THE UNIVERSITY OF BOLTON

BRIDGING THE STRATEGIC GAP: NEW STRATEGIES IN POST CONFLICT MANAGEMENT

A Within-Case and Across-Case Study of Security Sector Reform and Rule of Law Institution Building in Post Conflict States

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B.A. Bloomsburg University of Pennsylvania, 1985
M.A. Norwich University, 2010
L.L.M. University of London, 2015
Ph.D. (Candidate) University of Bolton 2018

Submitted in partial fulfillment of the requirements for the degree of Doctor of Philosophy Through Practice in *International Conflict Studies* in the School of Law, University of Bolton

Declaration

The author, Walter Gregory Kleponis, declares the papers mentioned herein is his own work based on his prior published papers. All papers presented in evidence in support of this Critical Appraisal were works of sole authorship. The author acknowledges the materials and references duly used or cited in the papers. The usual disclaimers apply.

Walter Gregory Kleponis
3 June 2018

ABSTRACT

Over the course of the last half century, it is commonly understood that the nature of warfare has changed dramatically. New ways to engage in what is known as the operational art have been devised and through a mixture of strategic and tactical approaches to waging war, combined with emerging technologies have dramatically changed the nature of warfare. While waging war has in some ways become significantly more efficient, sadly however "*waging the peace*" in the aftermath of war has been, to the experience of many states, decidedly less so.

Conflicts, such as those in Iraq and Afghanistan, where the US and its coalition partners intervened and removed governments they deemed pernicious, are clear examples of the attempt to reform and to build new institutions and systems viewed as acceptable. Sadly however, by nearly every International governance standard and institutional metric they have largely failed. Despite billions of dollars in assistance from the international community, these countries even now, with continuous international assistance, struggle to manage their economies and political systems after over a decade on their own. This failure has not been due to a wholesale lack of will on the interveners. Certainly, as previously mentioned, there has been a seemingly endless supply of aid. While there have been the challenges of intra-state violence, dysfunctional political parties at odds with one another, institutional failures and endemic corruption, they do not alone explain the frustratingly slow pace of progress. The challenges listed above are merely the symptoms of dysfunction. The real failures can rather be traced to a lack of foresight in planning, lack of cross culture competence and awareness and the inability to understand the history, culture and religion of the country. These three key elements of any society are essentially the animating force of the people. A failure to assess what role they play in post-

crisis environments and the institutions that develop in them will set the conditions for slow progress, passive and active resistance from local partners, loss of trust and hope of the people and the emboldening of violence among opposition groups both inside and outside the borders. This work describes in an overarching way, using the various published works with specific examples, of how important it is to design institutional systems and processes that are built around the foundational elements of society. The work describes an end to end methodology of integrated, operational tools for analysis, planning, operating and assessing change in complex human adaptive conflict-affected operating environments. These are largely in the Middle East and South Asian Cultural context, where the animating elements of history, religion and cultural practice will inform everything we as post conflict, post crisis practitioners and policy makers do.

The papers themselves address several of these elements or "real-life" examples of using the transforming conflict systems analytical tool toward solving both macro as well as micro institutional problems. These examples provide examples where there is a mis-match in policy and program objectives with the cultural, normative or human dimensions. Other papers address the aspects of Coalition Forces holding nationals of those state that are not only contradict International Law, but violate existing historical or cultural norms and further disrupting already conflictual societies. Other works examine the effect of corruption, its basis in culture and efforts on political and social development.

Lastly, the remainder of the works address the introduction of what I will refer to hereon as the intervening forces (US, Coalition,) and the local population. Interveners need to recognize, identify and mitigate the shortfalls in order to Bridge the Strategic Gap in policy.

ABOUT THE AUTHOR

Greg Kleponis is currently a PhD Candidate in Conflict Studies at the University of Bolton, UK. He also holds a Masters of Art in Diplomacy with a concentration in International Conflict Management from Norwich University as well as a Master of Laws (LL.M) from the University of London with a concentration in International Criminal Justice. He is a retired USAF Colonel who has served in advisory capacities in both Iraq and Afghanistan with the most recent post as Senior Advisor to the Deputy Minister of Interior, Islamic Republic of Afghanistan where he served as an advisor on security, anti-terror and rule of law programs. He is an adjunct lecturer in Homeland Defense the Police College of Abu Dhabi. He is also a researcher and writer for various projects most recently for the US Army War College, the Peacekeeping Stability Operations Institute and the Defense Logistics Agency and has contributed to the Small Wars Journal, Social Sciences Research Network, European Journal of International Security and Strategic Studies Institute. He currently resides in Ancient Corinth Greece.

CURRICULUM VITAE

W. Gregory Kleponis, LL.M, MA

The Gallery Workshop, Ancient Corinth 2007, Corinth, Greece - gkleponis@yahoo.com

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PROFESSIONAL OBJECTIVE
To consult with, advise or directly support a government or commercial entity in the areas of Security Policy, Rule of Law, Institutional Partnership Building or Corruption Management at the operational or staff level.

SUMMARY OF QUALIFICATIONS:
- Confident and influential boardroom speaker & effective lecturer
- Expertise in Principles of Finance and Financial Planning
- Asset Protection and Risk Management Planning
- Portfolio Maximization and Risk Mitigation Planning
- Securities Trading and hedging strategy execution
- Corporate Cash Management and Bond Portfolio Structuring
- Excellent written and interpersonal skills - especially effective in multi-cultural environments
- Experienced financial advisor- Hold Certified Financial Planner (CFP), Accredited Asset   Management Specialist (AAMS) and Certified Trust and Financial Advisor (CTFA) accreditations
- Experienced business entrepreneur

EDUCATIONAL BACKGROUND AND PROFESSIONAL CREDENTIALS

The University of Bolton
PhD (Candidate) Conflict Studies
University of London, London UK
Master of Laws L.L.M. , 2016
Norwich University
Master of Arts in Diplomacy, 2009 (Masters)
(*Post Conflict Resolution & Development*)
The Catholic University of America
Economics, 1992 Certificate
Bloomsburg University of Pennsylvania
Bachelor of Arts, Anthropology 1985
Air University
Air War College 2007
Air Command & Staff College *2003*

Certified Financial Planner (CFP) *1999*
Certified Financial Planner Board of Standards
Certified Trust Financial Advisor (CTFA) *2001*
American Bankers Association
Accredited Asset Management Specialist (AAMS)
American Bankers Association 2001

Antiterrorism Officers Course 2002
Dynamics of International Terrorism 2002
USAF Level II AT/FP Course 2001

PROFESSIONAL EXPERIENCE
2014 to Present
Abu Dhabi Police Academy & UAE Ministry of Interior
27th St Muroor Road
Abu Dhabi, Abu Zaby [Abu Dhabi]   United Arab Emirates
Security and Policing Instructor
- Instructs and lectures key police leadership on:
  Disaster Preparedness Plans and Programs, Security Incident Management, Civil Defense, Leadership Studies and Project Management.
- Designs curriculum, prepares lesson plans, audio visual aids and coordinates seminars and lectures throughout the Emirate for Senior Ministry of Interior and police leaders.

2013-2014
US Army War College, Carlisle, PA USA
Peacekeeping & Stability Operations Institute
Senior Research Associate

- Conducted an Independent Research project in support of the Peacekeeping Stability Operations Institute (PKSOI) of the US Army War College
- Researched the efficacy of Rule of Law Programs with respect to US Army MP Corps in post conflict and transitional states.
- Conducts case studies on previous police training and rule of law projects in various states where the US has been part of an intervening force
- Presented findings when required to PKSOI staff

2010	Transition Solutions International Ltd.
To	Kabul, Islamic Republic of Afghanistan
Present	**Vice President, Operations & Finance**

- Wrote negotiated and **CAPTURED over $15 MM** in FOB Security Projects within 120 days
- Structured financial operations to match invoicing and accounts payable for nation-wide operations.
- Developed and managed supply chain for all commodities and equipment sourced internationally to support key locations throughout Afghanistan
- Liaised with US contracting organizations and personnel to ensure security service delivery at all sites
- Liaised with Afghan MOI agencies to ensure coordinated legal logistical support of all sites in Kandahar province.
- Participated in US government hosted "round tables" to establish 'best practices' for the delivery of contracted security services.

2010	NATO Military Training Command- Afghanistan (CSTC-A)
	Kabul, Islamic Republic of Afghanistan
	Senior Advisor to the Afghan Deputy Minister of Interior

- Provide senior level linkage to Coalition Forces and International Community developing national policy, security & training programs and coordinated operations for security throughout the nation of Afghanistan.
- Organized financing and budge operations for nearly $600MM of programmed funds for nationwide NATO- administered Rule of Law Programs
- Prepared detailed DM briefings and speeches for worldwide donor community highlighting security successes and challenges
- Led principals committee on the formation, financing and doctrinal formation for the Afghan Public Protection Forces – committee consisted of key US military advisors and Afghan General Officers

- Developed regional promotional programs for the Afghan Ministry of Mines and the formation of the Mine Protection forces. Personally escorted the Minister of Mines to key media engagements as well as investment "road shows" to generate interest in the privatization of the mining industry in Afghanistan
- Member of the 2010 "Anti-Corruption Task Force" ISAF- developed financial processes and procedures to counter corruption in government to business contract transactions.

2007	Headquarters Air Force, A4/7Z (Colonel, USAF Reserves- Voluntary Orders)
To	Pentagon, Washington, DC
2010	**Division Chief, Policy, Requirements & Applications, Global Combat Support**

- Integrated Air Staff level coordination and synchronization over Agile Combat Support (ACS) to include security, contracting, services, logistics plans, communications, deployment and distribution, civil engineer, and medical functions to directly support expeditionary airbase standup, operations, sustainment, redeployment and reconstitution.
- ACS lead for the development of Irregular Warfare, shaped doctrine, developed policy, and defined effects that ACS can deliver across the broad spectrum of Civil Military Operations in the interagency environment.
- Developed Air Force wide initiatives to validate budget, standardize and spirally develop Common Ground Airman Equipment Systems, identified and coordinated contracted solutions and implemented lean fielding strategies.

2005	Kleponis & Associates
To	Dubai U.A.E. /Baghdad Iraq
2007	**Principal Consultant for Various Contractors**

- Built and led a proactive contracting organization.
- Acted as a key interface with US & Iraqi Government customers, teaming partners and subcontractors to identify and assist in customer requirements and contract compliance.
- Team Lead in business capture activities - technical proposal content to include staffing and operational requirements for training and security projects.
- Supervised resolution of contractual issues, including interpreting contract language and negotiating contract modifications and adjustments.
- Traveled within Iraq, Kuwait & U.A.E extensively to ensure maximum coordination as well as contract compliance.

Significant contracts captured and contract adjustments negotiated:
- ✓ National Police Training Academy (NNPA) An Numaniya, Iraq **Total $75MM**
- ✓ Theater Wide Internal Security (TWIS) **Total $110MM**
- ✓ Theater Wide Trucking Project. **Total $97MM 2008**.(est)
- ✓ NNPA- Recaptured out- of –scope fuel costs: Award **$948K**
- ✓ Logistics IDIQ -Recaptured unpaid for convoy missions due to misinterpretation of contract stipulated distances- **Est. Award - $1.42MM**

2006	Camp Bucca, Umm Qasr, Iraq (Lt Col, USAF Reserves)
To	Task Force -83, Multi-National Forces-Iraq
2007	**Deputy Task Force Commander**

- Commanded a 630 person AF security unit providing guard forces for the largest Theater Internment Facility in Iraq.
- Oversaw humane operations for total detainee population.
- Deputy Task Force Commander responsible for the operational oversight of approximately 1,100 Army, Air Force and Navy personnel

- Total guard force for over 10,500 detainees across 18 compounds.
- Primary architect for the Iraqi Correctional Officer Academy designed and implemented the training curriculum, on-the-job training program and total life support infrastructure for the Iraqi camp
- Designed, advocated and appropriated a budget to fund this training initiative totally over $30MM.
- Advised both MNF-I and the Iraqi Corrections Service in the process for full integration and eventual handover of facility to Iraqi authorities.
- As COR, provided contract oversight for food service and sustainment contracts for over 20,000 detainees at the Theater Internment Facility.
    - Contract value in excess of $**112MM** per annual option period.

2005   US Embassy, Baghdad Iraq (LtCol, USAF Reserves - Activated)
Multinational Security Transition Command-Iraqi
Program Manager/Senior Advisor, Iraqi Civil Intervention Forces Training
- Conceived, designed and executed the training of Iraqi Special Police Forces
- Managed the program at two sites located outside Baghdad.
- Responsible for program design, budgeting strategy, logistical support, training and operational deployment
- Successful in fielding 4 Brigades in time for the first Iraqi Democratic elections
- Accomplished ahead of time and under budget.
- Advised Director Special Police Development Directorate (SPDD), Commanding General CPATT and Iraqi Minister of Interior on National Police training and operational deployment doctrine.

1998   Mercantile Bank
To   Baltimore, Maryland (Retained Position during Post 911 Activations)
2005   **Senior Vice-President, Director of Private Banking**
- Responsible for development of new business for Wealth Management and Institutional Investment Group.
- Directly supervised and 6 Financial Consultants, 25 Trust Officers and Client Advisors supporting client portfolios in excess of $5Billion in assets.
- Developed and promoted hedging strategies for client concentrated stock positions in volatile market using proprietary hedging product.
- Assisted head of brokerage division in the establishment and training of Sales Traders for equity and bond instruments as wells as proprietary funds throughout affiliate bank system.
- Successful in cultivating successful relationship between the Wealth Management and robust Commercial Lending & Real Estate groups.
- Developed synergies that yielded a 22% increase in lucrative middle market commercial lending client referrals and generation of $30MM of new wealth management assets from $100MM baseline Year 1!

1995-1997   **Riggs & Company Riggs Bank, Washington DC**
Private Wealth Management & Portfolio Manager
Vice-President, Wealth Management Group
- Managed portfolios for clients in banks High-Net-Worth Group
- Assisted in the acquisition of boutique brokerage operation to form in-house brokerage and clearing operations

- Coordinated the activities of service specialists and subject matter experts in areas of estate law, insurance, investments, fiduciary services and commercial lending on behalf of individual clients and client families.
- While maintaining central role in relationship, proactively anticipated client needs and developed solutions leveraging "in-house" expertise.
-

1993-1995   **Merrill Lynch & Co, Annapolis, Maryland**
Financial Advisor- Broker/Trader
- Managed investment portfolios for private individuals, small businesses and small non-profits.
- Constructed detailed personalized financial plans for individuals including retirement and college needs assessments, asset allocation, and estate planning.
- Managed the municipal bond group for the Baltimore office for High Net Worth Bond Group.
- Rated in top 5% of Merrill Lynch new brokers in region – top 10% nationally. Assisted Branch Manager in training new brokers while developing lesson plans for recurring broker training.
-

1985 To 1993 United State Air Force Active & Reserve – Highlights
Texas, Federal Republic of Germany, Washington, DC

Present Rank – Col USAF (Retired)

- Vice Commander, Air Force Presidential Honor Guard – Washington, DC
- Represented USAF during Joint Service and multinational events
- Provided 150 trained personnel to represent the USAF at ceremonies worldwide
- Personally invited by the Minister of National Defense of the Republic of Lithuania to train newly formed Joint Forces Ceremonial unit
- Security Operations Officer, 50th Tactical Fighter Wing – Federal Republic of Germany
- Managed Nuclear Security Operations for Alert Aircraft Area and Weapons Storage area and three dispersal areas containing over 75 fighter aircraft – commended by
- Defense Nuclear Agency inspectors for superior training of base security force following nuclear surety inspection
- -Responsible to the commander for the supervision training and effective employment of over 400 security personnel; directly supervised five Lieutenant shift commanders in controlling day to day security and antiterrorism operations
- Headed Joint US/German operations center - integrated German forces and police for coordination of force protection operations during Operation Desert Storm
- Defense Force Commander, 38th Missile Defense Squadron- Federal Republic Germany
- Responsible for the deployment and security of fielded Ground Launched Cruise Missile Systems – led 45-person flight in repeated deployment exercises to validate ability to disperse and survive in remote adverse locations
- Training and Maneuver Liaison to German Forces and Police – provided effective international liaison which assured mission accomplishment of deployed ground launched cruise missile assets.
- Emergency Services Team Leader, 7th Security Forces Squadron-Carswell AFB, TX.

BIOGRAPHY

COLONEL GREG KLEPONIS, USAF RETIRED

Colonel Greg Kleponis was, as his last active duty position, assigned as Division Chief, Policy, Requirements & Applications, Global Combat Support Deputy Chief of Staff for Logistics, Installation, and Mission Support, Headquarters United States Air Force, Washington, DC. He was responsible for integrating Air Staff level coordination and synchronization over Agile Combat Support (ACS) to include logistics plans, fuels, materiel management, maintenance, munitions, services, communications, deployment and distribution, civil engineer, security, and medical functions to directly support expeditionary airbase standup, operations, sustainment, redeployment and reconstitution. He devised and coordinated program upgrades pertaining to Expeditionary Combat Support planning and deployment readiness training. As the ACS lead for the development of Irregular Warfare, he shaped doctrine, developed policy, and defined effects that Expeditionary Combat Support delivered across the broad spectrum of Civil Military Operations in the interagency environment. He developed Air Force wide initiatives to validate, standardize and spirally develop Common Ground Airman Equipment Systems and lean fielding strategies.

Major highlights of his career include Deputy Commander USAF Honor Guard in Washington DC, German Military Liaison and White House Aide. He has also held a variety of leadership positions, from Shift Commander through Deputy Support Group Commander. In 2001 he was recalled to active duty and served as the Training and Air Base Defense Action Officer in the ACC Security Forces Directorate. During this time he deployed to Operation Enduring Freedom and as the Wing AT/FP advisor, helped to stand up Al Udeid AB as well as established the first Force Protection structural designs for the long term construction currently in place. In 2004, he was once again recalled and deployed to Iraq where he served as the Program Director, Iraq Special Police Development Division. In this role, he was responsible for the training and deployment of over 17,000 Iraqi Special Police supporting Multi-National Forces-Iraq in combating insurgents, terrorists and criminal elements throughout the country. He also served as an advisor to the Commanding General MNSTC-I for National Police Programs. In this capacity he worked closely with the Iraqi Ministry of the Interior, Department of State and US Military in developing training and operational doctrine for newly formed Iraqi Special Police Forces. His last Iraq deployment was as Commander, 886th Expeditionary Security Squadron, Camp Bucca Iraq. The unit, the largest squadron in the AOR with over 620 members, was responsible for the safeguarding of over 17,000 Iraqi insurgents, Al Qaida in Iraq (AQI), foreign fighters and violent criminals at the largest Theater Internment Facility (TIF). His last deployed assignment was that of Senior Advisor to

the Deputy Minister of Interior, Islamic Republic of Afghanistan. In this role he worked with the Ministry and NATO in developing and implementing rule of law and anti- corruption programs. He was also instrumental in implementing antiterrorism plans and programs for organizations and facilities of the Ministry throughout the country. In addition, he served the Deputy Minister as the primary liaison officer between the ministry and coalition forces, accompanying him internationally at events and conferences.

EDUCATION

1985   Bachelor of Arts, in Anthropology/Languages & Cultures, Bloomsburg University of Pennsylvania
1992   Squadron Officers School, Maxwell AFB, Al
1999   Masters of Financial Planning, CFP, CFP Board of Standards, College of Financial Planning
1999   Certified Trust Financial Advisor (CTFA) Institute of Certified Bankers
2003   Air Command & Staff College, Maxwell AFB, Ala
2006   Air War College, Maxwell AFB, Al
2009   Master of Arts in Diplomacy/Conflict Management, Norwich University
2015   Master of Laws, L.L.M., University of London
2016   Ph.D. (ABD) Conflict Studies, University of Bolton, UK

ASSIGNMENTS

Jul 1985- Oct 1987, Convoy Commander, Shift Commander, Carswell AFB, TX
Oct 1987- May 1990, Defense Force Commander, 38th Missile Defense Squadron, Weuschheim AS, Germany
Jul 1990- 1991, Operations Officer, 650th Security Police Squadron, Hahn, AB GE
Aug 1991-1993, Deputy Commander, USAF Honor Guard, Bolling AFB, Air Force District of Washington
Oct 1993- Nov 1998,Operations Officer, Security Forces Squadron, Langley AFB, VA
Jan 1997-1998 AT/FP Officer, Eskan Village, Kingdom of Saudi Arabia
Nov 1998-Sept 2001, IMA Commander, 1st Security Forces Squadron, Langley AFB, VA Oct 2001-Apr 2002, AT/FP Officer, Operation Enduring Freedom, Classified Location
April 2002- Aug 2003, Action Officer, Air Base Defense Training Section, ACC HQ SF Directorate
Aug 2003-Sept 2004, IMA Commander, 1st SFS, Langley AFB, VA
Sept 2004-Apr 2005, Program Manager, Police Development Division, CPATT, MNSTC-I Baghdad, Iraq
Aug 2006 – Feb 2007, Commander, 886th Expeditionary Security Forces Squadron, Camp Bucca. Iraq
Sept 2007 – 2010, Division Chief, Policy, Requirements & Applications, Pentagon, Washington, D.C.
Jan 2010- Dec-2010 (Deployed) Senior Advisor to Afghan Deputy Minister of Interior

MAJOR AWARDS AND DECORATIONS

Bronze Star Medal w/1 LC
Meritorious Service Medal w/4 OLC Air Force Commendation Medal Army Commendation Medal
Navy & Marine Corp Commendation Medal
Army Achievement Medal
Air Force Achievement Medal w/1 OLC Air Force Combat Action Medal
Combat Readiness Medal
Iraq Campaign Medal w/2 devices
Afghanistan Campaign Medal
Global War on Terrorism Medal Expeditionary
Global War on Terrorism Medal
Armed Forces Reserve Medal
w/device National Defense Service
Medal w/device Armed Forces
Expeditionary Medal w/device
NATO Medal (NTM-Iraq Clasp) (ISAF Clasp)

US Army Combat Action Badge

EFFECTIVE DATES OF PROMOTION

Second Lieutenant	July 10, 1985
First Lieutenant	July 11, 1987
Captain	July 11, 1989
Major	Oct 11, 1998
Lieutenant Colonel	Nov 17, 2004
Colonel	Sept 1, 2008

ACKNOWLEDGMENTS

I would like to take this opportunity to thank those who have helped me in so many ways in this endeavor. The first among all that have given me both academic as well as personal guidance on this journey is Professor Stephen Hardy of Bolton Law School. Professor Dr Hardy provided me the direction and organizational guidance so that I was able hopefully to fully and coherently present my body of published works. He always remained steadfast in his confidence in my ability to complete this work.

I would like to also thank Dr Paul Birkett of the University of Bolton without whose guidance and assistance wading through the vast array of administrative requirements of the US Department of Veterans Affairs to secure the financial assistance necessary, this entire project would not have been possible.

A special thanks to General (Dr) David Petraeus whose leadership and acumen in the face of a new and developing concept of warfare and post conflict operational art inspired me to begin my professional and personal journey to find answers to new and difficult questions and solutions to nagging and complex problems. Working on his staff taught me to think critically, take nothing on face value, question orthodoxy and lead creatively. The first among my published works in this field of research were for he and his staff. His personal advocacy and distribution of some of my work led to my first publications. I am ever grateful.

Lastly, I would like to express my appreciation to my family, friends and colleagues who have been supportive to me over some very difficult and dangerous years that encompassed my field research. After some very close calls with death, they were and remain a constant reminder of the value of life and the importance of pursuing one's goals.

Table of Contents

CHAPTER 1: INTRODUCTION

The purpose of this Critical Appraisal is to introduce and evaluate the ideas, concepts of the published works that are within the field of post conflict studies. The works are dedicated to the analysis of military occupation law[1] and the Rule of Law reform[2] in transitioning societies, democratic peace-building, security sector reform (SSR)[3], and cross-cultural awareness when building institutional structures, as well as the cross cultural competency[4] of those practitioners working by, with and through local social, religious and political leaders in the attempt to achieve stable and functioning post conflict societies. The works presented and being examined were written based not only a great deal of scholarly inquiry, but also by the personal experience of the author in post conflict societies engaged in an array of Security Sector Reform (SSR) and Rule of Law reform programs spanning nearly 10 years. This unique and personal experience and participation hopefully adds a measure of authenticity and rare insight into the subjects explored and provides first-hand commentary that underscores and lends credence to theory. It

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[1] While there is no definition as such in this term is taken to mean the Rule of Law and the establishment of legal systems in post conflict settings beginning with and after which there has been a military occupation. Many of the terms used in the published works are those of the author's invention and add to the Kleponis lexicon used in the Kleponis Model of Post Conflict Management Conflict System Transformation.

[2] Rule of Law Reform in the context of post conflict reconstruction is an overarching term used to describe the policies and programs put in place to amend or reform the legal system by analysing existing legal structures, advocating and implementing changes in order to develop justice, transparency and efficiency to a reformed government- in this case law supporting democratic regimes.

[3] Security Sector Reform (SSR) encompasses the reformation and building of the network of security institutions that contribute to creating the enabling conditions of stability and security for the population so that the government and economy can effectively function.

[4] Cross Cultural Competency is a social-anthropological term to describe the awareness of the nuances of other cultures as well as and importantly one's own culture when assessing what influences are and are not appropriate to achieve goals consistent with the local cultural norms

should be noted that this is an emerging field of study and thus a rich area for research exploitation and new theories. Terms and interpretations are being developed each year as experiences over the past 15 plus years are assessed, synthesized into the existing body of knowledge and introduced to provide a basis for even newer theory.

In conclusion, the published works being appraised all possess some element of analysis of the importance and effect of cross-cultural competency in those developing and administering reconstruction programs. Certain projects are evaluated on their efficacy with a focus on how effective the actual practitioners were in developing "buy in" from local leaders and officials and with an eye toward the "how" in which they were constructed. Finally, an examination into the role of ethnocentrism in the origination of systems and processes during the assessment phase of post conflict program design is critical in the prediction and indeed evaluation of the success of programs and institutions.

CHAPTER 2: CONTEXT OF THE STUDY

Before moving forward onto specific scrutiny of the published works and their relevance to the theory and practice of peace-building, security sector reform, institutional development and promoting democratic values, a brief discursive journey through the events and circumstances of the latter part of the 20th century and first two decades of the 21st century are instructive. This is done in order to provide a contextual understanding of the paradigm shift in conflict which has resulted in a whole new school of thought and theory surrounding conflict and to which these works are devoted.

The demise of the Soviet Union in the last decade of the 20th century and the subsequent loss of a bi-polar world have had profound and long lasting effects on the traditional balance of power paradigms, the shift from interstate to largely intrastate conflict, failed and failing states and transnational terrorism. *"A grim history attends the rise of this new post--conflict technocracy. On one hand, the end of a bipolar geopolitical order marked by the fall of the Soviet Union influenced the cessation of a number of long-- standing conflicts. On the other hand, the end of global bipolarity has led to the efflorescence of violent struggles, and these have challenged both the perceptions of, and responses to, old and seemingly new repertoires of peace and violence."* (Monk, 2014 p18) What has evolved in its stead is a movement from interstate dominated Realist Balance of Power[5] conflicts that characterized the late 19th century and much

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[5] The balance of power theory in international relations suggests that national security is enhanced when military capability is distributed so that no one state is strong enough to dominate all others. Late 20th century in particular was marked by a bi-polar balance of power paradigm between the US/NATO and the Soviet Union/Warsaw PACT

of the 20th centuries to a post -Westphalian[6] regionally focused often intra-state conflict paradigm revolving around resources competition, religious ideologies, ethnicities and sects. During the 1990s much of the world stood by while genocide and ethnic cleansing occurred in Africa and intervened to a limited degree in the Balkans. "With respect to the so-- called new wars, it is important to note that the 1990s witnessed the outbreak of a significant number of conflicts. Iraq, Somalia, Yugoslavia, Haiti, Rwanda, Algeria, Sierra Leone, Kosovo, Chechnya, East Timor— to - name just a few horrors— - loom large in histories of post-- conflict peace-building -not only because a number of these conflicts presented the international community with a persistent "intervention dilemma" during the hostilities, but because their cessation posed even larger challenges to established conventions of peace-keeping." (Monk, 2014, p 22) Events in 2001 changed much as the US and the West re-focused on terrorism and the methods to fight stateless international actors[7]. Intervention became more of a truly considered and indeed acted upon option in a post 9/11 world. Conflict around the globe which had been shifting toward the end of the 20th century had nearly completed its shift from conflicts between and among states to conflicts between parties within states.

By 2012, the overwhelming majority (31 of 32 or 97%) of the world's armed conflicts were internal civil wars (Themner and Wallensteen 2013, 510). Of these, one in four involved an external state providing security assistance in the form of troops and related support to or more

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[6] Refers to a system of interactions between states and non-state actors that does not conform to the condition of the relationship of sovereign nations characterized by the time since the Peace of Westphalia in 1648. The "post-Westphalian" era is one where international organizations and other non-state actors are subsuming the roles ordinarily filled by independent sovereign nations.

[7] Term used to refer to transnational terrorist groups, international organized crime syndicates or what are known as super empowered individuals. All of these groups can wield influence through violence and crime subscribing and giving allegiance to any particular organized state as such.

warring parties. These statistics are part of a longer, unprecedented trend of foreign involvement

in civil wars dating back to the end of Second World War (2013, 510). In the last two decades,

more than 20 internal conflicts involved peace or post conflict interventions designed to prevent

a resumption of violence and to strengthen or reconstruct state institutions (Paris and Sisk 2009c,

1-2). Conflict, and conflict management have changed enormously as have the means and

methods in which they are dealt with. The works that I introduce and appraise specifically deal

with the "what" that comes after the intervention.

The field of post-conflict management (aka, nation-building, peace-building and post

conflict reconstruction)[8] has thus far been an under researched field of study. In fact if one looks

at the terms used to reference this "phase"[9] (as shown in Figure 1), it is clear that a proper set of

agreed upon terms is yet to be universally applied. This are of research represents a relatively

new area of study and marks an evolutionary period in this discipline . It is for this reason that

scholars have ample opportunity to research, understand and interpret and most importantly

bring to light the multitude of phenomenon that confront intervening powers at the cessation of

active, and I might add, intentional and expected hostilities[10], a period during which those same

forces will need to transition to civil activities. As shown below (Figure 1), the phases of

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[8] These terms while not ordinarily used interchangeably have roughly the same meaning and can refer to the varying disciplines of post conflict policies, practices and programs.

[9] "Phase" is used in this context referring to the US Army's Phases of Warfare Structure. These phases shown in figure 1 depict the stages of war as they progress linearly through time. After the so called "kinetic" phases come the post conflict stabilizing and shaping phases which are part of post conflict management.

[10] I use this term as it is important to distinguish those military operations and activities that the intervening forces understood to be the usual and customary by products of warfare. Other hostilities or those possibly unexpected or unplanned for are those hostilities that occur as a part of insurgency, terrorism or civil war. Many of which may take place at the same time that civil construction operations are underway.

military operations contain some early elements of civil stabilization planning and implementation across the whole spectrum thus the post conflict reconstruction process remains a constant element of the engagement. The focus of this and the publications being assessed pay particular attention to the top tier of the chart containing the Phases IV and V. It is in these areas that real "change planning" is crucial in transforming conflict systems.
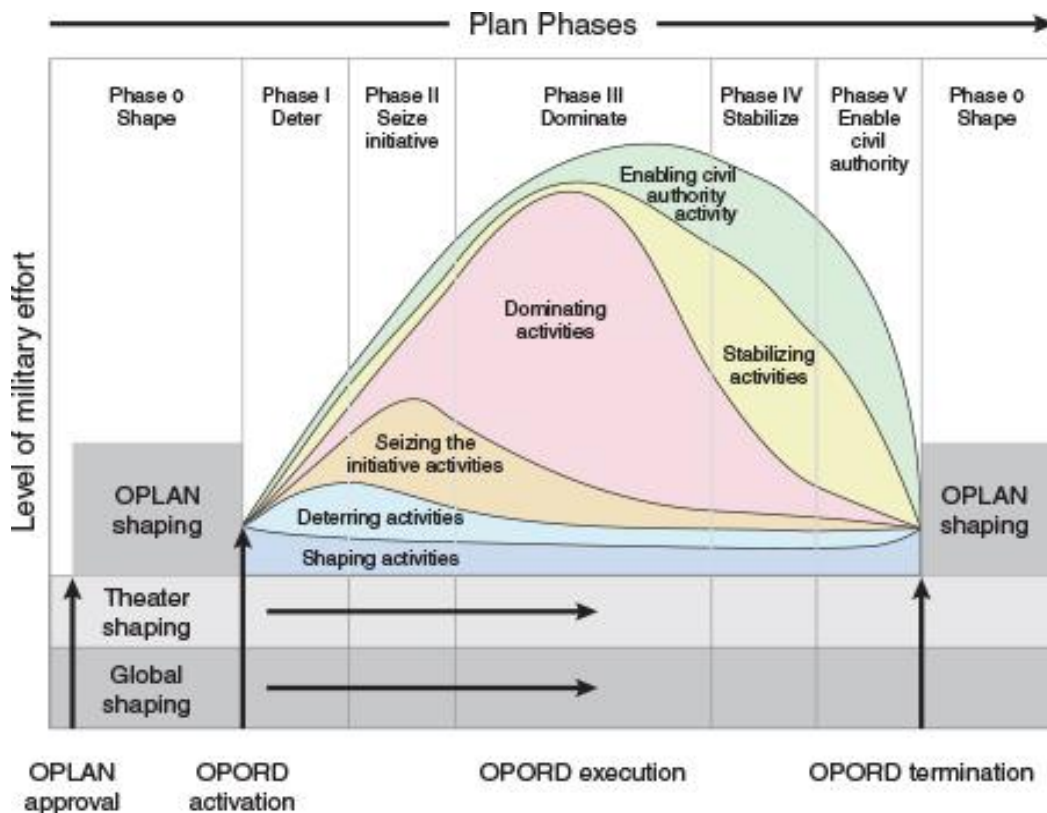

Figure 1
Source: National Academic Press

Figure 1 shows the phases of full spectrum operations that intervention forces pass through during a full scale intervention and will be discussed more fully in the Transforming Post Conflict Systems Model.

The increase of state disruptions, internal conflicts and civil war increases volatility in what is already considered to be an anarchic multipolar system and will likely be the main feature of conflict in the 21st century. We now recognize the threats that turbulence in less developed societies endure and the terrorism they create and export, are a global threat and that nations will likely intervene in failed or failing states in the future for a variety of reasons. There is also a growing understanding that we can no longer afford to view terrorist violence solely within the context of the individual actors or groups but also and equally within the context of terrorism's root causes which are the economic and political failures of weak states. In order to counter these states will have to intervene either militarily, economically or socially to counter these effects. The study of this phenomenon and the better understanding of it therefore must be absorbed into the literature and policy guidance that post conflict managers rely on.

Chester Crocker, Professor of Strategic Studies at the Walsh School of Foreign Service, Georgetown University,[11] claims that a key challenge going forward is deciding whether powerful states and international organizations have the Responsibility to Protect (R2P)[12] – that is to say intervene in failing states. Additionally if they do have that responsibility, can they simultaneously provide security against insurgents and/or terrorists and simultaneously execute

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[11] Crocker was also the serving US Ambassador to Iraq 2006-2008. He and General Petraeus (Architect of the "Surge") described, in a description borrowed from this author, trying to engage in rebuilding a war-torn society while fighting an insurgency as "trying to fly an airplane while you are still building it." He used this phrase in Congressional Testimony in September 2010. Term was also used by the Author Bob Woodward in his book, *The War Within: A Secret White House History 2006-2008*

[12] The Responsibility to Protect (R2P or RtoP) is a global political commitment which was endorsed by all member states of the United Nations at the 2005 World Summit in order to address its four key concerns to prevent genocide, war crimes, ethnic cleansing and crimes against humanity.

conflict management policies in zones of conflict? "*The 1990s dilemmas of humanitarian intervention and peacemaking are now joined by increasingly salient questions about how to effectively pursue nation building and democratization processes in states that are internally divided, capacity deficient and conflict ridden.*" (Crocker, p.4) What Crocker is asking is really the existential question for conflict management in the 21st century which begs the further question of the "how" do states who have decided to intervene design programs, institutions and policies that are compatible for the "intervened?"

The war on terrorism and the consequences of US-led interventions in Iraq and Afghanistan have changed the global playing field in a serious way. Contemporary examples of US operations to remove despots and rid countries of pernicious quasi-governments, such as the Taliban that support terror, have highlighted the limited effectiveness of military power and the emphasis that must be placed on developing both specific methods and dedicated organizations to help restore order and rebuild shattered societies.

Questions such as; what existing national institutions and resources can be marshaled to help transitioning societies, give way to more questions such as, what kind of institutions, organizations and command structures need to be created to lessen the burden on a military whose power projection capabilities may be heavily taxed by strategic commitments as was seen in both in Iraq and Afghanistan. If however, military forces will be called upon to take up a central role in post conflict management and reconstruction, new frameworks, process designs and models must be introduced into the critical skill sets of these forces. "*Early on in interventions in failing states, intervening forces typically realise that their challenge outstrips their governments' political will and begin looking for shortcuts. The 'breathtakingly*

mechanistic' approach that results appears to be premised on a belief that if they spend enough money on politically uncontroversial, technocratic steps to strengthen the apparatus for administering the system (or systems) of justice, this modest investment will be repaid with most of the virtues we associate with the rule of law in civil, stable societies." (Mason, 2011, p14) Centrally, these published works address why today's military leaders must be a part of this process of redefining the application of national power and should develop capabilities that are built on end to end methodologies, and utilizing integrated, operationally proven tools for analysis, planning, operating and assessing change in complex human adaptive conflict-affected environments.

Rule of Law Development and Security Sector Reform – Their Origins

Nation building and reconstruction have existed in various programmatic states since the end of the Second World War. *"The Rule of Law Reform programming that has evolved over the last 20 years should be distinguished from the Law and Development[13] phase that preceded it in the 1960's and 1970's" (*Samuels, p1). The latter was mostly a US undertaking, funded primarily by USAID and The Ford Foundation, as well as relying on the expertise of US academics at major US law schools. The programming aimed to reform the judicial systems and the legal systems of many countries throughout the developing world to assist in their economic development or so it was believed. These ambitious projects relied on the belief that legal changes would engender social changes and that the US legal system was the best model to

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[13] Law and development is an interdisciplinary study of law and economic and social development. It examines the relation between law and development and analyzes how to use law as an instrument to promote economic development, democracy and human rights. Largely an approach used in the 1960's and 1970's it has largely been discredited and abandoned.

support economic development. The movement was declared to be a failure in the mid-seventies by its key supporters. Criticism of the programming included that it was not based on a theory of how law impacted on development, that there was no local ownership of the projects, that the focus was entirely on the formal legal system (ignoring the traditional or informal mechanisms), and finally (and this is the most important point)….."*that it relied on the ethnocentric view that the American legal system could be successfully transplanted into the developing world."* (Samuels, p.1) Part of the problem emanates from the practice of IGOs and Western aid agencies to advance "institution and capacity-building" as the primary means by which the rule of law may be established or strengthened in post-conflict situations. "*This approach is principally one of institutional enforcement, based around state-sanctioned enforcement structures such as arrest, detention and prosecution mechanisms' This approach derives from understanding the rule of law as an appliance rather than a way of interacting. Policymakers find it congenial to imagine the rule of law as a collection of things that can be imported wholesale because that relieves them of the much more daunting challenge of tinkering with the myriad and nebulous arrays of incentives people in the society have for treating one another civilly or otherwise*." (Mason, 2011 p33).

The current Rule of Law reform programming is a more International phenomenon, supported by a far greater number of agencies and countries, and is rationalized on the basis of economic development, democracy, and peace. While the approach taken in contemporary settings is more comprehensive, integrated and nuanced, it does however need to revisit some of the lessons learned from the previous Law and Development model as practitioners may have lapsed back into the older failed approach. This "lessons learned" approach to like do much *"to*

disabuse practitioners of belief in political alchemy – or convince them of the folly of operating as if they had this belief – and to develop a more nuanced, sophisticated understanding of the rule of law as a state of affairs in which people feel it makes sense for them to act within the law.” (Mason, 2011 p27)

Security Sector Reform (SSR), or elements of it, is a more specific and recurrent theme in these published works. One might consider it a sub-set of Rule of Law Reform. Broadly conceived, SSR entails all policies, programs and activities aimed "*to create a secure environment that is conducive to development, poverty reduction, and democracy*." (OECD, 2005,16). Building and often times, reforming, security institutions into more accountable, public service oriented and humane organizations is now a central feature of post conflict management and peace peace-building efforts. SSR begins with the assumption that security and development are inseparable (Collier et al. 2003). The notion that establishing a secure environment through the building of reliable security services provides the entry point for development underpins nearly all aspects of reconstruction thinking. Regrettably, the International community's experience with SSR has, at least in the latest conflicts, not been overly successful. There are various reasons for this, which are examined in the works reviewed.

The Rule of Law Reform,[14] as well as the establishment of functioning, accountable legal systems is also one of the key enabling elements for stability in Post-Conflict Management Theory. The Rule of Law, such that it is credible and respected by the population, is an enabling factor for the growth of the economy as transactional and property laws become codified,

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[14] Rule of Law reform is a term that covers a range of initiatives and projects, means different things to different organizations, and has ranged in content and focus over time.

transparent and enforced. This "Social Contract"[15] is a natural function of governance or systems of authority. All cultures have unique systems of authority where they are state, non-state, tribal, civic, religious, corporate or otherwise--- ultimately premised on mutual consent of those with authority and those subject to authority in that system. The creation of a transparent and fair criminal justice system also assists the transition in demonstrating to the public that the government is not only concerned with security and safety but with fairness. The challenge put to post conflict practitioners and policy makers is not only how to develop the various systems but also more importantly, what context they are creating them in. Legal systems, much like laws, are many and varied and arise due to the peculiar and unique historical, political and religious circumstances of the cultures from which they come. It is important to note that authority systems can originate from a combination of sources and most importantly "*governance*" is not even synonymous with government. Governments are only one system of authority and frankly not even the most common systems. In the two states in which I focus my writing, governance is sited both within government but also influenced and informed heavily by religion and kin affiliations such as tribes or clans. Post-Conflict practitioners and others in the international community seem to have in many instances, missed those key points when developing constitutions and the legal systems that flow from them to their client states. This has been met with confusion, inefficiency in implementation and, in some cases, direct institutional push-back from the client state. This has happened because the "*new*" and in some cases "*alien*" systems are not fully understood by the population and looked upon with suspicion. The

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[15] Social contract is both a moral and political philosophy. The actual theory originated during the 17th century and concerns the origin of society and the legitimacy of authority of the state of the individual. This theory establishes that the individual grants the state this authority in exchange for other public goods thus the state rules with the "consent of the governed."

international community should comprehend the importance of the context of the law and legal traditions of the client state and understand that some legal practices and traditions that originate from Western European traditions simply do not travel well to other cultures.

In the published works I have also discussed the economic factors in terms of the causes of conflict. It begs the question however of what are the economic considerations for stability and reconstruction and how are those conditions created? How important is establishing a firm economic base and lifting segments of the population out of poverty? Is the emphasis on democracy the priority? Is it the development of the economy? This is a sort of classic "*Chicken – Egg*" question. In fact it is the fundamental conundrum facing policy makers in post conflict states. In nearly each instance of intervention the focus has been political development with scant attention paid to the economy. In each case the people felt that they were generally not better off because of the the intervention. Perhaps either a focus on developing the economy first or at a minimum, a dual focus is indicated based on the less than impressive results over the past 16 years in only two but very large and important interventions. The other axiom of post conflict and stability operations must also be questioned. This is that economic development cannot take place in the absence of a secure environment; at the same time, can a secure environment be long sustained without progress in economic development?

The International communities' strategy has relied heavily on the establishment of democratic systems in states such as Afghanistan and Iraq. In these two examples this has been met with mixed success. Can it be assessed that there is currently a shift in emphasis away from Democracy as the ultimate end state which defines success? I am developing a sense that democracy as an ultimate objective, has declined somewhat as a primary objective. This begs the

question of whether democracy equals success in all instances. Can we define success and establish security and relationships with non-democratic states?

Since WWII, it has more or less become axiomatic that democracy is the only type of political structure that can help heal the wounds of a fractured society. It has become almost conventional wisdom that democracy is good for all countries and all peoples all of the time. Democratic Peace theorists[16] argue that the establishment of democracy makes possible all other successful aspects of society including free and open trade markets, human rights guarantees and overall good behavior and good global citizenry. While this may sound noble and indeed be noble through the lens of post-Lockean, liberal Western Democratic theory, the opposite seems to be the case in many non-western traditional societies. Not only has the truth been that most of the Western Industrial Democracies have tried to institute democracy to encourage the transition from authoritarian post conflict countries with unintended consequence, it has also unfortunately taken on a somewhat coercive quality. "*Stakeholders in the peace-building paradigm derive epistemic legitimacy for institutionalization— as - have "nation builders" like George W. Bush— from - what is commonly referred to as the "Democratic Peace" paradigm. Drawing upon a tradition of political research that has claimed (largely on normative or institutionalist grounds) that democracies tend not to wage war on other democracies, liberal peace-builders …..engineered the same democratic peace into a program of action. The problem, as peace-builders themselves frame it, is that a liberal project is advanced through illiberal means. "The governance of post-- conflict territories by the United Nations embodies a central policy*

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[16] Democratic peace theory is a theory which posits that democracies are hesitant to engage in armed conflict with other identified democracies. In contrast to theories explaining war engagement, it is a "theory of peace" outlining motives that dissuade state-sponsored violence. A corollary

dilemma," Simon Chesterman argues. "[H]ow does one help a population prepare for democratic governance and the rule of law by imposing a form of benevolent autocracy?" With some variations, stakeholders and advocates of the liberal peace-building paradigm have, like Chesterman, suggested that the paradox of undemocratic democratization is an irreducible feature of peace transitions. It is, in other words, a necessary evil to be mitigated by introducing forms of "accountability and consultation" into transitional administrations, and by inviting local populations to become stakeholders "in the creation of . . . [political] structures, and in the process by which power is transferred." (Monk 2014)

While the Le Monde cartoon (above) is hardly fair and misses the noble intentions of freeing the Iraqis (in this case) from the yoke of a despot, it does however demonstrate how, in some corners of the world, democracy is perhaps not as appreciated as we might think and the efforts of Western powers and their motives are viewed with suspicion not only in the Middle East and South Asia but in many parts of Africa. The other unintentional consequence of democracy is of the "winner takes all" aspect of pure democracy. In states where there are ethnic, religious or sectarian minorities, the idea of "the majority rules" can result in sinister consequences. One of the existential questions students of Conflict and Conflict management must consider and evaluate is whether or not democracy is part of the prescription to cure what ails some societies or is it going to accelerate an already fractured society toward intra-state violence? Democracy is from its very nature chaotic and conflictual. Overlaying inherently chaotic and conflictual

political systems on already chaotic and conflictual societies may not in the end yield peaceful and equitable results. As E. D Patterson points out, "……. the West has been flabbergasted by the persistence of war because we cherish the idea that democracy and capitalism— in other words, human liberty—is the answer." While many in the international community may value these inherent "goods" others in the post-conflict environments may not share them as General Petraeus famously said about the insurgent groups in Iraq, *"The enemy gets a vote too."*

Marina Ottaway, Director of the Middle East Program for the Carnegie Endowment for International Peace, presents a thought provoking perspective on Democratic Peace Theory. Here are a few considerations she offers: The first is that there is a growing body of evidence that suggests that coercive democratization is not a successful strategy in most post conflict situations. Democracy can be developed only in well-established states, capable of exercising authority over their ENTIRE territory. Secondly, democracy, and in particular the majoritarian democracy, to which the international community appears committed, also requires a population that shares a common identity not one deeply fragmented along lines of ethnicity and religion. Neither of these characteristics is common in countries emerging from civil war or intra-state conflicts. Therefore the idea that democracy is the one size fits all solution in a post conflict situation needs to be discarded and a wider range of alternative solutions, such as temporary or transitional solutions should be considered. Ottaway suggests that governments of national unity should be promoted rather than pushing for the immediate adoption of competitive and divisive democratic systems. Lastly, democracy is inherently conflictual, messy and probably inappropriate for use in fragile societies transitioning from authoritarian to democratic or freer

systems (Ottway, 4). Democracy as Ralf Dahrendorf[17] has pointed out is "*government by conflict*". In other words it is a political system that recognizes there can never be unanimity of interests and views in a society and therefore creates mechanisms to institutionalize conflict and manage it. Clearly, if considered in this context, we might reconsider the immediate drive toward establishing democracies in societies with no historical point of reference for same. The examples of both Iraq and Afghanistan in this regard are particularly compelling. Both countries were examples of the notion that somehow overlaying arguably the most conflictual governmental system of some of the most inherently conflictual societies would create peace and stability was born out of a kind of idealistic view of the power of democracy as a force of good that ended with a cognitive dissonance among leaders when confronted with the abject failure and resulting violence of having done so.

Leaders should study the effects of democratization, in particular, coercive democratization. I use the word coercive not in the classic sense but more in suggesting that client states who rely almost wholly on financial aid and other forms of support from the Western states feel they have little choice in the authorship of their new governance structures. The pressure to conform to the development of new institutions formulated on Western traditions and values is significant and often irresistible. Engineering democracy cuts across financial resources, international agencies, Rule of Law and control of sovereign territory. Policy makers, practitioners and students of post conflict transition should consider new alternatives to pure democracy in transitional post-conflict societies. The collected works presented offer new strategies and the theories that underpin them based on over a decade of personal empirical

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[17] German-British sociologist, philosopher, political scientist and liberal politician. A class conflict theorist, Dahrendorf was a leading expert on explaining and analyzing class divisions in modern society.

research in two examples of post-conflict transitional societies. Throughout the presented works, references are made toward post- conflict redevelopment policy, the building of institutions and the approach to the Rule of Law once again predicated on traditional authority structures, cultural practices and religious belief systems. In each, I cite the importance of the respective roles of <u>history</u>, <u>religion</u> and <u>culture</u> as a guide to how the particular society has been habitually organized. In the cases of societies that I personally studied/peer-observed in the field, as well as discussed in my published works, I have tried to link the failure to understand and appreciate these influences on those societies and the failures that resulted by operating in ignorance of them. The role of history for example is important because most societies are guided quite strongly by their history and collective cultural memories. Friedrich Nietzche, the 19th century German Philologist, understood the power of historical context on present day political discourse and direction on society. He said, "*that for the health of a single individual, a people, and a culture the unhistorical and the historical are equally essential.*" (Nietzche, 2004) In this he meant that the history of these cultures was vitally important but one can also infer that he equally meant folklore. Both Iraq and Afghanistan have long histories with the West and their societies have equally long memories. It is not to be ignored that during the invasions of Afghanistan and Iraq in 2001 and 2003 respectively that there were living members of those societies that were literally alive when for the example the British had last fought in their country. Both countries have had a history of Imperialism and Empire and both had successfully moved beyond that with the memories still fresh in their collective memories. Churchill once described the Afghans this way…... . "*Every family cultivates its vendetta; every clan, its feud.... Nothing is ever forgotten and very few debts are left unpaid.*" (Churchill, 1996)

Religion, particularly among Muslim cultures is the animating force in both their public and private lives. It is not only the animating force that informs the way they think and believe according to the Koran, but also informs the way they behave. Religion informs Law in Islam and Muslims abide by Shar'ia in the way they view legal disputes and justice. The legal strictures of the Koran with particular attention paid to justice are anathema to Western Justice Systems and Western Culture altogether. The idea that supplanting a Western Corpus Juris Civilis[18] based legal tradition on an eastern culture without accommodation to the Koran, Haditha or Sunnas is folly and was bound not to be accepted by the society. Indeed by accepting a non-Shar'ia based system they are in direct violation of the common principles that underpin their entire societal construct. While Shar'ia does not account for complex contract law, international law and various other types of judicial conflict resolution, it does an excellent job (as far as the people are concerned) with meeting the needs of local, communal and domestic interpretations. Constructing hybrid systems such as what is found in Egypt may have been a more suitable model in both countries which blends both international, Civil and Shar'ia as each is need in its appropriate realm.

Lastly, culture is informed by the previous two and is a culmination of customs, attitudes and beliefs that distinguish one group of people from another. It is the distilled essence of the people and that very thing that creates the mental maps in the people with whom the Post Conflict Specialist must deal.

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[18]   The original body of Roman or civil law consolidated by Justinian in the 6th century ad. It consists of four parts, the Institutes, Digest, Code, and Novels. It forms the basis for the modern Civil legal system in Europe.

The challenge for the Conflict practitioner, policy maker or specialist is- how does he or she create institutions, policies and programs of governance that take full account of history, religion and culture that are acceptable not only to the people which must use them but also from the international community who have risked much to intervene? This is the existential question. These challenges can be met with a vertical understanding of this phenomenon for policy makers at the top down to the program specialist administering programs with their host nation counter-part. As Whit Mason points out that, "*On conditions, the rule of law grows, needs nurturing, and has to be in sync with local ecologies. It can't just be screwed in, though it can be screwed up, and it depends as much on what's going on around it, on the particular things in that ecological niche, as on its own characteristics. This is a larger point than it seems, and even larger still when one comes to consequences.*" (Mason, 2011 p15) The influence of each of these elements of society is shown along with the questions which are raised. These questions should provide the necessary point of reference for how to approach institutional design in each category.

Before going further, it is important to emphasize that nearly all institutions and programs that are part of a post conflict development program are focused on building and strengthening governance. Governance can be both a noun in this case and a verb and it is important that one recognizes these attributes of governance at the beginning.

We should therefore operate from 5 Key Assumptions or Perspectives that are embedded in my model:

They Are:

1.) Governance is not synonymous with government.

2.) Governance is less about "tangibles" and more about "intangibles." Governance is about power and authority, codified through rules, Rule of Law and Norms (History, Religion & Culture).

3.) We as post conflict peace-builders and practitioners should take an empirical rather than a normative approach to governance. We believe that governance legitimacy is determined by those in the system- not outsiders – and that data can and often contradicts value judgments.

4.) "Theory of Change," and the principles that underpin it, are a relevant approach for understanding and helping to develop governance strategies.

5.) Governance must therefore be approached through a "systems lens", recognizing that governance systems are complex, human and adaptive.

In order to more fully comprehend the premise of each of the above assumptions, I would like to unpack and describe them each in more detail. The first assumption is that formal governments are only one type of system of authority and not even the most common. Authority systems differ from state to state, culture to culture and can be corporate, religious, clan, or tribal and number possibly in the millions. Secondly, governance is mostly about "intangibles." The formal descriptions of governance generally center on tangibles such as security, health care, educations etc. In other words, they are what are known as "*public goods*." They are however only manifestations of power and authority- who has it, how it is wielded and what is demanded

of authority in return. These intangible power dynamics are what must be understood if we are to affect successful outcomes. The majority of systems of authority are not codified in law, but rather defined by norms.

"The concept of the rule of law, whatever else can be said about it, has to do with the way power is exercised. There might be much more to the rule of law than this, but for millennia, and at least since Aristotle, people have noticed one salutary distinction in particular: that between circumstances in which power can be exercised arbitrarily and <u>those where law – not on its own, but together with other social agencies, actors, institutions and norms</u> – plays a real role in channeling the exercise of power, and in particular in constraining the possibility of its arbitrary exercise. (Mason, 2011 p24)

It is these norms which we must fully understand. These norms are artifacts of culture - "unwritten" rules if you will. They are powerful and command respect from those within the culture. Thirdly, we must take an empirical and non-normative approach to developing institutions and programs. This simply means that we must examine what "is" rather than what we believe, from our own cultural reference, what "should be." Using the Democratic Peace theory proposition from before, we might make the statement, "*Countries should be democratic*." This is a subjective value judgment that too often becomes a national foreign policy stance. Another commonly recognized normative stance is "*Women should have equal rights*." What happens when this normative attitude is contradictory to the history, religion and culture of the subject state? What impediments to our normative agendas might we encounter? The point is that we must look at the data empirically backed by observable trends regarding power and authority. This, regardless of those norms we would like to be true and what we would like to

enforce. Fourth, Theory of Change is relevant for understanding and implementing governance. Theory of Change provides a comprehensive description about how change happens. Understanding the phases of change is to understand people and the complex relationships the lay at the heart of all human systems. There is an old Suffi saying, "*You think because you understand one you must understand two, because one and one make two. But you must also understand and.*" Lastly, this brings us to assumption 5 which is viewing governance through a systems lens. As mentioned previously, governance is fundamentally human, complex and interdependent. Taking a holistic approach to analysis is critical. This helps us to view issues not as isolated incidences but rather as an interrelated part that works within parts of a system. If we operate from these 5 assumptions, we will be less likely to revert to cultural and normative biases, take on board what is likely best for those who are part of the system and therefore also less likely to develop what I call, "Fixes that Fail." [19]

In the illustration below I have attempted to show how the key elements of history, religion and culture should flow down toward programs design.

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[19] Fixes that fail is a system archetype that in system dynamics is used to describe and analyze a situation, where a fix effective in the short-term creates side effects for the long-term behavior of the system and may result in the need of even more fixes.
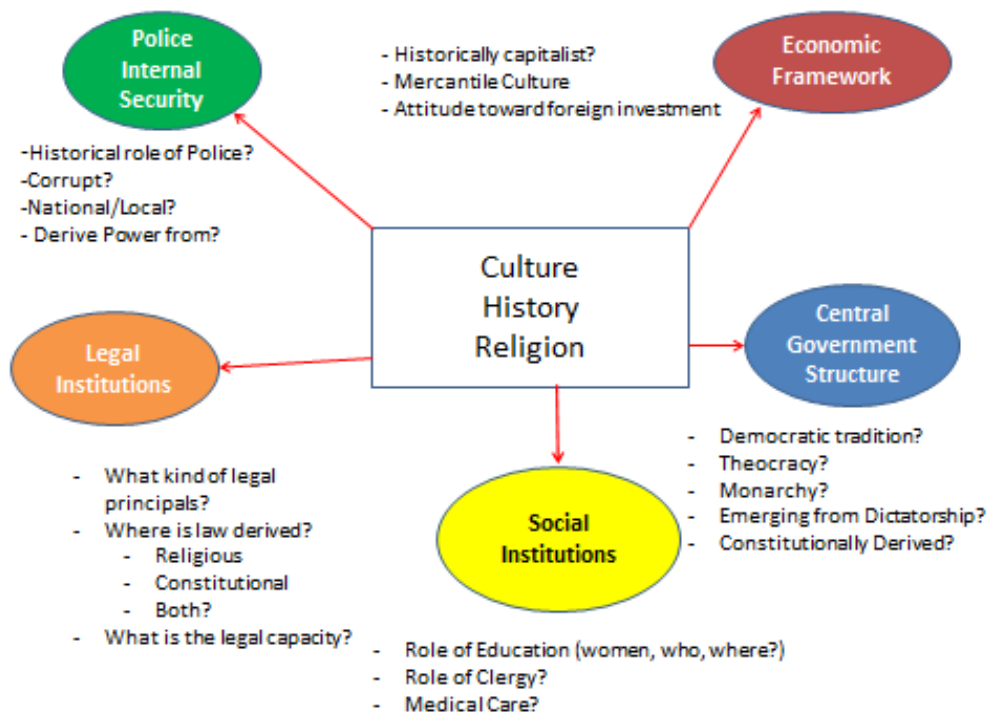
Figure 2 Kleponis Post Conflict Institutional Design Model

Figure 2 above illustrates the relationship in each of the 5 elements that underlay post

conflict institutional development. These include the police or internal defense, legal

institutions, central and local governments, social institutions and finally the economy. All

of these are tied to traditional power structures, religious dictates or historical paradigms.

Each of these key elements of developing a society is informed by one, two or a

combination of all. The model also points out the importance of seeking out which of these

underlying influences is historically tied to these institutions and developing polices and

structures that will conform and even leverage them. Much of the published works describes

how the failure to do the research and take them into consideration resulted in as mentioned,

passive resistance, inconsistent application of policy and in some case direct pushback from

the local institutional players. In the worst of cases, the locals sought satisfaction from

alternative providers such as Al Qaida and the Taliban.

CHAPTER 3: ANALYSIS OF PUBLISHED WORKS

In this chapter I have incorporated the published works or papers and outlined their contents as they relate to post conflict management. Each of the selected papers deal with some aspect of Post Conflict Management as they influence one of the main subsets of the Post Conflict Model introduced earlier in Chapter 2. Presented for brevity for this Critical Appraisal are abstracts of each published work. The original papers are provided under separate cover.

3.1 Paper 1:

Bridging the Strategic Gap: Key Missions and New Directions to Address Security Policing in Transitioning Conflict Environments

Strategic Studies Institute: Fall (2015) The Strategic Studies Institute publishes national security and strategic research and analysis to influence policy debate and bridge the gap between military and academia.

This work has been predicated on both the writings of serving military policemen as well as research conducted by independent consultants. It examines contemporary challenges in defining the roles and missions required for effective post conflict policing, particularly for any role the Department of Defense, and possibly elements of the United States Army, may play to fill what have already been determined to be capability gaps in U.S. government response.

The Department of Defense has, during the last two conflicts spanning 13 years, been given the lead for Rule of Law Reform; specifically, with the building, resourcing, training and mentoring of host nation police organizations for several reasons, not the least of which has been the non-permissive operating area that would not allow for non-military to carry out training missions autonomously. Success in this area has been mixed. Several approaches have been

taken from using general purpose forces, coalition paramilitary organizations to civilian contractors to carry out these tasks. The sheer number of diversity of individuals, organizations, methodologies and program objectives has led to a disjointed and uneven effort which naturally has resulted in uneven success.

Concurrently, the Department of Defense should re-examine its capability and capacity in this realm in order to maximize its ability to assist the Department of State and the overall intergovernmental post-conflict policing and security establishment..

The focus of this work briefly discusses this strategic gap but also sets out to identify a method that the US Army may be able to use to successfully bridge this gap. As the availability of the Military Police Corps to field commanders has been reduced , it may present an opportunity to both redefine and possibly reduce the quantity of MP doctrinal tasks while increasing the Military Police Corps level of specialization, professionalism, and value to the Army.

Much the way companies in industry are constantly reviewing and improving shareholder value by focusing in the most "value added" business lines, and shedding those that present less value over time, likewise the MP Corps can similarly consider which of their current "business lines" they might want to shed and which, as a branch , they would want to invest time and resources in to become the recognized subject matter experts in crime, internment operations, law and order and indigenous police capacity building. As a result, the MP Corps would become the Commanders' consultant in such areas.

Lastly, the Department of Defense must do more to improve its policing, criminal intelligence gathering and analysis competencies. DOD must be specialists in these areas that have become especially important in the battle space. The Army, and specifically the MP Corps is being presented what amounts to a "revenue neutral" opportunity. It can address a strategic gap that exists while significantly improving its value to the Army.

3.2 Paper 2:

The Formation of Conflict Entrepreneurs: A Cultural and Political Explanation of the Organized Criminal State in Afghanistan

As the US involvement in Afghanistan draws to a close, speculation from all circles envelops as to what kind of country will emerge after 13 years of aid, advice and infrastructure investment. It is often reported that the key impediments to progress in Afghanistan is its endemic corruption. The phenomenon of corruption in Afghanistan is one in which the coalition and some members of the Afghan government struggle with daily. It is nightmarishly complex and because it is so interwoven into the fabric of the State, organized criminal enterprises, the Taliban and other variant conflict entrepreneurs: the solutions elude us. The existential question on tackling corruption is: what threshold do we tolerate? Do we tolerate some corruption? Do we reluctantly tolerate a lot of

corruption? Or, do we tolerate corruption only from our perceived "friends" who cooperate with us? Is the toleration of corruption really just bribery to gain the co-operation of the government we largely created but are unable now to control? Is that not in itself corruption and what is our role? Where is the line between "Afghan Good Enough" and "Zero Tolerance?" What doctrine and policy is to be adopted that while morally and ethically defendable, may if we are not careful, derail other unseen agendas at work and if pursued might be a case of the cure killing the patient?

This article assesses each option and transcends the debate with a possible pathway forward.

3.3: Paper 3

China's Role in the Stabilization of Afghanistan

Strategic Studies Institute: July 8th 2009

Global Security.org: GlobalSecurity.org is the leading source of background information and developing news stories in the fields of defense, space, intelligence, WMD, and homeland security. Launched in 2000, GlobalSecurity.org is the most comprehensive and authoritative online destination for those in need of both reliable background information and breaking news. GlobalSecurity.org, is well-respected, trusted and often-referenced in the media, both domestically and internationally.

China Aid Data http://china.aiddata.org/resources/25161 China.aiddata.org is a collaborative online platform that seeks to make information about Chinese development finance flows to Africa more accessible and usable. By sharing, synthesizing, and standardizing diverse sources of development finance information from journalists, scholars, government officials, business professionals, and local community stakeholders, this open data platform is designed to facilitate better analysis and understanding of Chinese development finance activities in Africa.

JSTOR.org: https://www.jstor.org/stable/resrep11278?seq=1#page_scan_tab_contents

Over the years, China's ambivalent relationship toward Afghanistan   recently began to change as the prospects of an Afghan stabilized security situation begin to emerge, and the Chinese view is that the momentum is on the side of the Coalition. For an indication of their prognosis of Afghanistan's future, one need only follow where the money is being bet, and the Chinese are betting on success.

This growing interest and confidence in our abilities to bring the country under government control, destroy, marginalize or reconcile "spoilers" and bring about structural change in Afghanistan is particularly manifested in China's recent $3.5 billion investment in the Aynak Copper field in Logar province. This is the single largest foreign direct investment in Afghan history and portends to be just the beginning of a systematic and deliberate program to engage the Afghans economically and exploit the vast natural resource wealth of the country. China Metallurgical Group, the company that won the bid is now, for example, also engaged in bidding for the rights to develop iron-ore deposits at Hajigak in the central province of Bamiyan, west of Kabul. With this deal to extract the enormously rich copper reserves in Aynak, and build the huge infrastructure necessary to do so (apparently even promising to build mosques), Beijing has, in a "single move," strengthened its hold on a vital resource, engineered the single largest investment in Afghan history, promised to create thousands of new Afghan jobs, and established itself as the Afghan government's preeminent business partner and single largest source of tax payments. And, of course, the commercial and geopolitical benefits of this win-win win-win all accrue to China thanks to the (relative) security offered by the U.S. military. All in all, the project is billed as an example of how China's leaders, flush with money and in control of both

the government and major industries, meld strategy, business, and statecraft into a seamless whole.

Critics naturally assert that China is "free-riding" on the extensive stabilization efforts of the United States and the Coalition. While there may be truth in this statement, is not the establishment of long -term, sustainable economic projects that produce jobs for Afghans, revenues for the central government and enduring municipal infra-structures consistent with our overall goal of Afghan stability?

The contribution of this published article is that policy makers in the United States have taken a new look at the development model that China employs in Africa and are re-considering large self-sustaining projects in Afghanistan instead of projects that are expensive and require continual aid money in order to run such as hospitals and schools. The author was invited to the Chinese Embassy in Kabul shortly after the publication of this piece along with the Deputy Interior Minister to discuss how the Ministry could assist the Chinese further on the project. The article has been translated into Chinese and has been distributed in a number of multiple English and Chinese publications.

3.4 Paper 4:

CSI Kabul:An Example of Failing to Understand Local Legal Structures and Traditions Before Attempting to Re-Establish The Rule of Law and Police

Academia.edu: June 2015
European Journal of International Security: (Pending Review) July 2016

Crime dramas proliferate throughout our television lives across all of the networks and cable. In

particular there has been the exploding popularity of Crime Scene Investigation (CSI) programs

where the crimes are solved by technical and scientific methodologies by forensic detectives.

Often these TV series highlight multiple cities in the US, such as CSI New York, CSI Miami and

CSI Las Vegas, but to list a few. They also have international appeal and have therefore been

replicated in other countries. This phenomenon has also resulted in a near nine-fold increase in

forensic science and criminology degree programs. It seems like everyone wants to be part of the

CSI craze and the US Army Military Advisors are no exception. Even Reuters reported that in

Afghanistan, "Afghan Confidential: detectives train at CSI Kabul ", was no exception. This story

highlighted the attempts of the US Police Advisory Arm of ISAF to create just such a capability

within the Afghan National Police Force. To that end, in October 2014, a contract to carry on

with the LEPs[20] Program 2 which included specifically former law enforcement professionals

trained in crime scene analysis was awarded. This contract was awarded by the Coalition

Security Transition Command- Afghanistan (CSTC-A)3 . This was also aimed as a source of

training for the Afghan police in forensics and investigations. This proposal was mooted as long

back as 2010, from the CJ-74 shop. Such a proposal strikes me as odd that they would be

proposing to train the police in these skills, particularly when the legal structure in Afghanistan

was different from the US and that the role of the Police was not only different, but severely

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[20] The Law Enforcement Professional Program was a program conceived and implemented by the US Department of Defence to recruit former civilian police professionals to assist uniformed US military in the mission of training and mentoring indigenous police forces in post conflict environments such as Iraq and Afghanistan. The results of the program were mixed with any deciding that civilian police practices as found in the United States did not travel well. In addition it was noted that many did not possess the cross cultural experience to function effectively in such an environment.

limited with respect to policing powers found in the US or the UK. In fact, not only was the program they were advocating beyond really not only the competency of the Afghan Police, but beyond their remit as a Police Force. Accordingly, this article seeks to highlight the problematic nature of the program they were proposing, as well as assess its feasibility and draw a broader basis for such reform. Furthermore, this article seeks to challenge the tendency of many post conflict planners and practitioners to not fully understand the context of the cultural, societal, political and in this particular case, the legal structures of the nations in which they are operating but simply revert back to systems and processes which they know and are comfortable with. The reasons for this are many but the primary reasons will be illustrated within this paper

3.5 Paper 5:

The 21st Century Answer to "Burning Their Crops and Salting Their Fields" Interdicting and Destroying the ISIS Financial Network

Small Wars Journal: February 2016: http://smallwarsjournal.com/jrnl/art/the-21st-century-answer-to-%E2%80%9Cburning-their-crops-and-salting-their-fields%E2%80%9D-interdicting-and-
Indian Strategic Studies: http://strategicstudyindia.blogspot.com/search?updated-max=2015-08-07T00:25:00%2B05:30&max-results=34&reverse-paginate=true

Academica.edu: November 2016
Arizona State University, Center for Strategic Communication 2016
    https://csc.asu.edu/2015/08/01/the-21st-century-answer-to-burning-their-crops-and-salting-their-fields-interdicting-and-destroying-the-isis-financial-network/

The enemy of terrorism has evolved particularly over the past decade in terms of organization, resourcing, public relations and above all tactics. I have written on several occasions that today's terrorist organizations more resemble organized criminal organizations rather than the strictly political or military organizations they once were. We have seen ISIS or the so called "*Caliphate*" organized in such a way that they keep organized records, have accountants, bankers

and budget directors – all to keep track of the money which is the life blood of their organization. Their income, not unlike any other organized criminal element comes from the sale of commodities (in this case oil), protection rackets, human trafficking and out-right robbery. The point is that we are essentially fighting organized criminal gangs using tactics, techniques and procedures one would use on military insurgents and this is just the wrong approach. Instead of tasking just the military to deal with the problem as they will simply address it in the only way they know how, we should start thinking like crime fighters and like the FBI and other federal law enforcement in the US and in Europe, hit the terrorist and insurgents (criminal gangs) where they live and that is at the bank.

The effect of this piece was that it was picked up in the Pentagon J-5 Strategic Plans & Policies division along with other similar pieces to change the way the war-fighters were looking at the ISIS phenomenon. The shift toward fighting their sources of revenue as well as interdicting the monies as they were transferred internally and abroad became one of the core areas of emphasis in combatting IS. Donald J. Trump the presumptive Republican nominee in the US, used the exact phrase "burn their crops and salt their fields" in a stump speech in late 2015 when referring to combatting ISIS. One of his campaign staff indicated to the author it was from this piece which was read by one of his campaign staff.

3.6 Paper 6:

Old Rules- New Threats: Keeping the Peace in the 21st Century

Academia.edu: April 15, 2015

The world essentially experienced the coming of the 21st century with one of the most dramatic terrorists attacks ever perpetrated. The events of 911 contained all of the ingredients of the new

paradigm in global threats. First, the attack was conducted by an ideologically motivated transnational group based in and emanating from a "failed state". Second, the attack was conducted on a financially and militarily powerful liberal democracy. Third, the attackers transformed common technology into weapons of mass destruction, killing thousands for world-wide media consumption. Fourth, they did this using the individual freedoms and permissiveness of the targeted open society to wage asymmetrical warfare against it. This is the new face of the threat that confronts us in the 21st century. This case however has opened up a new legal dialogue on the international use of force and the ability of countries to defend themselves ostensibly by invading other countries. The 911 case pushed the envelope of legal and strategic doctrine because at the time there were only two bodies of law codified in treaty that aggrieved nations could draw on. They were the NATO Treaty and of course UN Conventions for the use of force. In order to gain a fuller understanding of where we are as an international community we must also understand what series of legal and political events occurred immediately after 911. As with any forensic investigation we must first look at the facts surrounding the occurrence and subsequent legal, military and political actions.

The purpose of this paper is to explore how the rise of terrorism and non-state actors attacking population centers and nations have challenged the legacy legal construct of aggressively reacting to threats as well as the notion of national self-defense. In this paper we will explore using examples of legal precedent as well as new interpretation of long standing law to justify the actions taken by the United States and other Coalition members in response to the 911 terrorist attacks.

3.7 Paper 7:

Throwing the Book at the Taliban: Undermining Taliban Legitimacy by Highlighting Their Own Hypocrisy

Originally submitted personally to General Petraeus to use as a talking paper for a symposium on Information Operations for International Security Assistance Force-Afghanistan (ISAF) September 2010

Small Wars Journal: July 19, 2010 http://smallwarsjournal.com/jrnl/art/throwing-the-book-at-the-taliban

Strategic Studies Institute: October 14, 2010
https://ssi.armywarcollege.edu/newsletter/Aug2010.htm

By the title, this paper examines and discusses the relationship of the Taliban with the local people and how in many instances it deviates from their own code of conduct as codified in the guidance provided by their key leaders. NATO, who have been highly criticized by both the international community as well as the Afghan government for civilian casualties is also keen to point out the outright atrocities conducted by the Taliban on the civilian population in direct contravention of their own code of conduct. The idea is in pointing out their own hypocrisy, the Taliban are revealed not to be the religious or moral guardians of the people but just another murderous, brutal criminal gang in search of power. Additionally, there are divisions of thinking within the Taliban; one which is interested in gaining political power, cleaving to the traditional tenets of Islam and ridding the country of foreign influences. The other interested in organized crime, drug trafficking, intimidation and terror. By revealing and shaming the Taliban writ large, these divisions can be exploited and exacerbated thus creating turmoil within the organizations.

The "Jihadi Layeha" or "Regulations for Jihad" is a document, first obtained by Coalition

Forces in 2006, contains 15 pages and 29 strictures. In 2009, the now 61 page document was

updated and supplemented by additional rules for the conduct of Mujahedeen. It is now divided

into 13 chapters outlining 67 sections for individual deportment and organizational conduct.

The rulebook's 13 chapters delve into peace, treatment of prisoners, espionage, logistics, booty,

strategies, Taliban internal affairs, education, organization, social issues, prohibitions, worship,

and recommendations to field commanders for items not specifically covered in the document

itself.

The rulebook is a rich area for analysis. It provides observers with insight into Taliban weak

points, vulnerabilities and fears currently entrenched within the Taliban organization and its top

leadership. It also provides Coalition Forces a handy reference document to catalog Taliban

transgressions against the very people they are trying to win over. This document reveals the

Taliban's attempt to wage a guerrilla campaign implementing a rudimentary population-centric

Strategy; while calling upon elements of the Pashtunwali and Sharia (Islamic) Law into their

doctrine. This document, if properly analyzed and understood by Coalition and Afghan

authorities, presents a compelling opportunity to exploit an organizational control weakness

within the Taliban structure and create a focused and comprehensive IO campaign against them

by pointing out to the Afghan people Taliban hypocrisy in each and every instance of barbarity

that expressly contradicts their own doctrine.

The net effect of this piece was that General Petraeus was able to elucidate his position on this

particular tactic against the Taliban using what is known as "Information Operations." The CJ-2

along with the Information Ops branch of the International Security Assistance Forces (ISAF)

constructed a program to bring to light the un-Islamic practices of the Taliban and other

violations of their own Taliban behavior guides.

3.8 Paper 8:

Sovereignty & Security:US Authority & Legal Obligations Regarding Detainees in Iraq

Throughout history the taking of prisoners has always been an artifact of warfare. Prisoners

taken during ancient times could have been released back to their own sides after the payment of

ransom. Some prisoners as was the Roman practice, taken back to Rome and pressed into a

lifetime of slavery. In nearly all cultures throughout the history of warfare, prisoners where held

and killed. The fact of prisoners as a natural and expected consequence of conflict was often

planned for and the conditions of their imprisonment, and treatment was in the beginning of the

16th century and ending in the 20th century codified into Treaty and International Statute.

Because of the shifting nature of warfare particularly in the beginning of the 21st century,

prisoners no longer neatly fit into the categories set forth in existing law. The question of what

to do with armed resistance and how to categorize them created confusion and indeed violations

of international law. After the invasion of Iraq in March 2003, the United States and its

Coalition Allies soon found themselves in the midst of a full blown insurgency. Nearly four years later it found itself on the brink of civil war. The US and Coalition, as they struggled with training Iraqi Security Forces, and building a constitutionally compliant government and legal framework, had to deal with those that not only stood in the way of those efforts but actively took up arms against both the Coalition and newly formed Iraqi government. There was an array of these groups at work in Iraq at the time, motivated by ideology, religion, deeply harbored ethnic resentments, and political aspirations. Whatever their motivations, the outcomes were the same – violence, destabilization and death. The Coalition Forces, in cooperation with the newly trained Iraqi Forces are at once worked hard to counter these elements and in doing so captured and detained Iraqi citizens through security operations that took place throughout the country. These operations and the subsequent detainment of those individuals opened up some interesting questions in not only the Law of Armed Conflict but also its legality under international law writ large. This paper seeks to briefly explore those questions. The positions put forth are based on the interpretation of current law as well as the personal experiences of the author himself as a military commander charged with the undertaking of housing and detaining such individuals.

3.9 Paper 9:

AT LEAST DO NO HARM: The Negative Effects and Unforeseen Consequences of US Contracting Practices on the Afghan Local Community and its Influence on the Perception of US Forces and Americans

Small Wars Journal, May 2018: http://smallwarsjournal.com/jrnl/art/least-do-no-harm-negative-effects-and-unforeseen-consequences-us-contracting-practices

Social Sciences Resource Network: 21 May 2018
https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3182415

While there is a Coalition effort in the conflict in Afghanistan, the overwhelming bulk of the resources, personnel and money come from the US. The main vector of those monies that flow into the Afghan economy, both directly and indirectly, come through the US Department of Defense Contracting entity. While the ambitions of the projects funded by the contracting process are noble and the intentions are to elevate the economic and social conditions of the Afghan people are genuine, in many cases the reality is that it is having the opposite effect.

The US contracting office and officers for that matter are far removed from the commercial dynamics and interactions of US Prime Contractor companies and those of the sub-contractors who are mainly local nationals. Some of the commercial practices that are undertaken by the prime contractors are harmful to the Afghan sub-contractors and because of the remoteness of the contracting offices and the inaccessibility of contracting personnel, local nationals who have legitimate grievances have little recourse to present their complaints. The invoicing and payment methodologies used by and considered normal by the West and in this case, the practice of the US Government, rely on credit which requires the purveyor of the goods or services to have the capital to carry it from invoice payment to invoice payment. To make things even more challenging, these payments are delayed even in the best of circumstances and often by months. This has a disastrous effect on local national companies struggling to meet payroll and to fund operations. This condition is often made worse by what I will describe as "bad actors" in the US commercial contracting community whose practices injure small to medium sized local national companies.

The reason that this phenomenon must be addressed is that the actual effects in the local national community are often exactly the opposite of what the US is intending through the commissioning of projects. Rather than winning hearts and minds through employment, establishing hospitals and schools, it is driving a wedge between the US and the locals by showing them that the real face of the US is greed and deception. The lack of oversight by the US Contracting agencies, the manipulative practices by prime contractors and the cascading economic impact it has on the local community serves to undo all of the good work otherwise done by the US military, NGOs and diplomats.

CHAPTER 4: EMERGING THEMES, CONCEPTS AND STRATEGIES

There are several underlying themes that are interwoven throughout the broad spectrum of the post conflict management discipline. The research effort, from which these writings come, is the result of a 10 year longitudinal study in which I have become increasingly confident of my observations and conclusions. This primary research and observation has taken me through the battlefields of Iraq while training and deploying Iraq Special Police Forces to all thirty four provinces of Afghanistan where I both participated in the effort to produce Rule of Law and security programs and subsequently observed their progress. In my writings over the past decade in this new and evolving field of study and practice, I have identified a few prominent and enduring themes. I have also sought to connect them to the issues or challenges that are not being faced or were faced at the time and suggested, based on study and personal experience, possible solutions to overcome those challenges. In doing so I hope to perhaps shed light on topics and concerns to help create better programs and structures for future practitioners so that they are able to benefit from the experience of others in similar circumstances. In each of the works presented for consideration and commentary, a particular issue has been highlighted, and using resources such as personal experience, current literature, focused studies, interviews and published lessons-learned, I have guided the reader through the issues, the perceived causes of the issues, collateral challenges, the cultural and social contexts in which they are occurring and recommendations for the practitioner. If I could point to one overarching theme however it would be the subject of rule of law reform which I will also refer to as governance. As was mentioned earlier, rule of law or governance touches nearly all elements in peace and stability operations and reconstruction efforts. Governance is that one artifact of society and indeed most cultures that is the enabling element from which all other nodes of society derive power,

legitimacy and efficacy. All of the works examine the functioning of the Rule of Law and in some identify the root causes of conflict which is the absence of the governance.

Most policy makers and practitioners define SSR in the context of post conflict as both an intervention program as well as a process. SSR is essentially a program intervention, supported and implemented by internal as well as external actors whose aim is to alter the existing security institutions in a given state. This involves the fundamental reorganization and reconstitution of existing institutional structures or norms. "*The ideal achievement is a security sector characterized by a practically boundless list of liberal and Weberian[21] qualities- civilian oversight and accountability; effective governance and service delivery; professionalism; legitimacy and ownership; and sustainability, to name a few*" (Armstrong, 43). This is clearly a Western normative approach to governance as described by Weber as it focuses on the tangibles of governance as mentioned in the previous chapter. Since it is focused on tangibles, it therefore also focuses on technical solutions to adaptive challenges. While technical change can be implemented with current technical know-how such as functional expertise and existing ways of doing things, adaptive change cannot. Since SSR usually involves frequent and significant interaction between foreign forces and host nation actors, it is usually assumed that this precise mix of interaction will ignite a process of institutional change and bring about the intended results. It is however a much more complicated and difficult experience. (Peake, Scheye, and Hills 2008, Sheye 2010).   After a decade into the interventions of Iraq and Afghanistan, practitioners are still confounded by the lofty goals of Security Sector Reform and the dizzying

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[21]   In this context I use Max Weber's theory which defined the state as an entity that successfully claims a "monopoly of the legitimate use of physical force within a given territory". He was also the first to categorize social authority into distinct forms, which he labeled as charismatic, traditional, and rational-legal. His analysis of bureaucracy emphasized that modern state institutions are increasingly based on rational-legal authority.

array of complex issues and obstacles that face them. (Channa 2002, Podder 2013, Schnabel and

Born, 2011). This is due in part because SSR provides really no more than a normative blueprint-

for analysts, an unrealistic benchmark to assess widespread program failures, for professionals, a

collection of lessons-learned and "*Best Practices*" (Armstrong 2014) . Because of these

challenges, there has been significant debate on a re-focus on post conflict planning. This has

involved the recognition of a greater emphasis on pragmatism or as previously mentioned

empirical analysis and less on ideology and process or a normative approach. Naturally the

emphasis must be more on cultural and social contextualization. This simply means that,

through experience, there is now recognition that in certain contexts, particularly conflict –prone

states, conditions might not be appropriate for wholesale top-down reform relying on a

normative values approach. The focus of these works and the author's professional research at

present is how to resolve and overcome this "*conceptual-contextual divide*" (Chana, 2002).

Post-Conflict Management and Security Sector Reform lack theory as such in terms of

case explanation, but they still are theoretical from the perspective that they are a collection of

ideas that guide collective action. (Armstrong 2014) The main failing in post conflict

management as a sort of social science is that it lacks specific program theory. It lacks an

articulated explanation or a least a set of assumptions for how specific inputs, activities and

interactions will trigger desired outcomes (Patricia J. Rogers et al. 2000, Patricia J. Rogers and

Weiss, 2007, Rossi, Lipsey and Freeman 2004, 146-164, Weiss 1997). What is more is that the

practitioners who mainly comprise the military in many cases focus on input metrics rather than

outputs or outcome metrics which provides a much skewed impression of success.[22] At least two

of the papers presented take time to describe this input metric/outcome metric dynamic among

the US military and how it affects the projects and policies they create.

Most policy and program interventions begin with a logic model. This means that they

hold a position or at least assume that a certain group of inputs will produce a desired result.

Often they are visually accompanied by a flow chart or table which outlines and pictorially

shows the logical sequence of the inputs activities and short-term and long-terms outcomes. For

example the OECD Handbook [23] spells out this simplistic and assumptive process of phases

which include assessment, consensus-building, and program design and implementation phase

which technical assistance and capacity development; and a consolidation phase that provides

long-term finance and technical support (OECD 2007, 24-36, Sedra 2010c,9)) In other words,

many engaged in rule of law reform unconsciously approach the field from what I would equate

to a Newtonian physics standpoint –" *For every action, there is an equal and opposite reaction*."

Or what I might paraphrase by saying - influence occurs as a direct result of force exerted from

one person to another and that we can predict with accuracy the effect of such actions.[24] In

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[22] The military has a cultural preference for input metrics. It is the author's opinion that this arises from two conditions. The first is a short-term period of performance measurement as the personnel responsible for program implementation are just not there very long and can attribute results by "what has been done" as they are not around long enough to see "what has been achieved." Secondly, because of the dynamic and sometimes even chaotic environment of post conflict reform, they have little actual power over indigenous actors thus cling to input metrics as those variables they are able to control instead of those variables and outcomes they are unable to influence.

[23] Handbook issued by OECD that goes through the program assistance cycle which is the assessment, design and implementation processes. It also provides guidance on monitoring and reviewing progress.

[24] This phrase is loosely derived from Sir Isaac Newton's Third Law which formally is: For every action, there is an equal and opposite reaction. I often use this Third Law to also describe the interactions between people and among societies.

actuality, quantum physics is probably more applicable. Quantum physics warns that predicting and controlling the impact of reform initiatives is futile. It addresses probabilities rather than certainties and recognizes that change happens in jumps, beyond any power of precise prediction.[25] Moreover change cannot be forced. Quantum physics is all about emergent change. Much like our assumptions of governance in the preceding chapter, we can apply a few assumptions to Rule of Law change. The first is that resistance is inevitable. Even those in the system who want change exhibit an "*immunity to change*." The second is that change is difficult. While the percentage is disputed it is often said that 75% of all change projects fail. Whether one wants to believe this statistic or not even if one halves that figure it still spells difficulty. The third is that Rule of Law Reform is complex. The cause and effect components of both governance and security sector reform are inter-dependent and far apart in space and time- they cannot therefore be addressed piece meal. The World Bank proposes that no country has transformed its institutions in less than a generation (15-30 years.)[26]

The area of post-conflict studies and the specific feature of security sector reform require a new look in order to develop process based theory. Presently, it lacks clear specification on how activities and inputs create or contribute to the achievement of its goals. In these works the author points out the flaws in existing process or phased implantation as well as the seams and faults that helped to contribute to them. The author hopes to use these case examples in order to provide real life lessons to future state and international policy makers, planners and post conflict

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[25] Like the reference to Newton's Third Law, I contrast this interaction of cultures by using the Quantum Theory or principle of physical interactions accordingly.

[26] This assessment is derived from multiple World Bank reports on change programs across spanning the socio-economic and political spectrum. The numbers are the averages and represent those general estimates from the organization

practitioners to help them with considering various elements for better program design and implementation.

Coercive and Non-Coercive Power in Military Conflict Management Professionals

Today's warrior-diplomats[27] must recognize and form an appreciation for the role of non-coercive or so called "soft power" projection[28]. Understanding that there are merits as well as limits to non-coercive power will enable policy makers, but particularly military leaders, to gain both an understanding of the application of non-coercive power strategies as well as an appreciation of its possible effects. This will not dilute their abilities as combat leaders but rather provide them with a greater arsenal of implements to apply across the range of military and civil military operations. Military leaders, for a number of reasons have been tasked to take the lead in SSR, Rule of Law reform as well as a host of civil support operations that has been until recently well beyond the remit of the traditional military mission. This has happened in recent conflicts for a number of reasons but chief among them is first, the military has a very streamlined budget process whereby monies can be easily applied to in periods of war or crisis and secondly, because of the military's capacity to operate throughout the conflict zone. Other

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[27] I use this as short hand borrowed from Michael Waltz, for military personnel directly involved with SSR and Rule of Law programs in post-conflict transitional societies. His meaning derives from the notion that these military persons trained in the use of violence must now recognize and be trained in the arts of diplomacy.

[28] Soft power is a concept developed by Joseph Nye of Harvard University to describe the ability to attract and co-opt rather than by coercion (hard power), using force or giving money as a means of persuasion. Soft power is the ability to shape the preferences of others through appeal and attraction. A defining feature of soft power is that it is non-coercive; the currency of soft power is culture, political values, and foreign policies. Nye uses this in a global, macro-level context. I use it rather for the warrior diplomat to describe programs and tools to take a more constructivist approach to post conflict management (Rule of Law reform, educational reform, literacy, SSR etc.)

agencies and organizations do not have these advantages and in an almost unfortunate way the military has been left to the task. A task, that I would quickly add, in which they are neither trained nor equipped, nor for which, in most cases their leaders have appetite.

Diagnosing the Right Root Cause Before Applying the Prescription- Understanding the Upstream & Downstream Causal Loops

How then does one determine what, when and where to apply coercive vice non-coercive power and whom should apply it? The 'what' in this case, can partly be answered by defining the root causes of conflict and what environments enable them. In order however to identify the root causes one needs to have a thorough understanding of the population that one is working with. I have made the case in previous works that in the past that we did not have a fully developed appreciation of the internal conflict agendas in countries in which we intervened nor a full appreciation for the historical, ethnic and religious undercurrents running through these societies. Policy makers, before developing and applying policy, programs and funding, need to possess a deep seated understanding of what the root causes of intrastate conflict or failed states are. They must understand the "*Weak, failed and failing states*" generally lack basic Weberian type institutional capacities. Thus the notion of developing institutions and then the assumption that they will be transferred without developing the cultural imperatives to do so, is a set up for frustrating challenges at the least and at the worst- outright failure. Once again, having a full understanding and abiding appreciation for the historical, religious and cultural paradigms that are the foundation of the state in question is central toward success. The question now is to how to prepare warrior-diplomats for these challenges that sorely press their current organizational and personal professional abilities. How do we ensure that we have the right professionals with

the right academic and experiential skill sets to tackle these post conflict problems? Firstly,

courses dealing with the subject of Conflict Management must look at this as a "*whole of*

government approach." This must include study of the use of sanctions, coercive diplomacy,

humanitarian intervention, peace operations, and robust applications of power to support

negotiated conflict termination and other goals. We must examine the use of military and

economic tools in conjunction with one another. These are often referred to as "*hard power*"[29]

tools. While essential, they can be blunt instruments that are often hard to translate into desired

political outcomes. Recent examples of that can currently be found in Eastern Afghanistan. It is

difficult to muster and sustain the political will to deploy coercive instruments to prevent or

terminate, even in cases of the worst abuse, the right kinds of coercive power to support conflict

management goals. (Crocker, et al. p8 2007)

There is real value in exploring the merits of potential "non-kinetic"[30] strategies for

combating terrorism, multi-disciplinary tools for post-conflict peace operation, the role of legal

tools, mediation initiatives and approaches for addressing local or regional conflicts. As an

example of creative programming, we have witnessed the new recognition of this importance by

the formation and resourcing of Provincial Reconstruction Teams[31] in Iraq and Afghanistan.

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[29] Hard power, so called includes those instruments of statecraft which refer to the more coercive methods of influencing other actors. They can include economic sanction, threat of military force or military force as a few examples.

[30] As opposed to "kinetic" warfare which involves the physical hitting, engaging or destroying, person, forces or infrastructure, "non-kinetic" warfare are those methods use to gain advantage or outcomes that do not involve physically engaging persons or things in an aggressively physical way. Intelligence gathering and psychological operations fall into this realm but the term has developed a broader meaning when referring to achieving outcomes through alternative methods by engaging the population through non-traditional military means.

[31] Provincial Reconstruction Teams (PRTs) A Provincial Reconstruction Team (PRT) is a unit introduced by the United States government, consisting of military officers, diplomats, and reconstruction subject matter experts,

These organizations that deliver "goods" to the civilian populace is an attempt to apply non-coercive or persuasive power at the retail level in these areas.

Above all, the central message is that power comes in many shapes and forms and that conflict management requires a variety or indeed a mix or blend of intervention strategies bespoke to the type of situation found. This also reminds us that strategies of engagement based on these varied forms of power may provide an effective means of taming and eventually transforming conflicts if and only if great care is exercised in the formation of programs.

Understanding the causes of conflict is critical to developing effective conflict management strategies. Likewise, understanding the capabilities of various approaches to conflict management and the consequences of using one verses another approach must also be understood by leaders. Being sensitive to these elements, however, is only part of designing a successful conflict management strategy. Another crucial element is appreciating the role of framing, that is, the way you and others see the problem. This is where the importance of cross culture competency plays a vital role. Which lenses the policy specialists will use determines how he interprets the conflict and grasps the tools in the tool kit of conflict management. The importance of framing is especially important in today's environment because of the divergence of international opinions and the decline of traditional spheres of consensus in a fairly new and dynamic field of study. The differences of framing come from national interests, distinct cultural preferences and unique histories.

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working to support reconstruction efforts in unstable states. While the concepts are similar, PRTs may have separate compositions and missions. Their common purpose, however, is to empower local governments to govern their constituents more effectively.

The international community and in particular the United States (Military) need to re-examine the approach to developing institutions and transferring policies challenges by taking a more nuanced approach. The old method of "If it don't fit get a bigger hammer" often employed by military led interventions and reconstructions simply is not going to be effective as we have regrettably witnessed in Iraq from 2003-2005 when victory over the regime and the good will of the Iraqi people toward the intervention forces was squandered by the heavy handed tactics of coalition armies.

"We Can't Kill Our Way Out of This Conflict!"

It is clear that the so called War on Terror cannot be won simply by targeting terrorists. The international community must apply the instruments of conflict management and prevention, to the breeding grounds of terrorism- the conflict zones of so called failed states and those regions where intractable conflicts endure. The current world situation increasingly points to a new kind of a strategic political resource in international relations, namely, a heightened role for "smart power"[32] which effectively engages the multiple assets and instruments of official and nonofficial diplomacy and military power. Smart power involves the strategic use of diplomacy, persuasion, capacity building, and the projection of power and influence in ways that are cost-effective and have political and social legitimacy. Smart power in a conflict management setting is attentive to the timing of mediated/negotiated interventions and the resources, capabilities, and

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[32] "Smart power" is a term developed in 2003 by the political scientist Joseph Nye Jr. To counter the misperception that soft power or hard power alone can produce effective foreign policy. Power is one's ability to affect the behavior of others to get what one wants. There are three basic ways to do this: coercion, payment, and attraction. Hard power is the use of coercion and payment. Soft power is the ability to obtain preferred outcomes through attraction. If a state can set the agenda for others or shape their preferences, it can save a lot on what he terms carrots and sticks. But rarely can it totally replace either. Thus, the need for smart strategies that combine the tools of both hard and soft power.

strengths that different actors including non-state actors-bring to the multiple tasks of conflict management. Smart power also looks to the lessons of the past decade and a half of conflict management and intervention successes as well as failures. (Leashing the Dogs of War-Crocker, et al, 13) The military has, in the past two decades has been increasing relied upon as a tool for not only fighting terror but also to rebuild shattered societies with its civil-military capacities. Building societies in a post conflict setting must go hand in hand with the traditional business of diplomacy and conflict management and our military leaders necessarily will be part of this process. They therefore need to be armed with the academic understanding of these processes so that they can stand shoulder to shoulder with their civilian peers with the credibility that makes them effective. Focusing in on and interpreting the causes correctly is essential to helping to define the prescription for conflict cessation. Analyzing the roles ethnicity, religion and most importantly economics play in intra-state conflict provide the necessary context to enable policy makers to design and construct useful and sustainable programs. Simply killing "terrorists" while easy to quantify (see again "input metrics") and while making sensational headlines, does little to alleviate the root causes. Indeed it may just inflame local passions and make the actual problem that much worse. Policy makers and military leaders especially will need to become more creative in applying multi-faceted strategies.

Economics and Causes of Intra-State Conflict

Post-Conflict is nearly in all cases involved in some element of managing intra-state conflict which at its worst, manifests in civil war. These civil wars lay in ethnic, religious, linguistic, or other inter-communal groups. This fear and hatred of the opposing groups can feed hostilities between regimes and other internal groups. Greed also can feed violence especially when official

greed is enhanced by discoveries of new, contested sources of resource wealth such as oil, diamonds, gold and timber. Paul Collier a noted Oxford University Economist attributes poor economies and resource predation as the most common reasons for intrastate conflict. In his book "The Conflict Trap" he outlines what he considers the backdrop for most state conflicts. He examined global empirical patterns over the period of 1965- 1999. During this period, he posits the risk of civil war has been systematically related to a few economic conditions, such as dependence on primary commodity exports, low national income and slow growth. Conversely, he states and astonishingly he adds, objective measures of social grievance such as inequality, a lack of democracy and ethnic and religious divisions had had little systematic effect on risk.[33] In his paper "Economic Causes of Civil Conflict and Their Implications for Policy," Collier goes further to make the case that Civil Wars are principally motivated by economic factors and that other claims such as ethnicity, sectarian grievances are merely convenient causes to rally the masses around action. He states "*Popular perceptions see rebellion as a protest motivated by genuine and extreme grievances; rebels are public-spirited heroes fighting against injustice*". (Collier, p2) Economic Analysts see rebellion more as a form of organized crime or, more radically, something that is better understood from the distinctive circumstances in which it is feasible, rather than worrying about what might motivate its participants. "*Popular perceptions are shaped by the discourse that conflicts themselves generate. The parties to a civil war do not stay silent: they are not white mice observed by scientists. They offer explanations for their actions. Rebel organizations cannot afford to be regarded as criminal because it is neither good publicity nor sufficiently motivating. Rebel organizations have to develop a discourse of*

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[33] Collier defines risk as being defined as those factors that could substantially lead to civil war.

grievance in order to function." (Collier, p.7) This is important for us to understand so that we do not "misdiagnose" the problem by actually missing the underlying causes. Criminal rackets for example who wrap themselves in the cloak of religious piety, seek to do so to legitimize their actions. Military leaders need not only to think in terms of the "*battle space*", but need also to think like crime fighters. Understanding and assessing the real motivations of various insurgent groups can inform military leaders as to who and what resources to deploy to counter them.

Economic theory of conflict argues that the motivation of conflict is essentially found more or less in all societies. Why is this really important one may ask? If we look at the current conflicts in Iraq and Afghanistan, it may explain quite a lot. Thomas Barnett the author of "The Pentagons New Map: Blueprint for Action" describes the type of social, political and economic turmoil that results immediately in societies after military interventions[34]. He describes the aftermath which creates essentially a vacuum where certain power once resided. He asserts that when a society experiences what he calls a system perturbation or in his other words, a "rule set-reset", there is a scramble among the actors to re-establish rule sets and at the same time a mad scramble to be the ones to decide the new rule sets. This results in violent chaos as armed competitors battle it out for control of the now vacant leadership positions. The challenge to post conflict military managers that local leaders selected by national and international policy makers may or may not be accepted by the local population and armed insurgency and chaos results and is cannot be effectively controlled by intervention forces. We witnessed this throughout Iraq

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[34] Barnett is a regular consultant to the US Office of the Secretary of Defense, Special Operations Command, and the Joint Forces Command. He was formerly a Senior Researcher at the US Naval War College and Assistant for Strategic Futures in the OSD, Office of Force Transformation. Through his research and writings he has assessed, analyzed and provided solutions to a number of challenges the US military have encountered in post conflict situations. He is also a noted "military futurist" who has advocated changing capabilities and force structures to meet current and yet unforeseen conflict settings in the 21st century.

particularly in Falluja and Ramadi (the Sunni Triangle) where after the Iraqi Regime military had been defeated chaos and violence erupted throughout.

By establishing and enforcing the new rule sets, one group becomes a dominant power and controls resources. Now overlaying Colliers theory on conflict, we can clearly see not only the seeds in the past and current insurgency groups and possible motivations but also the seeds for future conflict as various internal actors seek to control the one exportable natural resource available – oil!. To make the point that it is largely about economics and not necessarily sectarian we need only look to the conflict in Basra in 2007. If we remember, Nouri al Maliki's[35]

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[35] An Iraqi politician who was Prime Minister of Iraq from 2006 to 2014. He is secretary-general of the Islamic Dawa Party and is currently the Vice President of Iraq. He and his party are often criticized by the US and other

Shi'a government had to violently suppress the Shi'a Fahdila party. Shia on Shia – not sectarian-it was about the oil. This is important as policy makers both military and civilian tend to view conflict from their own professional prisms. They need not to examine conflict and security in the context of conflict and security but rather in the context of everything else.

Understand the types of conflict and diagnosing the possible causes before devising solutions premised on assumed causes which may possibly cause more harm in transitional societies it critical. One must understand that economically motivated violence and the economic activities of belligerents may be powerful barriers to war termination. Groups and individuals benefitting from violence, both during conflict and within war torn societies emerging from conflict, may have substantial economic interests in preventing the advent of peace, democracy and accountability for human rights abuses. There are a number of what I refer to as "*Conflict Entrepreneurs*"[36] who actively benefit from and promote violence with a view to maintaining instability and insecurity. They are groups whose motivations are often not transparent and are often missed by intervention powers. They come in the form of allies and friends who manipulate the uninformed and inexperienced in order to keep the fight going. They engage in corruption with host nation participants and work at cross purposes to the post conflict practitioner in order to extract as much economic benefit from the conflict as possible. These actors must be identified and "managed" within the framework of the overall strategy as they as

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Western nations as having squandered the hard won peace by disenfranchising the Sunni and Kurdish minority populations creating the conditions for instability and most recently the arrival of Islamic State in Western Iraq.

[36] Any group or individual whose profits depend on conditions that promote conflict. Most often used to describe those who engage in or directly benefit from illegal economic activity that promotes violence or undermines efforts for good governance and economic development. These actors can exist inside or outside of government.

are more often than not, powerful official or unofficial informal leaders and influences within the society.

Rule of Law and Its Importance in Building the Foundation of a New Society

A key theme that underwrites much of the published works has to do with the Rule of Law.[37] It is more or less universally understood that establishing the Rule of Law in post conflict, transitioning societies is one if not the critical undertaking that must be done early on in order to create and enabling environment to foster other objectives. Establishing the Rule of Law and understanding how to manage the development and implementation of Rule of Law programs is critical.

What now is the role of the Rule of Law? What does it mean and how important is it? How important is Security Sector Reform in the priority of efforts in post conflict state? I personally think this is the existential question. Few among us would disagree that security is that which enables all else. Security Sector Reform is more than just reforming the police and army.

As I discussed earlier good governance requires a functioning government to deliver political goods. One of the most important or indeed enabling good is that of security and Rule of Law. Neil Kritz, the Associate Vice President of the Institute of Peace and their Rule of Law Program Director says that because of the changed nature of war at the beginning of the 21st

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[37] Rule of Law reform is a term that covers a range of initiatives and projects which cover the spectrum of those state institutions that hold and wield power. They include but are not limited to the judiciary, police and army. Rule of Law reform is based on the overarching assumption that by creating a functioning legal and security system the preconditions for greater objectives such as economic development, democratization, reduction of poverty, and peace-building are created

century a fresh perspective on the methods of managing conflict on the one hand and of making and maintaining peace on the other is urgently needed. He states that:

"Today the overwhelming majority of wars around the world are intra-national rather than international. Wars fought between the military forces of two sovereign countries are increasingly the exception to the norm. Instead, ethnic and religious conflicts, dispute over self-determination or secession, and violent power struggles between opposing domestic factions account for 93% of the major armed conflicts recorded in the recent years worldwide. In 2004 in fact all nineteen major armed conflicts were intrastate. This statistic has profound ramifications for the processes of conflict prevention, conflict resolution, post-conflict resolution, and post-conflict peace-building. The element that assumes far greater importance in this changed context of war is the development of the Rule of Law." (Crocker, et al p. 401)

The Rule of Law has a much broader meaning than merely establishing legal rule sets but rather involves the institutions and process that best facilitates authentic stability through justice. Institutions in this case matter and we should fully understand their importance in state building. According to Kritz, the Rule of Law establishes rules and procedures that constrain the power of all parties, hold all parties accountable for their actions, and prohibit the accumulation of autocratic or oligarchic power. It also provides a variety of means for the nonviolent resolution of disputes, whether between private individuals or between various actors and the government. In other words and in short security sector reform requires a body of laws that can path back to an definable origin such as a constitution, a court system robust enough to manage the full range of court cases both civil and governmental and institutions that carry the credibility and weight of moral authority to adequately carry out justice. Security Sector reform in post conflict

societies present particular challenges to provisional governments, occupying forces and coalitions. It requires engaging both the personnel of the justice system and the general public over an extended period. It also requires recognition that serious Rule of Law reform will impinge on the interests of various powerful groups in the postwar setting; this may include warlords, organized crime syndicates, tribal elders and other unofficial authority structures that will be affected by a transition to a more robust, transparent, and non-discriminatory system of justice.

Students of Conflict Management should understand all elements of the establishment of the Rule of Law or governance. These include drafting a constitution, reconciling war crimes and other abuses, cleansing the structures of government and establishing a professional bureaucracy. No small feats as we have learned over the last seven years. Leaders who understand these challenges and are prepared to anticipate them will perform more effectively in the inter-agency effort.

Overall, new challenges to peace require new tools. As war in all parts of the world are changing and becoming intra national, establishing to Rule of Law plays an increasingly critical role, particularly in the immediate post conflict construction of peace

CHAPTER 5: CONTRIBUTION TO KNOWLEDGE

"It must be considered that there is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, that to initiate a new order of things."

{Nicolo Machiavelli}

Recent scholarship on civil war and post conflict has focused largely on examining the transnational effects on civil conflict. This research that has been the product of over a decade of academic as well as field research focuses on the inherent external-internal links in international affairs- interactions between global-to-local and state-to-non-state actors. This new research dimension explores how these interactions shape civil war outcomes through the study of security sector reform (SSR) programs, this body of work fits within broader theoretical endeavor to explain transnational interactions as they relate to conflicts. As a central element of postwar peace and state building interventions, SSR is a tool of influence by design and in application. SSR programs are comprised of a series of interactions between state, non-state (such as NGOs and relief organizations), foreign interveners and local actors. (Checkel 2013, 4) SSR is a policy tool clearly in need of sharpening. State and international policymakers require better knowledge of which strategies of influence work in different circumstances and what to extent this is understood by policy makers and in particular military leaders, this knowledge gained through study could end up in better program design and implementation. Professionals in the area of conflict studies stand to benefit with a more nuanced appreciation for influencing change with foreign partners as well as having a broader understanding of the cultural context in which they are attempting to construct programs.

The goal of presented works is building rather than testing theory. They do not advance specific hypotheses but rather discuss and analyze in specific detail elements of post conflict theory using case studies to highlight lessons learned, point to possible solutions or illuminate subjects areas that have confounded post conflict practitioners for well over a decade. The works are unique in the sense that I was academically trained in international affairs, international criminal law, international economics and classical international relations theory.

Taking these widely accepted tenets, I then applied them to real world situations where I observed the interaction of those factors described in the works. I provide in each of the works an honest and objective observation and analysis of the issues using a systems analysis framework. In addition, I seek to contribute an in-depth analysis based on diligent research, a diagnosis of the problems that ends with concrete, actionable recommendations for future engagement. To date most literature surrounding this new area of study has been largely written by academics with little or no practical experience with in the field.

The works presented them coming in the form of reports, position papers and briefings to leaders and provide a rare contribution to the field. Many of the practical recommendations, whether they be additions to Professional Military Curriculum, the reorganization of intelligence gathering, analysis and dissemination or simply providing the starting point for future research so that practitioners save valuable time and money, I believe to be cutting edge.

CHAPTER 6: CONCLUSIONS

The End of the Cold War has found the United States and the International Community intervening in societies emerging from conflict. Interventions in Somalia, Haiti, Cambodia, Bosnia, Kosovo, Sierra Leonne , Liberia , The Democratic Republic of Congo, Afghanistan and Iraq. None of these could be considered complete successes. Daniel Serwer, VP of the Center of Post-Conflict Peace and Stability Operations and the Center of Innovation at the US Institute of Peace, describes "Peacefare" in his work "A Framework for Success" as not as developed as warfare.

Military organizations worldwide organize, plan, train and fight with clearly established objectives, doctrine, and even internationally established laws of war. But once major fighting ends and what the US military calls stability operations begin, the civil and their military counterparts operate without common doctrine, shared frameworks for planning or joint training. Just as military forces systematically plan and train, so too "*should military and civilians who undertake an international intervention*." (Serwer p.369)

The number and variety of international players involved in an intervention is nothing less than bewildering. A typical intervention might include officials and diplomats of numerous foreign governments and intergovernmental organizations such as the UN, The World Bank and World Health Organizations, regional organizations such as the African Union and the Organization for Security and Cooperation Europe well known nongovernmental organizations such as Mercy Corps, World Vision and Medecins San Frontier and hundreds of private sector employees, including contractors and Armed Private Security Contractors (APSC). How to

manage this vast array of often competing organizations with different doctrine, operational priorities and in some instances, even antipathy toward one another is of paramount importance. We have seen how valuable time, money and most importantly, credibility is squandered as these element of the post conflict management team flounder.

In 2005, the DoD (Department of Defense) issued DoD 2000.5 putting stability operations on an equal footing with war fighting as a military core function. As a result, the key US government agencies are now tasked with giving stability operations the priority and attention they deserve. This is yet to be done on the civilian side. The State Department Officer of the Coordinator for Reconstruction and Stabilization is making progress but does not have the personnel or resources required to lead the US contribution to extraordinary complex and challenging operations. I would contend that while we have a DoD Directive we have yet to develop a fuller understanding or agreement of the roles and missions of the various departments in stability operations or state building. There are many who still believe that we are developing permanent solutions to temporary problems and that we are developing or focusing these operations at the expense of our ability to conduct Major Combat Operations.

Other countries and inter-governmental organizations are developing their civilian capacities. The UN in addition to enhancing the capabilities of its Secretariat is mobilizing a Peace building Commission that will eventually oversee international interventions in the later states. The World Bank and other specialized UN agencies are likewise building up their stabilization and reconstruction capabilities. Military leaders must understand the roles and missions of the World Bank and its insurance arm MIGA and their importance to economic development in post-conflict.

I would like to conclude with a few thoughts and reflections. I have attempted to focus on the importance of having a full and nuanced understanding of conflict and all of its dimensions in my published works. The military have more or less been trained and in fact acculturated to view not only the military but our specific services in context of what we traditionally. They have not however been sufficiently guided as to how we collectively can bring non-traditional effects to the post conflict "battle space" using those very same traditional tools. While we may continue to use these traditional tools, we need to develop new ways of viewing conflict and society and develop new mental maps. What I mean by that is we have to develop imaginative and innovative ways to approach the new and unfamiliar environments we find ourselves in. Crocker aptly put it this way:

" *It matters whether working with partners and key security institutions such as NATO and the UN – the US is able to fix and isolate the direct security challenges and has the energy and the constructive optimism to sustain its long standing engagement in the search for a more peaceful and less threatening world or the less desirable scenario where the US policies come to be viewed as exacerbating tension and undercutting US influence that triggers a contrasting mood of isolation, retrenchment and reduced focus on a narrower, defensive agenda that tolerates or ignores foreign conflict in order to address direct threats*." (Crocker et al).

In other words as Barnett asserts: "...*we can create a future worth having*" marshaling the resources and political will to do so or simply pull back and react to those threats that are aimed at us directly that pose no risk to political actors?

Policy-makers and practitioners should all consider and seriously reflect on what has been outlined in this chapter in order to fully think through today's conflict challenges. These

themes point to a new kind of strategic political resource in international relations which is the featured role of "smart power" which engages the multiple assets and instrument of official and nonofficial diplomacy and military power. Smart power involves the strategic use of diplomacy, persuasion, capacity building and the projection of power in ways that are cost-effective and have political and social legitimacy. Finally, peacemaking and conflict management are central for a less divided – less conflicted world. It will be up to the 21st Century Warrior Diplomats to be educationally armed to wage the peace.

Winston Churchill once said, "*Victory deserves a future*". Winning wars as Churchill knew never served the end. Winning requires winning the peace as well. Winning the peace is the after battle effort to protect and defend the liberty secured in conflict. Today's leaders need to have a total strategy to manage the post-conflict stage which is arguable the most prolonged stage of any conflict. Securing the peace it appears is twice as difficult and takes twice as long as "winning" the war. This may also add a new concept to the linear study of war and stages and phases and terminations which have become more opaque in today's conflicts. This provides ample fodder for further strategic study to manage post conflict.

Accordingly, the aim of this body of research, which has been a longitudinal research endeavor extending more than decade has led to some solid concluding observations that inform the model I have devised and introduced earlier in the work. That is that there are a set of common elements or "pillars" which comprise of nearly every society whether East or West, Muslim, Christian or Socialist and they are essential in some form to the successful functioning of a modern or evening developing society; these are legal institutions, police services, the military, social institutions and a coherent and credible central government. The construction of

this institutional framework on a national basis can be done. It must be done however after a deep and abiding understanding by policy makers of the Culture, History and Religion of the people they are developing policies for and how much they inform not only their national point of view but also their individual mental maps. Knowing this will allow policy makers and program development specialists devise organizations, institutions and program that will be embraced by the people as they give respect to and are informed by those critical elements. Friederich Nietchze once referred to the convenient national memory of a people that can be used to influence populations through actual history or indeed folklore. These are very powerful cultural tools and need to be heeded if not managed in a way. In modern conflicts we see "grievance politics" turn into "grudge wars". This happens because those in power can manipulate the national conscience and memory to their own ends. In just that same way post-conflict planners and practitioners must not only have a nuanced understanding and even indeed strong sense of history, religion and culture when developing and implementing policies in post conflict, complex and dynamic systems, the must be able to apply these lesson by, with and through in nearly every aspect of what they do on a daily basis with their host-nation counterparts.

In conclusion, to that end, the *Kleponis Systems Model* approach has application across the broad spectrum of activities that include Security Sector Reform, Rule of Law Program Development and Institution Building. It is my conclusion based on years of study and observation that this simple approach will make the difference in setting realistic expectations with not only ourselves but those of our host nation counterparts, developing realistic programs that take into account cultural reference points and produce outcomes that are both suitable to the

international community and host nation stakeholders. The object is to blend both internationally

accepted norms with local values, traditions and capabilities. There is a well-known old saying

that the definition of insanity is doing the same thing over and over expecting a different

outcome. My empirical research has demonstrated to me that the same methodologies have been

applied by different cohorts of post conflict professionals over the past decade with poor results

yet no real change in the approaches to challenges or modus operandi. Perhaps now it is time to

take a fresh look toward bridging these strategic gaps and take a new approach to Post-Conflict

Management.

~ENDS~

VI, 2018

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