Operations Requires Civil-Military Cooperation,' Article in syllabus distributed at the World Wide Civil Affairs Conference (New York 2001).

32 Holshek, 'The Operational Art of Civil-Military Operations,' 304.

33 Interviews with Novib employees Atnufa Tola and Rob van Bentum by S.M. Volters, 'CIMIC: 1+1=3. Civiel Militaire Samenwerking in Crisisgebieden.' KIM Scriptie (Den Helder 2000); Correspondence between author and Astrid van Genderen-Stort (Letter received 3 August 2004)

34 Larry Minear, Ted van Baarda and Marc Sommers, *NATO and Humanitarian Action in Kosovo* (Thomas J. Watson Institute for International Studies and the Humanitarian Law Consultancy Occasional Paper no 38, 2000) 31. Interviews conducted by the authors between August and September 1999. The 'standoffish' posture by the French is mentioned by Ivo Daalder as well as in Holshek, 'The Operational Art of Civil-Military Operations,' 286. Ivo Daalder in: 'A NewsHour With Jim Lehrer: Law & Order,' 5 July 1999.

35 Olsen, KFOR HQ CIMIC Lecture; Holshek, 'The Operational Art of Civil-Military Operations,' 305.

36 Kilch, MNB(S) CIMIC Lecture.

37 Minear, Van Baarda and Sommers, *NATO and Humanitarian Action in Kosovo*, 37.

38 Holshek, 'The Operational Art of Civil-Military Operations,' 287.

39 Quoted in: Minear, Van Baarda and Sommers, *NATO and Humanitarian Action in Kosovo*, 28.

40 The author of the report was quick to emphasize the 'honourable exception' provided by units such as the British, whose frequent foot patrols were reassuring to 'almost all inhabitants of Kosovo's capital.' ICG Balkans Report no. 83, *Starting from Scratch in Kosovo: The Honeymoon is Over* (13 December 1999) 2n2. See also: W. de Wolf, 'CIMIC From the Aid Organisations' Perspective,' in: M.T.I. Bollen, R.V.A. Janssens, H.F.M. Kirkels, J.L.M. Soeters (eds.), *Civil-Military Cooperation: A Marriage of Reason* (*NL Arms* 2002, Netherlands Review of Military Studies; Alblasserdam 2002) 71; Donna Winslow, 'Strange Bedfellows: NGOs and the Military in Humanitarian Crisis,' in: Ibid., 53.

41 Donna Winslow, 'Strange Bedfellows,' 63n1; Francis Kofi Abiew and Tom Keating, 'NGOs and UN Peacekeeping Operations: Strange Bedfellows,' *International Peacekeeping*, Vol. 6, No. 2 (Summer 1999) 89-111.

42 M. Bollen and R. Beeres, 'On the Conditions for CIMIC during Humanitarian Opera-

tions,' in: Bollen, Janssens, Kirkels, and Soeters (ed.), *Civil-Military Cooperation: A Marriage of Reason*, 29.

43 Minear, Van Baarda and Sommers, *NATO and Humanitarian Action in Kosovo*.

44 NATO forces became known for delivering on their promises. 'I have nothing but positive things to say about NATO,' observed one NGO country director about his experience in Macedonia. He said that after NATO built the camps overnight, NATO officials told NGO workers, in effect: 'You're in charge. We're here to help you. Tell us what to do and we'll do it.' Minear, Van Baarda and Sommers, *NATO and Humanitarian Action in Kosovo,* 22-23.

45 KFOR CIMIC Handbook 1-1-1.

46 Charles Moskos, *The Media and the Military in Peace and Humanitarian Operation* (Chicago 2000).

47 Donna Winslow, 'Strange Bedfellows,' 50.

48 Klaus Reinhardt, *KFOR – Streitkräfte für den Frieden: Tagebuckaufzeichnungen als Deutcher Kommandeur im Kosovo* (Frankfurt am Main 2002) 52.

49 Minear, Van Baarda and Sommers, *NATO and Humanitarian Action in Kosovo,* 29.

50 Donna Winslow, 'Strange Belfellows,' 61.

51 Kilch, MNB(S) CIMIC presentation.

52 Lieutenant Colonel Van Loon in lecture on his experiences in Kosovo during CIMIC course at the Royal Military Academy in Breda (November 2000).

53 CAD, 1 (NL) Contco KFOR I&II , Werkarchief, box 2, Maj Abels to G-3, G-1, G-4 OPS BLS (Urgent), Uitbreiding OTAS pers en mat; Ibid., box 7, C-Tasfkorce Orahovac to Kol van Dullemen, Otasverwijzing 11(NL) Adfra; Ibid., box 4, Dir OPS BLS (Kol Van Dullemen wnd) aan C-1 (NL) Arty Bn RA, 29 juli. Betreft: Otasverwijzing LSO-groepen.'

54 Since Van Loon had a good understanding with his colleague Colonel Koen Gijsbers, who was in command of the Dutch engineer battalion, the latter lent him one captain in October to perform additional liaison tasks. He had twenty-five personnel on designated CIMIC functions within his engineer battalions.

55 Correspondence between author and Astrid van Genderen-Stort (Letter received 4 August 2004).

56 The European Union, which had committed itself to the economic reform of Kosovo, was not represented in Orahovac and was the slowest of all UNMIK pillars to emerge all over Kosovo.

57 The battalion lauded the THW for their extremely professional and quick response to instanly erupting crises. They specialised in technical knowlegde and provided the necessary materials. Van Loon later wondered why the Netherlands did not have 'such a club.' He regarded this more useful than creating eleborate CIMIC structures with civilian specialists in uniform or reservist.

58 Correspondence between author and Astrid van Genderen-Stort (6 June 2003).

59 CAD, 1 (NL) Arty Bn KFOR I, Correspondentie Archief, box 2, Louis Gentile (Head of Office, UNHCR Djakovica) to Van Loon, 1 November 1999. Letter by Van Genderen-Stort reproduced in: Abels, *Licht boven Orahovac*, 48.

60 Yannis, *Kosovo: An Unfinished Conflict*, 35.

61 Reinhardt, *KFOR*, 56.

62 Jennifer Leaning during lecture on Kosovo 1999 at Harvard University (June 2001; notes taken by author); Knut G. Kniste, *Administrative Capacity Building in Kosovo*, 10.

63 Sergio Vieira de Mello, 'How Not to Run a Country: Lessonsfor the UN from Kosovo and East Timor' (UNITAR-IPS-JIIA Conference to Assess the Report on UN Peace Operations, Singapore, February 2001).

64 'Support Dwindles for Kosovo Rebels,' *Washington Post*, 17 October 1999.

65 UNA-USA, Peacekeeping at the Brink: Recommandations for Ugent International Action on Kosovo (A report of the Project on Finding Solution for Peace in Kosovo, Febuary 2000) 3.

66 Yannis, *Kosovo: An Unfinished Conflict*, 41.
67 Reinhardt, *KFOR,* 244-249.
68 Ibid., 251.
69 Ibid., 263.
70 OSCE/UNMIK, *Municipal Profile: Orahovac / Rahovec* (1 April 2000).
71 'Ein Verfassungsrahmen fur das Kosovo,' *Frankfurther Algemeiner Zeitung* (16 May 2001). While Daan Everts, the Dutch deputy SRSG in charge of the elections, told a local newspaper that 'those elections should hand over 70% of self-government,' according to his counterpart at civil administration, Tom Könings, the November 2001 elections were just 'a step towards self-government.' Cited in: Knut G. Kniste, *Administrative Capacity Building in Kosovo*, 10.
72 Lecture by Bernard Kouchner about his time as UN Special Representative of the Secretary General in Kosovo (Harvard University, 16 May 2001; notes taken by author). For examples of Kouchner's style of government, including his autonomous decision to introduce the deutsche mark, see: Michael Ignatieff, *Empire Lite*, 64.
73 Olsen, KFOR HQ CIMIC Lecture.
74 Edith B. Wilkie, Beth C. DeGrasse and Richard W. Roan, *A Force for Peace and Security: US and Allied Commander's Views of the Military Role in Peace Operations and the Impact on Terrorism of States in Conflict* (Report, Peace Through Law Education Fund 2002) 55.

Conclusion

1 William J. Doll and Steven Metz, 'The Army and Multinational Peace Operations: Problems and Solutions,' Report of a Roundtable Sponsored by the SSI, US Army War College and the US Army Peacekeeping Institute (29 December 1993).
2 Harry Summers, *On Strategy*, 21.
3 A. van Loon, 'CIMIC in the Early Phases of the KFOR Mission in Kosovo' in: M.T.I. Bollen, R.V.A. Janssens, H.F.M. Kirkels, and J.L.M. Soeters (eds.), *Civil-Military Cooperation: A Marriage of Reason, NL Arms 2002* (Alblasserdam 2002) 126.
4 NATO CIMIC Policy, MC 411.
5 In NATO Allied Joint Publication 09 CIMIC was defined as '[t]he resources and arrangements which support the relationship between NATO commanders and the national authorities, civil and military, and civil populations in an area where NATO military forces are or plan to be employed.' The emphasis on 'resources and arrangements' indicates CIMIC was approached and seen as a unit or 'arrangement,' rather than a technique applied by soldiers. NATO AJP 09 (1997-2001).
6 Ministerie van Defensie, *Kosovo Evaluatie* (2001); Koninklijke Landmacht, *Handleiding CIMIC* (2002).
7 Kouchner pre-departure press conference (UNMIK; 17 December 2000).
8 Gwaltney and Weston, 'Soldiers as Cops, Judges and Jailers: Law Enforcement by the US Military in Peace Operations,' US Army Center for Law and Military Operations (Website); CLAMO, *Law and Military Operations in Kosovo, 1999-2000.*
9 Peter Viggo Jakobsen, 'The Role of Military Forces in Managing Public Security Challenges: As Little as Possible or Filling the Gap?,' Revised Draft for IPA book edited by Michael Pugh and Waheguru Pal Sidhu (17 April 2002) 7.
10 Quoted in William Drozdiak, 'Bush Plan Worries Europeans: Removing US Troops from Balkans Is Seen as Divisive,' *Washington Post* (24 October 2000).