Civil Order and Governance as Military Responsibilities

By David A. Mueller

In April 2003, as U.S. forces closed in on Baghdad, chaos and disorder began to break out in the city of more than six million residents. As civil order broke down, the lack of guidance and forethought that U.S. leadership had put into the responsibility of U.S. forces for maintaining civil order in their newly conquered territory became apparent. Because there was no planning or guidance on how to handle looting, commanders in Baghdad decided to focus on defeating the last remnants of the Iraqi military and did little to maintain order in the capital.

Eighty-five years earlier, another Western military force had advanced on a key Middle Eastern city and found itself faced with a similar situation. General Edmund Allenby, the commander of the British Army’s Egyptian Expeditionary Force, had dispatched a force, the Desert Mounted Corps under Australian Lieutenant General Harry Chauvel, to take the Ottoman city of Damascus. Allenby gave Chauvel specific orders on how the city was to be taken and administered in order to strengthen the British position for the postwar settlement. When civil disorder began to break out in Damascus, however, Chauvel prioritized maintaining civil stability above his orders from Allenby. Although his decision greatly complicated the postwar situation...
and was a clear violation of direct orders, there is no question that he viewed maintaining civil order as an implied task of the utmost military importance, and Allenby supported his decision.2

The vastly different manner in which American commanders viewed their responsibility to maintain civil order in Iraq from their British and Australian counterparts in World War I speaks to the way each group viewed the roles and responsibilities of a military force. The U.S. military’s willingness to cede postwar stability operations to civilian authority, even an authority within the Department of Defense (DOD), would have been foreign to Allenby and his lieutenants in 1918. This truth goes beyond the fact that travel and communication are much easier today, or even the formative experiences of Allenby and Chauvel (both veterans of the Boer War) compared to their American counterparts, and speaks to an evolution of thinking among American military professionals.3

Operation Iraqi Freedom marked the first time since World War II that the U.S. military conducted offensive operations without a partner force to handle occupation duties. Following the conclusion of hostilities in Europe in May and in Japan in August 1945, the largest stability operation ever conducted by the United States—and one of the most successful in history—was undertaken by the U.S. Army. At the peak of its authority, the U.S. Army occupied four nations and had more than 300 million people under its jurisdiction.4 The need to prepare for military occupation was recognized by U.S. military leaders and government officials as early as 1940.5 The resultant standards that were used to such enormous effect in Germany, Japan, Korea, and Austria would be lost on U.S. forces more than 50 years later, however. Thus, despite the fact that the uniformed military historically has been the responsible agency for civil order and postconflict governance, the lack of appreciation for this fact by modern U.S. commanders contributed to the 2003 security struggles in postwar Iraq. By comparing the U.S. invasion of Iraq with the British capture of Damascus in 1918 and the U.S. Army’s occupation authority in post–World War II, we see how these longstanding historical facts were lost on U.S. forces in 2003.

The 2003 Invasion

The breakdown of order in Iraq immediately after the U.S. military defeated Iraqi forces was the result not of a single oversight or bad decision, but rather a massive gap in the planning and preparation for the U.S. offensive. Stability operations, known as Phase IV in the U.S. Joint Operation Planning Process, represent the transition from direct combat against enemy forces to the maintenance of civil order until “legitimate local entities are functioning.”6 Phase IV planning is doctrinally considered a responsibility of the joint combatant commander during operational planning. In 2003, this was General Tommy Franks, USA, the commander of U.S. Central Command (USCENTCOM).

This was not the first time the USCENTCOM staff had considered how to invade Iraq, a nation the United States had previously invaded in 1991 during the first Gulf War and against which it had had a policy of regime change since 1998, when then–USCENTCOM Commander General Anthony Zinni, USMC, developed Operations Plan 1003. Designed for the invasion and occupation of Iraq, it called for 380,000 U.S. troops to stabilize the nation of 24 million.7 As preparations began for the 2003 invasion, Secretary of Defense Donald Rumsfeld rejected the large troop requirement of the 1003 plan, insisting that force levels were too high. The study conducted by the Joint Staff to prove the force levels could be lower, however, failed to take stability operations into consideration.8 As planning continued, General Franks told subordinates in August 2002 that the postwar planning effort would be led by the Department of State. By mid-October, however, Secretary Rumsfeld had secured DOD as the lead agency. Rumsfeld then decided to divide the responsibilities in postwar Iraq between a civil administrator and military commander, each of whom would report to the USCENTCOM commander.9

General Franks, however, seemed to have little interest in the Phase IV plan. As Michael Gordon and Bernard Trainor write, “Franks appointed a tiny cell of planners working on ways to get humanitarian assistance to the Iraqis. But he seemed content to leave the lion’s share of the Phase IV planning to others in the government.”10 The one military staff to put any effort into the Phase IV plan was Army Lieutenant General David McKiernan’s Combined Forces Land Component Command (CFLC). McKiernan, who assumed he might have to lead the postwar reconstruction, was assembling a Phase IV plan. As the plan matured, however, the lack of U.S. forces required planners to assume the availability and effectiveness of Iraqi forces to perform many of the tasks.11

The civil administrator who was to lead the civilian side of Rumsfeld’s two-pronged approach to the occupation of Iraq was Lieutenant General Jay Garner, USA (Ret.). Garner was contacted on January 9, 2003, and agreed to a 4-month commitment. His position was ratified on January 20, 2003, with a Presidential directive.12 The choice of Garner made sense; he had run relief operations to the Kurds in northern Iraq after the 1991 Gulf War,13 so he had experience with humanitarian operations, he was familiar with Iraq, and, as a retired general, he would integrate well with his military counterpart. USCENTCOM, however, had been planning the invasion—and mostly ignoring Phase IV operations—for more than a year. Now, 2 months before the invasion, Garner was just putting his team together. When they arrived in Kuwait, the team was told that there was no room toquarter them on base with the CFLC staff, so they continued their planning from the isolation of a beachfront hotel, still using Iraqis, foreign forces not yet committed, and contractors to meet the plan’s force structure requirements.14

A gap is a weakness in a military force. Physical gaps are usually found at the boundaries between adjacent units that do not coordinate properly.15 Franks’s plan was creating a gap between Phase III (dominate—break the enemy’s will to
resist) and Phase IV. More importantly, Franks was the commander who should have been responsible for both phases and the transition. Instead, however, “Franks focused most strongly on [Phase III],” while Phase IV was little more than a “skeleton” until “very late.” In Franks’s own memoir, he recounts telling the “bureaucracy beneath” Secretary Rumsfeld, “You pay attention to the day after and I’ll pay attention to the day of.” He was essentially taking ownership of what he saw as the military responsibilities (warfighting) while pushing off to the civilians what he perceived as non-military tasks (postwar governance).

Command climate is defined as “the culture of a unit. It is the way a unit ‘conducts business.’” The leader of the organization is solely responsible for the organization’s command climate. Commanders at all levels establish this climate by what they say and what they do. Franks’s lack of interest in the Phase IV plan was creating a command climate that viewed stability operations as someone else’s problem—not a military responsibility. Franks was not alone in creating this perception, and it was not limited to USCENTCOM.

Shortly after retiring in late 1998, General Howell Estes, USAF, gave an interview to the PBS television program Frontline regarding the military mission in Bosnia. Referring to the many roles the military was being asked to perform in order to stabilize Bosnia, Estes stated, “There is a civilian component that needs to do the nation-building. And what the military needs to do is go in and set the conditions in which the nation-building teams can come in and carry out their operations.” Estes did not clarify who the civilian component was or where it would come from, only that it was not the military’s role. He claimed later that the overall view of the military regarding those additional tasks was that “this is not what the Nation’s military is for; we’re not trained to do this. You need to get the people who are supposed to do this to do it.”

While he may not have been speaking for the entire military, Estes was certainly not alone in these views, and the aversion to using U.S. forces for such tasks was routinely emphasized by Secretary Rumsfeld in the run-up to the invasion. In a speech on February 14, 2003, Rumsfeld assured listeners that the United States could conquer and leave Iraq quickly without lengthy “peacekeeping” or “nation-building” operations.

The lack of planning and guidance regarding civil order came to a head as U.S. troops entered Baghdad and Iraqi civil authorities abandoned their positions. As U.S. Marines toppled the statue of Saddam Hussein in Firdos Square on April 9, 2003, looting was already beginning in the city. In the days that followed, maintaining civil order was
dismissed as outside the responsibility of U.S. forces in Iraq. “U.S. forces have neither the troops nor the inclination to police neighborhoods or deter looters in the next few days, according to [George W.] Bush administration officials,” the Washington Post reported in an April 10, 2003, article titled “U.S. Military Spurns Postwar Police Role.” Two days later, the newspaper updated the status of the direction: “Troops are to intervene directly only if Iraqis appear to be stealing weapons from any of the many arsenals found throughout the city.” Two days later, the Los Angeles Times reported that some troops had been given orders to stop the looting as early as April 11, it pointed out that the U.S. military’s “hands-off policy had encouraged the looters to commit more and more thefts.”

From Kuwait, Jay Garner and his team could only watch the looting and wonder what would be left by the time they arrived in Baghdad. They had prepared a prioritized list of buildings that needed to be safeguarded for postwar stability, placing the national bank and the Baghdad museum as the highest priorities, while the oil ministry was the lowest. In the immediate turmoil after the invasion, the Republican Palace and oil ministry were well protected, while the looting of the Baghdad museum in view of U.S. forces became the symbol of postwar chaos and U.S. indifference to civil order. The disconnect between the people responsible for the postwar plan and the military forces required to implement that plan was astounding. While U.S. forces did begin dedicated efforts to restore civil order, they did not have the forces to do the job, and the Iraqis were not organized quickly enough to provide the forces necessary. As late as May 27, the New York Times was still reporting the looting that was occurring throughout Iraq.

The failure to prioritize civil order in the immediate aftermath of the invasion was one symptom of the dysfunctional approach the United States took to the postwar stability, but it was hardly the last. Garner, understaffed and never sufficiently part of the planning effort, arrived in Baghdad on April 21, 2003. The following day, Garner was informed by Secretary Rumsfeld that he would be replaced and his entire organization dissolved in order to make room for the Coalition Provisional Authority (CPA) under the leadership of L. Paul Bremer. Bremer “possessed full executive, legislative, and judicial authority” in Iraq, but while he reported directly to Secretary Rumsfeld, his chain of command as a Presidential envoy was unclear. What was clear, however, is that Bremer reported to no one in Iraq and no one wearing a uniform. However, Major General Ricardo Sanchez, USA, who was now the senior military commander in Iraq, did not report to Bremer either. While he had been directed to support Bremer and the CPA by Secretary Rumsfeld, his chain of command still ran...
through CFLCC and USCENTCOM and then to the Secretary. In short, there was no single person in Iraq in charge of the entire U.S. effort, much less the coalition and Iraqi efforts.

As if to emphasize how little anyone cared about the postwar effort, the immediate aftermath of the invasion was defined by a rush of senior leadership to leave theater. By the end of the summer, McKiernan and Franks had left Iraq, Garner was replaced by Bremer, and Lieutenant General William S. Wallace, USA, had turned V Corps over to newly promoted Lieutenant General Sanchez. This left the newest corps commander in the Army and a civilian administrator who learned he would be going to Iraq only in April to run the occupation, and neither of them was in charge. The lack of clarity, focus, and a coherent plan for postwar Iraq, as well as the many failures of the coalition, had total control of the government in Damascus. Chauvel recalled: “Feisal insisted on his own Arab government once he took the city, although Allenby instructed Chauvel to “deal with him through Lawrence” if there was any trouble.

When Chauvel and the ANZACs arrived at the outskirts of Damascus on September 29, 1918, Feisal’s Arab army was still at least 3 days away. With orders to avoid the city, the ANZACs continued to pursue the fleeing Turkish army. The Ottoman government within Damascus, however, decided on September 30 to abandon the city and join their retreating army, which caused civil disorder to break out. Like his American counterparts in 2003, Chauvel was unable to retain the civil apparatus he had planned to use to maintain order in the city. Furthermore, in pursuit of the Turks, one of Chauvel’s units had violated orders and ridden through Damascus on October 1, where local Syrian Arab notables gave them an official welcome. Meanwhile, Chauvel, trying to solve his civil governance problem, worked with Lawrence (who had arrived in Damascus ahead of Feisal), and appointed a pro-Feisal Arab as the new governor.

On October 2, with Feisal’s forces 1 day away from Damascus, civil disorder was still rampant and possibly exacerbated by the appointment of the governor. Chauvel decided to march his entire force through Damascus to quell the unrest. According to Fromkin, “This was exactly what Allenby and Clayton [the political officer] had hoped to avoid: the population aroused [and] Christian troops defiling through the streets of a great Moslem [sic] city to restore order.” It was also the final action in a series of events that completely undermined Allenby’s intent to avoid the implementation of Sykes-Picot and the subsequent political complications. Most notably, however, Allenby, who arrived the same day as Feisal, understood the situation Chauvel had been placed in and did not blame him.

In comparing Chauvel’s decisions to those of American commanders in 2003, the timeline is telling. Three days is the longest Chauvel would have
needed to tolerate civil unrest to comply with Allenby’s orders, but he deemed the delay unacceptable. In the case of marching his troops through the town, it would have been a 1-day delay to wait for Feisal’s Arabs to do the same thing. One day, however, was too long for Chauvel. By contrast, 3 days into the Baghdad unrest, American commanders still were not certain that providing civil order was their responsibility, even if they had the forces to do so. Allenby’s support for Chauvel in the aftermath of Damascus, however, is evidence that the distinguished British general understood that maintaining civil order was an implied task when he gave the order to conquer the city.

World War II: The U.S. Army and Military Government

The U.S. Army ran one of the most successful postwar stabilization efforts in history following World War II. The Army established military governments in Japan, Korea, Austria, and Germany, and Army generals were appointed to command them. Command authority was at the heart of what made the military governments so effective. Field Manual (FM) 27-5, Military Government and Civil Affairs, first published in 1940, established military government as a “command responsibility” and gave the commanding general “full legislative, executive, and legal authority” over his assigned territory. These are the same authorities given to L. Paul Bremer in 2003, except that unlike the military commanders, Bremer had no authority over the forces he relied on for his security. While control of postwar policy was debated throughout World War II, the Army was the most prepared agency to institute postwar governance and had the doctrine to support its position.

It is important to note that, leading up to World War II, the U.S. Army’s most recent occupation experience, and the one that drove most research and strategic thinking at the Army War College during the interwar period, was the Allied occupation of Germany’s Rhineland following World War I. The most influential study of the period was the report written by Colonel Irvin L. Hunt, who “spent the interwar period seeking to ensure that the army was prepared for its next occupation.” Hunt’s report identified two major lessons from the Rhineland occupation. First, the military civil administrator, who reported directly to the overall theater commander, was separate and distinct from the tactical commander, thus dividing the legislative and executive authorities between two commanders. The report stated that all authorities should be consolidated under one commander. Second, Hunt criticized the use of the same military units for tactical and governance duty simultaneously; separate units would have been preferable.

The Rhineland experience and the Hunt report inspired both study and debate regarding military governance throughout the interwar period, and led to updates to existing U.S. war plans. With the outbreak of war in Europe in 1939, it was only natural for the U.S. Army to update its military governance doctrine, and FM 27-5 placed all authority with a single unified commander—the military governor—and emphasized “military necessity” as the driving principle in military governance. While the Army’s embrace of military governance may appear strange in 2016, the U.S. Army of 1940 could refer to a long list of precedents in which U.S. occupation required military governments: the Reconstruction following the end of the Civil War in 1865, the Philippines (1898–1946), Cuba (1898–1902), Puerto Rico (1898), Veracruz, Mexico (1914), the Rhineland (1918–1923), and numerous Marine Corps interventions in the Caribbean. Together, these occupations represent more than 120 years of consistent, though periodic, need for military governments. By contrast, the U.S. invasion of Iraq in 2003 occurred more than half a century after the military government in Japan ended in 1952.

The idea of placing conquered and liberated nations under U.S. Army rule was not without opponents in the early 1940s. Army Chief of Staff General George C. Marshall had misgivings about the Service taking on such a monumental governance task because of how it would be perceived. He “worried that presiding over the governance of people throughout the world could send the wrong signal to the American People.” Most of President Franklin D. Roosevelt’s Cabinet members had strong reservations about granting the Army such a large role in postwar policy, and even Roosevelt himself was lukewarm at best regarding military governance in Europe. In the end, however, no other U.S. Government organization had the resources, required structure, doctrine, and precedent to accomplish such a monumental task and to incorporate civilians into the military governments where necessary. Military governance was the logical, if imperfect, choice.

The success of the World War II occupations is undeniable and was often cited by the Bush administration in 2003, but the model of military government was always overlooked. Even without military government, if the principles of a unified command and an emphasis on military necessity had been given prominence, the U.S. occupation of Iraq may have looked more like that of World War II. In the end, the results of the U.S. post–World War II occupation in Europe demonstrate that the choice of military government in postwar situations may be much like Winston Churchill’s opinion of democracy: it is “the worst form of government, except for all the others.”

Are We Learning the Wrong Lessons?

The lessons drawn from any war are always critical to the way future operations will be conducted. Lieutenant General Daniel Bolger, USA (Ret.), identifies several key lessons from the failed U.S. occupation of Iraq in his 2015 book Why We Lost: A General’s Inside Account of the Iraq and Afghanistan Wars. Bolger argues that “short, decisive, conventional conflicts waged for limited ends” emphasize the advantages of America’s swift and agile military. He states that if the U.S. effort in Iraq had ended after the initial campaign in 2003, “admiring war colleges would have studied the brilliant
opening rounds as models of lightning war. Bolger does not speculate on what postwar Iraq would have looked like if U.S. forces had departed in May 2003, but he implies that it was neither America’s problem nor the U.S. military’s responsibility.

Bolger criticizes the doctrine contained in FM 3-24, Counterinsurgency, as “the shiny objects of counterinsurgency theory.” He degrades counterinsurgency doctrine as a distraction from a focus on “core strength, rapid, decisive conventional operations.” However, Bolger ignores the fact that the insurgency in Iraq was not an inevitable by-product of the invasion, but rather was the result of U.S. mismanagement of the postwar situation. Specifically, it resulted from the failure to treat civil order and competent postwar governance as military responsibilities. FM 3-24 was a critical milestone in correcting not only doctrine, but also the culture within the military. Following its publication in 2006, the Army revised FM 3-0, Operations, with a renewed emphasis on stability operations, civil order, and support to civil government. Both documents reflect the U.S. military’s evolved understanding of civil order and good governance as a distinct military priority in ways that would have been familiar to the U.S. Army of World War II or to Chauvel’s ANZACs.

The newfound emphasis on civil order and stability operations found in FM 3-24 and FM 3-0 is a strong and important step toward ensuring that the military importance of civil order is not lost on future generations. However, while those manuals emphasize support for existing civil governments and the importance of good governance, only FM 3-24 makes mention of military government, and then only once. Given the climate in which the authors of FM 3-24 were writing, I applaud them for even mentioning military government. Was anyone ready, however, to advocate for it or to implement it? The answer is no. The 2014 version of the document eliminated the reference to military government.

Both versions of FM 3-24 revisit many of the themes found in the Marine Corps’ Small Wars Manual of 1940, but that publication has entire chapters on military government and how to conduct elections—essentially nation-building from the ground up. To truly close the doctrinal loop, either the next update of FM 3-24 should include sections on military government and elections or a modern version of FM 27-5, Military Government, should be created.

Conclusion
There is a distinct difference between the responsibility to maintain civil order in the transition from combat operations to postwar governance and the running of the occupation government itself. It is logically consistent to believe that the military should do all it can to maintain civil order through combat operations and that the occupation government should be run by some other entity, whether the State Department or another arm of government. What is clear, however, is that maintaining civil order through the transition is critical, and the military must be prepared to provide postwar security forces. Therefore, if we are to keep unity of command and view the running of an interim stability government as a command function, a military government under a uniformed commander is the most logical option. If, however, another entity is going to run stabilization operations, the military commander should involve that entity in planning for the transition and ensure that the responsibility for civil order, as well as the command relationship, is codified in a robust Phase IV plan.

There will always be military professionals who see their role exclusively as fighting the enemy, destroying their equipment, and defeating their armies, believing that all civil order and policing duties should be left to someone “trained to do it.” The problem, however, is that that group of “trained to do it” individuals does not exist in a deployable form in the United States and never has. The State Department’s Civilian Response Corps, established in 2004, was to have been that capability, but it never reached its planned size and currently exists in a reduced capacity with questionable capabilities. As such, the military remains the only large organization the Nation can turn to and state, “You’re leaving next week to go halfway around the world for the next year”—and not have half the personnel resign.

We have seen from the above examples that civil order and governance historically are the responsibility of the military that conquers a territory. Nevertheless, today, instead of a Colonel Hunt attempting to prepare the United States for its next occupation, military leaders such as Daniel Bolger advocate against future U.S. postwar occupation and deem preparation for such a likelihood unnecessary. We do not always get to choose the war we want to fight; however, the enemy also gets a vote. Occupation duties are the inevitable result of most offensive operations. We need to recognize that a military unprepared for occupation is likewise unprepared for offensive operations. The decision to conquer comes with the responsibility to govern, and it is always easier to destroy than to create. Even if we do not resource units for civil affairs and occupation duties, we need mature doctrine and a military culture that refuses to rely on General Estes’s mythical “civilian component that needs to do the nation-building” as the foundation for Phase IV plans.

Finally, a closing point regarding the adamant public debate about the threat from the Islamic State of Iraq and the Levant (ISIL) and the increased calls for its destruction: While the threat is undeniable and the calls for ISIL to be annihilated have become increasingly compelling, those who advocate that end must also provide the answer to postconflict governance in the areas the group controls. Furthermore, any military commander executing a plan aimed at destroying ISIL should see the maintenance of civil order and postconflict governance as a military responsibility. A mature plan should be required before what little order still exists in the region is destroyed by U.S. action.