

COMMENTS AND OPINIONS

The occupation of Iraq: a military perspective on lessons learned

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*'You break it, you own it.'*¹ This was the warning that United States Secretary of State Colin Powell allegedly gave to President George W. Bush prior to the decision to invade Iraq in 2003, and it alluded to the responsibilities of an Occupying Power, the status that a state assumes after it exercises authority over the territory of a hostile state.² International law governing occupation is primarily codified in two treaties:

* The views expressed in this article are those of the author and do not necessarily reflect the positions of the U.S. Government, Department of Defense, or the U.S. Army.

the 1907 Hague Regulations Respecting the Laws and Customs of War on Land and the 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Much has been written about the continuing relevancy of the law of occupation in the light of modern-day occupations such as that of Iraq from May 2003 to June 2004. Others have written about whether the US and UK occupiers fulfilled their obligations under occupation law. Instead of following those themes, this note will briefly describe the US military perspective preceding the Iraqi occupation and highlight some of the primary lessons learned from it. Those lessons fall into three main categories: planning, training, and inter-agency execution.

Military operational planning

It has been stated that a military can overcome tactical errors as long as it is backed by sound strategy, but that sound tactics cannot overcome poor strategy. Germany in World War II is offered as just one example: the German military was generally superior to the Allies at the tactical level, but strategic missteps cost them the war. Current US joint planning includes the requirement to plan for all six phases of a mission, which include Shape (Phase 0), Deter (Phase I), Seize the Initiative (Phase II), Dominate (Phase III), Stabilize (Phase IV), and Enable Civil Authority (Phase V). Occupation is included in Phase IV (Stabilize),³ but faulty planning for this phase at both the strategic and operational level unfortunately doomed the tactical execution of the occupation in Iraq from the start.

In modern US military planning, Combatant Commands conduct operational planning with strategic input from the Chairman of the Joint Chiefs of Staff (CJCS), the Secretary of Defense (SECDEF), and the President.⁴ The US Central Command (CENTCOM) was the Combatant Command responsible for the operational planning of the invasion of Iraq. The infamous quote from the Deputy Secretary of Defense Paul Wolfowitz in February 2003 sums up the faulty assumptions underlying the lack of strategic planning for the occupation: '[W]e're not talking about the occupation of Iraq. We're talking about the liberation of Iraq. . . . Therefore, when that regime is removed we will find [the Iraqi population] . . . basically welcoming us as liberators'.⁵ After General Eric Shinseki, the Army Chief of Staff, disagreed and estimated before Congress that 'something on the order of

- 1 Bob Woodward, *Plan of Attack*, Simon and Schuster, New York, 2004, p. 150.
- 2 Hague Convention (IV) Respecting the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land, 18 October 1907 (hereafter Hague Regulations), Art. 42.
- 3 Joint Chiefs of Staff, *Joint Publication 5-0, Joint Operation Planning*, 11 August 2011, Chapter III, Section C (hereafter Joint Pub. 5-0). See also Joint Chiefs of Staff, *Joint Publication 3-07, Stability Operations*, 29 September 2011, p. III-4 (hereafter Joint Pub. 3-07).
- 4 See generally Joint Pub. 5-0, above note 3, Chapter II.
- 5 Paul Wolfowitz, interview with Melissa Block (National Public Radio), 19 February 2003, available at: <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=1937> (last visited February 2012).

several hundred thousand soldiers' would be required to maintain security during the occupation, Wolfowitz responded to Congress that Shinseki's estimate was 'wildly off the mark', and he reportedly believed that the occupation force could be just 30,000 within a few months of the invasion.⁶ While this sort of strategic miscalculation certainly did not help the US military in any way, the military planners must shoulder some of the blame as well.

At the time, the military did not want to be involved in stability operations, and it was attempting to avoid nation-building at all costs. Perhaps the military establishment was simply reflective of its Secretary of Defense, Donald Rumsfeld, who said prior to the invasion: 'We're not interested in nation-building. This is not what we do. This is not what we're going to do.'⁷ But this is no excuse for military planners to ignore the critical components of planning for Phase IV. It is inaccurate to say that CENTCOM did not plan for the occupation or that nobody recognized the nature of the challenge ahead of them, but there was minimal emphasis on Phase IV compared to the planning for the initial phases. And the planning that did occur did not effectively account for ethnic and sectarian tensions, cultural differences, the failed state of the Iraqi economy, the possibility of an insurgency, how the occupation would be funded at the tactical level, and how to maintain continuity of government.

A look back at history reveals that this was in stark contrast to military planning for the occupation of Germany during World War II. First of all, the US Army began preparing and training for German occupation four years prior to execution.⁸ There was a separate Operational Plan (OPLAN)⁹ for the occupation, and the effort was spearheaded by General Lucius Clay. There were 6,000 military civil affairs officers trained for the task, and they were embedded with US and British forces as they advanced across Europe. As the units captured German cities, they left behind civil affairs teams to begin the process of military governance. These teams answered to the European Civil Affairs Division, which was ultimately responsible for the occupation. They were prepared to continue or restore civilian government, police, and judicial functions under their control. Despite this prior planning and organization, the occupation still had many difficulties, and it lasted for four years, only ending with significant assistance from Marshall Plan funding.¹⁰ Iraq arguably presented an even more difficult scenario owing to the greater cultural, ethnic, and religious differences between the occupier and the occupied

6 Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq*, Penguin Press, New York, 2006, pp. 95–97.

7 Anthony Cordesman, interview with PBS for 'The Lost Year in Iraq', available at: <http://www.pbs.org/wgbh/pages/frontline/yeariniraq/interviews/cordesman.html> (last visited February 2012). Cordesman is an expert in Middle East and national defense policy at the Center for Strategic and International Studies.

8 George F. Oliver, *Rebuilding Germany after World War II*, Naval War College 3040, 2008, pp. 4–19, article on file with the author.

9 An operation plan (OPLAN) is 'any plan for the conduct of military operations prepared in response to actual and potential contingencies'. This level of advanced planning is typically reserved for a contingency that is critical to national security; in addition to explaining the concept of operations, the plan also specifies the forces, functional support, and resources required to execute it. See Joint Pub. 5–0, above note 3, p. II–24.

10 G. F. Oliver, above note 8, pp. 15–30.

populace. The historical lesson from Germany should have provided military planners of Operation Iraqi Freedom with a good idea of the significant challenges that were ahead in Phase IV; yet, as happens too often, history was either ignored or discounted. As a result, poor strategic and operational planning led to the next topic of discussion: lack of tactical training for the tasks that would follow the ‘shock and awe’ of Phase III.

Training for Phase IV

In addition to failing to plan properly for Phase IV in Operation Iraqi Freedom, or perhaps as a result of it, military units at the tactical level also failed to train properly for the occupation. Training bridges the gap between military doctrine and the force’s readiness to accomplish its mission. An After Action Review (AAR) completed by the US Army’s 3rd Infantry Division (Mechanized), one of the two main forces that made the initial push to Baghdad in March–April 2003, acknowledged that, in addition to ‘lack[ing] a plan for Phase IV operations’, it did not focus on civil–military operations training prior to the initiation of combat operations.¹¹ Owing to the fact that civil affairs officers and units were in short supply, this lack of training was extremely detrimental to initial stability operations, because these civil–military operations tasks fell to combat units untrained for the job.¹² This was particularly true during the days and weeks following the fall of Baghdad, when the military had the initiative but had also created a power vacuum in Iraq. One Army general commented that, despite knowing about military doctrine which accounted for Phase IV operations, he watched looting occur in Baghdad without the understanding that it was up to him and his soldiers to stop it.¹³ This is a clear indication of a training failure, and combat troops in Baghdad found themselves untrained and unfamiliar with tasks that they needed to accomplish to secure victory, such as restoring civil order, creating an interim government, establishing essential services, and ensuring that the judicial system was operational.¹⁴

Additional training deficiencies were observed. The few civil affairs assets that were sent to Iraq (a total of 1,800 civil affairs soldiers, as opposed to the 6,000

11 ‘Third Infantry Division (Mechanized) After Action Report: Operation IRAQI FREEDOM’, 2003, available at: <http://www.globalsecurity.org/military/library/report/2003/3id-aar-jul03.pdf> (last visited February 2012), pp. 18 and 281.

12 Broadly speaking, civil–military operations focus on immediate or near-term issues such as health service infrastructure; movement, feeding, and sheltering of dislocated civilians; police and security programmes; building host-nation government legitimacy; synchronization of civil–military operations support to tactical commanders; and the co-ordination, synchronization, and, where possible, integration of inter-agency, intergovernmental organization, and non-governmental organization activities with military operations. Joint Chiefs of Staff, Joint Publication 3–57, Civil-Military Operations, 8 July 2008, Chapter I, p. I–5.

13 T. E. Ricks, above note 6, p. 152.

14 *Ibid.*, p. 150.

officers alone trained and sent to Germany) complained of pre-deployment training focused on dealing with internally displaced persons, burning oil fields, and chemical decontamination, instead of concentrating on the Iraqi government, the legal system, infrastructure, and local leadership.¹⁵ Likewise, cultural training for troops deploying to Iraq concentrated on avoiding actions that might offend Iraqis, which is important, but the training would have been more beneficial had it focused on topics that would be of assistance during stabilization: the tribal system, religion, how Iraqis negotiate, cultural customs, and the local leadership structure. Another specific example of training deficiency is that military lawyers found themselves responsible for cobbling the Iraqi judicial system back together (75% of its infrastructure was destroyed during the invasion and subsequent looting),¹⁶ yet they had not been trained on the civil law system or on Iraqi law, procedure, or custom. A Marine attorney said:

We wasted so much time just learning their system that could have been put to better use actually doing something. We lost at least a month just trying to understand how the Iraqi system operated. By losing that month we lost a lot of local goodwill that we had to struggle to get back.¹⁷

The combat troops responsible for other stabilization tasks echoed this observation regarding lost opportunities in the summer of 2003 due to a lack of training and confusion regarding their new mission. A look at recent history reveals that institutional defects within the US Army partially led to the problem.

The Army's doctrine in the 1980s and 1990s, and more importantly its major training centres where units practised the execution of their doctrine during realistic force-on-force training, focused primarily on winning battles and not necessarily on winning wars.¹⁸ After the main battles simulated at these training centres, the units packed up and redeployed to their home stations. The Gulf War in 1991 reinforced this thinking after the US and its coalition won a fast victory and quickly redeployed home without the requirement to stabilize Kuwait or Iraq. Even Afghanistan at the time involved a quick victory in Phase III with a very small footprint on the ground afterwards, and the insurgency there had not blossomed at the time of planning for Operation Iraqi Freedom. With the benefit of hindsight, it is difficult to fathom how the Army's training could have made it so short-sighted regarding what would be required after they removed Saddam Hussein from power. Yet, this was the mind-set that pervaded the Army in 2003, and it is why soldiers were focused on going home in April 2003 instead of being prepared to tackle the stabilization tasks needed

15 Center for Law and Military Operations, *Forged in the Fire: Legal Lessons Learned During Military Operations 1994–2008*, The Judge Advocate General's Legal Center and School, September 2008, (hereafter *Forged in the Fire*), pp. 12–16.

16 Center for Law and Military Operations, *Lessons Learned from Afghanistan and Iraq, Volume II: Full Spectrum Operations (2 May 2003–30 June 2004)*, The Judge Advocate General's Legal Center and School, 2005, pp. 20–21.

17 *Forged in the Fire*, above note 15, p. 14, n. 39.

18 T. E. Ricks, above note 6, p. 132.

to secure victory. The Director of National Security Affairs at the US Army War College's Strategic Studies Institute worried that top US military commanders might have confused winning the battle of Baghdad with winning the war for Iraq,¹⁹ and the tactical units trained accordingly. The result of the poor planning and training for Phase IV was a military that was spinning its wheels in an unfamiliar type of conflict, and this directly impacted on its ability to carry out the responsibilities of an occupier under international law. The military was losing the initiative quickly, owing to lack of planning and training for the occupation, and the structure of the US-led occupying administration and some of its resulting decisions also prevented them from getting things back on course in a timely manner.

Structure of the occupation authority: the need for inter-agency execution

Although the acronym 'CPA' officially stood for the Coalition Provisional Authority in Iraq, it is telling that the military had a different interpretation: 'Can't Produce Anything'.²⁰ While some level of inter-agency friction is commonplace and expected in the US Government, and perhaps even healthy, the relationship between the CPA (Department of State) and the military (Department of Defense) during the occupation of Iraq was poisonous. Just as the intelligence failures prior to the terrorist attacks of 11 September 2001 were partially caused by a failure of inter-agency co-ordination and co-operation, so too were the difficulties experienced by the CPA and the military. An occupation requires a level of inter-agency execution between civilian and military personnel that the US entities were neither prepared for nor accustomed to at the time. However, before addressing these inter-agency lessons learned, a preceding question to deal with is that of whether a military officer or a statesman should lead an occupation.

It is well known that the United States brought in Ambassador Paul Bremer soon after the fall of Baghdad to lead the CPA. The military criticized several key CPA decisions that had a negative impact on their ability to maintain security. The most notable were the orders of de-Ba'athification and dissolution of Iraqi security and military institutions, which created thousands of unemployed men and potential insurgents while also reducing the forces that the occupying military could use to maintain security.²¹ On the question of whether a military leader should have led the occupation instead of a statesman, history and doctrine once again inform the issue.

Prior to the occupation of Germany, President Roosevelt felt that the task was of a civilian nature, but he changed his mind after failures of the Department

19 Antulio J. Echevarria II, *Toward an American Way of War*, US Army War College Strategic Studies Institute, March 2004, available at: <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=374> (last visited February 2012).

20 T. E. Ricks, above note 6, p. 204.

21 G. F. Oliver, above note 8, p. 3.

of State during the stabilization in North Africa.²² Roosevelt therefore gave the Department of Defense control over the occupation of Germany, and he appointed General Lucius Clay to be the military governor. General Clay was responsible for leading the military government teams and implementing the OPLAN, during what is generally considered to have been a successful occupation. However, this example does not prove that a military-led occupation would have avoided the problems seen in Iraq. In fact, de-Nazification in Germany caused similar problems to those resulting from de-Ba'athification in Iraq, and the occupation in Germany required four years to seat a German government capable of leading the country. Nevertheless, having a military leader of the occupation, at least for the beginning of the transition from Phase III to Phase IV, has military advantages, including unity of command and the ability to tap into the military's planning and logistics capabilities. Regardless, although history may indicate that a military leader would be preferable to a statesman to lead an occupation, current US government policy and military doctrine foresee occupation as a civilian-led enterprise.

National Security Presidential Directive-44 (NSPD-44) of 2005 identified the Department of State as the lead agency for stabilization and reconstruction activities.²³ A subsequent Department of Defense Directive also acknowledged the Department of State's lead role, but Defense doctrine also recognizes reality.²⁴ Consequently, Joint Publication 3-07, Stability Operations, states that joint military forces may lead stabilization efforts until other US government agencies, foreign governments and security forces, or intergovernmental organizations are able to assume the role; Appendix D, which provides doctrine for a transitional military authority, certainly contemplates the military in the lead.²⁵ However, the policy and doctrine is consistent in that the Department of State will have the lead when this is possible, and an important aspect of NSPD-44 is that it increases inter-agency co-ordination and planning, thereby reducing the concern, at least theoretically, about what agency is in the lead on the ground.

The Directive was intended to act upon some of the lessons learned from Iraq, and it consequently generated a comprehensive inter-agency planning process for future occupations, which begins at the national strategic level and extends all the way down to the tactical level. The new military doctrine, citing what it 'has learned through the difficult experiences of both Iraq and Afghanistan', also places the importance of stability operations on an equal footing with conventional combat operations.²⁶ Importantly, NSPD-44 sets up permanent organizations that will force interaction between agencies, so that the art of co-operation between the agencies is not lost. This was evidently the case during the occupation of Iraq, where

22 *Ibid.*, pp. 5–8.

23 The White House, 'National Security Presidential Directive/NSPD-44', Washington DC, 7 December 2005, available at: <http://www.fas.org/irp/offdocs/nspd/nspd-44.html> (last visited February 2012).

24 Thomas S. Szayna, Derek Eaton, and Amy Richardson, *Preparing the Army for Stability Operations: Doctrinal and Interagency Issues*, RAND Corporation, Santa Monica, CA, 2007, p. 8.

25 Joint Pub. 3–07, p. 1–2.

26 *Ibid.*, p. 1–1.

two agencies with different organizational cultures were not accustomed to working with one another, and did not want to. It was unfortunate, because the stakes were so high. As time progressed however, the parties increased their inter-agency co-operation and created a level of synergy, best illustrated by the Department of State-led provincial reconstruction teams (PRTs), prevalent in Iraq in the latter stages of military involvement there.²⁷

Conclusion

Operation Iraqi Freedom forever changed the US military, and the occupation in 2003–2004 played a large role in its transformation. It is hard to argue that failed planning, training, and inter-agency execution of the occupation did not have a significant role in the development of the insurgency that erupted in late 2004 and caused US involvement in Iraq to continue for seven more years. Poor strategic and operational planning for the occupation led to the failure of tactical units to train for the tasks that would help them to maintain security and fulfil their other responsibilities as occupying forces. The military therefore squandered the initiative that they had gained after quickly toppling Saddam Hussein's regime. The military's subsequent acts or omissions alienated the Iraqi population and further contributed to the conditions for an insurgency. Once the occupation began, poor inter-agency execution – primarily between the CPA and the military – further exacerbated the declining situation. The enormous human and material cost of the war in Iraq was a severe price to pay to learn a lesson, but it does appear that that lesson has been institutionalized in policy and doctrine to avoid past mistakes in the future. It is now up to current and future leaders to ensure that history does not repeat itself.

27 Provincial reconstruction teams were 'relatively small operational units comprised not just of diplomats, but military officers, development policy experts (from the U.S. Agency for International Development, the Department of Agriculture, and the Department of Justice), and other specialists (in fields such as rule of law, engineering, and oil industry operations) who work[ed] closely with Iraqi provincial leaders and the Iraqi communities that they serve[d]. While PRTs dispense[d] money for reconstruction projects, the strategic purpose of these civil–military field teams [was] both political and economic'. US Department of State, 'Provincial Reconstruction Teams', available at: <http://www.state.gov/p/nea/ci/iz/c21830.htm> (last visited February 2012).