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Dealing with Non-Compliant Actors

Guidelines

for

Operational Commanders

Version 1.0

Strausberg (DEU), 01 September 2010

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14. ABSTRACT To secure the success of international stabilisation and reconstruction efforts in complex (post-)conflict/crisis scenarios, focusing on physically fighting irregular adversaries has proved to be insufficient and does not solve the problem of resistance in an operation area. The understanding of what and who hampers the success of coalition efforts towards achieving sustainable peace, stability and reconstruction in the operational environment including the underlying rationale needs to be broadened. The spectrum of relevant actors is wider than our usual military classifications. These generic guidelines reflect a comprehensive approach to come to grips with actor-induced obstacles to achieving sustainable peace and orders in (post-)conflict situations where external actors, i.e. coalition forces, are involved in peacemaking, stabilisation and reconstruction in cooperation with a host nation government.					
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– Dealing with Non-compliant Actors – Guidelines for Operational Commanders –

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Introduction

To secure the success of international stabilisation and reconstruction efforts in complex (post-)conflict/crisis scenarios, focusing on physically fighting irregular adversaries has proved to be insufficient and does not solve the problem of “resistance” in an operation area. The understanding of what and who hampers the success of coalition efforts towards achieving sustainable peace, stability and reconstruction in the operational environment – including the underlying rationale – needs to be broadened. The spectrum of relevant actors is wider than our usual military classifications.

These generic guidelines reflect a comprehensive approach to come to grips with actors-induced obstacles to achieving sustainable peace and orders in (post-)conflict situations where external actors, i.e. coalition forces are involved in peacemaking, stabilisation and reconstruction in cooperation with a host nation government.

Non-compliance/non-compliant actors have negative effects on stabilisation and reconstruction efforts and prevent the coalition from achieving their objectives together with the host nation government. While irregular adversaries may pose the main military threat, it seems to be indispensable to also cope with other non-compliant actors. They might support adversaries and, in the worst case, turn themselves into irregular adversaries. The mitigation of non-compliance/non-compliant actors requires a multi-faceted approach combining a wide range of instruments.

Non-compliance/non-compliant actors pose a challenge to all coalition actors – and they all should contribute to mitigate non-compliance. Creating a safe and secure environment requires the orchestration of a multitude of actors. Military aspects constitute only a small part of a comprehensive compliance strategy. The best strategy, however, is still to avoid non-compliance from the beginning.

Non-compliance is an ongoing and pervasive challenge in today’s complex “battlefields” and missions. It is a cognitive, behavioural and emotional challenge to compliance enhancement strategies. To preserve compliance and to prevent or to counter non-compliance has to be the aim of any operational commander and appears to be an operational need.

These generic guidelines will provide operational commanders with a broader, questions-based approach to identify, assess and analyse non-compliance/non-compliant actors and to develop and implement strategies to achieve compliance within a comprehensive framework. The questions-based approach will enable the operational commanders to get a broad perspective of the problem, which will be helpful to address non-compliance in a comprehensive and effective manner.

The guidelines are supplemented by a ***NONCAS handbook***, which provides more detailed and generic information on how to analyse and how to deal with non-compliance – and ultimately, how to prevent it.

Table of Contents

INTRODUCTION	3
TABLE OF CONTENTS	4
1 UNDERSTANDING NON-COMPLIANCE	5
1.1 NON-COMPLIANCE – A ROUGH OVERVIEW	5
1.2 THE COMPLIANCE SPECTRUM.....	6
1.3 NON-COMPLIANT ACTORS AND IRREGULAR ADVERSARIES	6
2 ANALYSING NON-COMPLIANCE	7
2.1 STARTING POINT: GUIDING QUESTIONS FOR OPERATIONAL COMMANDERS.....	7
2.2 A FRAMEWORK FOR ANALYSIS.....	9
2.3 ENVIRONMENTAL FACTORS	10
2.4 ACTORS-RELATED FACTORS	11
2.5 COALITION-RELATED FACTORS	13
3 COPING WITH NON-COMPLIANCE AND NON-COMPLIANT ACTORS.....	14
3.1 PRECONDITIONS FOR COMPLIANCE	14
3.2 DESIGNING STRATEGIES – STARTING POINT AND GENERAL APPROACH	16
3.3 AN INCOMPLETE SELECTION OF STRATEGY ELEMENTS.....	17
3.3.1 <i>Establish conditions to secure the population and provide protection</i>	17
3.3.2 <i>Build and uphold credibility, legitimacy and trust</i>	17
3.3.3 <i>Improve living conditions and local development</i>	18
3.3.4 <i>Improve governance capacity</i>	18
3.3.5 <i>Promote local ownership</i>	18
3.3.6 <i>Incentives/positive sanctions/rewards</i>	18
3.3.7 <i>Negative sanctions/punishment</i>	19
3.3.8 <i>Bargaining/negotiation</i>	19
3.3.9 <i>Persuasion</i>	19
3.3.10 <i>Marginalisation/isolation/containment</i>	19
3.3.11 <i>Coercion</i>	20
3.3.12 <i>Socialisation</i>	20
3.3.13 <i>Integrated communication</i>	20
4 IMPLEMENTATION OF COMPLIANCE STRATEGIES.....	21
4.1 FRAMING THE COALITION: IMPLICATIONS FOR THE COMPREHENSIVE APPROACH.....	21
4.2 STARTING TO NETWORK: IMPLICATIONS FOR THE INTERACTIONS WITH LOCAL ACTORS	22
4.3 FRAMING OPERATIONS: IMPLICATIONS FOR THE STYLE OF MILITARY OPERATIONS	24

“They’re (the Afghan population) much more open minded than I sensed even a few months ago... But they’re unconvinced. They’re right in the middle – ‘Yeah, we want to believe but you just haven’t given us enough yet to believe’.”

Former ISAF Cdr Gen Stanley A. McChrystal, 23. Mar 2010

1 Understanding Non-Compliance

1.1 Non-compliance – a rough overview

Non-compliance and non-compliant actors (NONCAS) exist in any complex crisis scenario. Non-compliance will be understood within this context along the following definitions¹:

Non-compliance:

- **Behaviour that negatively affects coalition² efforts to achieve goals/objectives in support of the host nation and/or international mandates.**

Non-compliant actors:

- **Individuals or groups which exhibit behaviour which negatively affects coalition efforts to achieve goals/objectives in support of the host nation and/or international mandates.**

Whether certain behaviour will be categorised as non-compliant on the basis of the definition above depends much on the perspective of the analyst:

First, the definition focuses on the goals of the coalition actors and the host nation government, but the goals and objectives of other players – external and internal – are not addressed. They might not understand nor accept the coalition’s view of non-compliance.

Second, within the coalition there may exist different opinions on how goals should be reached. Thus, certain behaviour might be non-compliant from the perspective of one actor within the coalition, but not from the perspective of another.

Third, the complexity of an external intervention towards a different social and cultural background cannot be reduced to a technical consideration of goals and ways to reach (or hamper) them. The different social and cultural backgrounds of the many external and internal actors involved in complex operations might result in value-based interpretations of non-compliance.

Therefore, the “label of non-compliance” should always be accompanied by thorough reflections on one’s own perspective.

The subjective nature of the concept of compliance/non-compliance may imply major challenges for the operational commander in two ways: Divergence of views on compliance and non-compliance between the commander/the coalition forces on the one hand and

¹ These definitions have been further developed within Objective 1.1 with respect to the definitions agreed within the Multinational Experiment Executive Steering Group.

² Coalition: “An ad hoc or temporary grouping of nations and/or organisations united for a specific purpose/in a common cause.” MNE 6 Objective 2.1, FC Integrated Communication, p. 31

local population and any other actors in the operational environment on the other hand, as well as within the coalition.

1.2 The compliance spectrum

NONCAS are driven by various intentions, cultural attitudes, personal prospects, environmental conditions and other factors. They are embedded in and interact with their cultural environment and social structures. Changes in environment and structures can result in changes in the compliant behaviour of actors, i.e. NONCAS may change and develop over time – they are dynamic. This may be true for their motivation, their objectives, their strategies and tactics, their organisational form, their leadership and membership in groups and organisations etc. Also, NONCAS may not necessarily be non-compliant all the time. This makes analysis as well as devising and implementing strategies for enhanced compliance more challenging. The dynamic, complex and uncertain nature of non-compliance/NONCAS requires continuous analysis and regular updates on known NONCAS but also of the situation and the population as a whole.

There are many forms of compliance, too. The spectrum reaches from instrumental/tactical compliance over “neutral” compliance (tolerance/acceptance) to commitment in the spirit of active support for coalition objectives. Moreover, compliance may be a “moving target” as it is a function of the objectives and the level of ambition/standards of the coalition (in cooperation with the host nation government) as well as of the development of the operational environment. Commanders/leaders need to carefully think about which form of compliance they are after and how to develop strategies to keep relevant actors compliant (or avoid non-compliance).

Last but not least, for the operational commander it is important to understand, that from a conflict transformation perspective, NONCAS need to be seen as peace-building partners and agents for transformation. Actors, who are able to severely disrupt efforts for sustainable peace and stability in the short run, are at the same time actors without whose (active) compliance such efforts will fail also in the mid to long term. One must avoid considering NONCAS as enemies or mere objects or target groups of specific programs, measures and strategies.

1.3 Non-compliant actors and irregular adversaries

The definition of NONCAS, as mentioned above, is rather broad and includes a wide spectrum of actors. In this context irregular adversaries are conceived as a subgroup of NONCAS that seems to pose the main military threat.

Against this background the relation between NONCAS and irregular adversaries is important. The distinguishing moment between irregular adversaries and other NONCAS is the organised recourse to systematic armed violence. Possible relations between the two groups may include:

- NONCAS may support, cooperate with or oppose irregular adversaries.
- NONCAS have a neutral attitude vis-à-vis irregular adversaries.
- NONCAS may be the target audience and the potential recruitment base of irregular adversaries.
- NONCAS may be victims of irregular adversaries.

- NONCAS may turn into irregular adversaries, possibly due to mainly two mobilisation mechanisms: Coercion (including use of force or intimidation) or persuasion (including the promotion of insurgent/terrorist ideology and objectives, but also the provision of money, basic social services, or positions of authority).
- NONCAS may turn into irregular adversaries due to “structural coercion”, such as lack of alternatives, neglect by the host nation government etc.

There are possible transitions between NONCAS and irregular adversaries, based on and along above relations. Basically it is the organised recourse to systematic armed violence that indicates a transition. However, a non-compliant actor should not be considered an irregular adversary at the first use of violence.

It is important to keep in mind that the coalition is in competition with irregular adversaries with a view to ensuring the support of the population, including the support of – so far – other NONCAS. The coalition is thus targeting the same groups of actors as the irregular adversaries when trying to maintain or increase compliance and mitigate the risk of NONCAS transitioning into the irregular adversary spectrum.

At the same time one has to assume that there are ways for irregular adversaries to return into the compliance spectrum. The operational commander’s efforts thus should not only be directed at preventing the transition of other NONCAS into the irregular adversary spectrum but also be directed at bringing irregular adversaries back into the compliance spectrum.

2 Analysing Non-compliance

“Three quarters of the miseries and misunderstandings in the world would finish if people were to put on the shoes of their adversaries and understood their points of view.”

Mahatma Gandhi

These guidelines offer a comprehensive orientation for identifying, analysing and assessing non-compliance and NONCAS via suggesting questions to ask in the framework of the analysis of non-compliance and NONCAS. This means that rather than providing fixed categories or answers, the analysis part of the guidelines is based on a number of core questions which help the operational commander to come to grips with non-compliance and NONCAS. In the case of such a complex phenomenon, a questions-based approach best supports a thorough and at the same time flexible analysis.

2.1 Starting point: Guiding questions for operational commanders

In order to get a first notion on which behaviour and which actors may be relevant for an operational commander in a non-compliance context, two questions may be asked to begin with:

1. Which is the impact of NONCAS on the achievement of the coalition goals?

The aim is to find out whether there is a significant impact and why. Answering this question should describe as well the lines of operation which are endangered by those actions. Moreover, it is advisable to consult other coalition actors on their perception to get a good

interpretation of the behaviour. The spectrum may range from negligible to critical. The impact can be measured in several dimensions.

To check whether non-compliance/NONCAS have a significant impact on coalition goals and why, the following sub-questions may be asked, covering some dimensions which in turn determine the impact of non-compliance/NONCAS. The starting point is a clear vision and understanding of the coalition's objectives.

- Which coalition goals/which elements of the coalition goals are affected by the observed non-compliance/NONCAS at first sight?
(Establishment of security, protection of minorities, supporting the achievement of social and economic development etc.)
- Are the affected coalition goals vital ones?
- What does the observed non-compliance/NONCAS affect?
(Elements of a peace agreement, political norms, rules, and procedures, social norms, other regulations etc.)
- Whom does the observed non-compliance/NONCAS affect? Against which stakeholders is non-compliance directed?
(Coalition forces, the host nation government and its representatives and agencies, local security forces, the population or certain groups of the population, etc.)
- Which is the scope and geographical coverage of the observed non-compliance/NONCAS?
(Local, regional, national, cross-border, socio-geographic foci – e.g. rural or rather urban areas etc.)
- Who is involved in non-compliance? How many? How powerful?
(Size of the group, their members and supporters and their position and influence within the system.)
- Which is the intensity and frequency of non-compliance?

Looking for answers to above questions may help to come to a first assessment of the impact of non-compliance/NONCAS, which in turn may help to achieve a first judgment of the (potential) relevance of the observed non-compliance/NONCAS in the context of achieving the coalition goals, i.e. whether there is need for action.

2. How can the coalition influence non-compliance/NONCAS?

The following sub-questions should help to give an idea whether the operational commander has a role in preventing/countering the observed non-compliance/NONCAS and who else may play a role in mitigating non-compliance. They should also sensitise the operational commander for desired behaviour of actors in the area of operations in relation to own (coalition) goals. Moreover, they should inspire some first reflections on the character of the non-compliance/NONCAS perceived and potential successes of coalition forces to mitigate the observed non-compliance/NONCAS.

- Which players, active in the fields and affected by non-compliance/NONCAS, need to be consulted and may need to take action?

- What can the operational commander do about non-compliance/NONCAS? Within own means and competence? Where is cooperation with others needed? What is beyond own means and competence?
- Who else may play a role in mitigating the observed non-compliance? (Development agencies, humanitarian aid organisations, diplomacy, international, regional or non-governmental organisations, certain economic actors, the host nation government or specific representatives, key political/religious/social leaders etc.)
- Which and how much compliance do we need? (All of the non-compliant groups concerned? Compliance of key actors? Acceptance (neutral compliance) or commitment (active support)?)
- To which extent can we possibly mitigate non-compliance? What changes are we able to effect: The behaviour? The motivation/objectives of the actor/the actor itself (and as a result the behaviour)?
- Will the actor react to possible influencing attempts? How?

Answering the second guiding question should give initial ideas on the origin of non-compliance and possible courses of action. It should lead to a first, rough estimate of the means, methods and activities which are needed to counter non-compliance and which are available to the coalition.

2.2 A framework for analysis

In order to be in a position to act effectively, an operational commander needs to develop and have an understanding of the problem he/she is confronted with. A framework for analysis is supposed to provide orientation when approaching the challenge of understanding non-compliance/NONCAS. In fact, a comprehensive actor analysis is prerequisite to developing effective strategies. Understanding non-compliance and NONCAS means more than merely having information about these actors. It means developing a deeper understanding and more thorough and pervasive awareness of their motivation, self-conception, perceptions and dynamics. This kind of understanding requires a systemic view of the area of operation, including its actors, but also of structural factors and factors related to the coalition itself, as it becomes part of the dynamically changing system of the area of operation.

The operational commander needs to keep in mind that identifying and universally using clear-cut, definite and unequivocal categories vis-à-vis a complex reality is not possible. Actors may play different roles and may have various motives and objectives at the same time. Moreover, actors are bound to change over time. This means that the analysis of non-compliance/NONCAS needs to be understood as a continuous effort which has to be regularly reiterated in order to keep up with the dynamics of reality.

Last but not least it shall be underlined that best analyses are best done in a comprehensive assessment, as your coalition partners might have other views on things like just the military. Therefore, try to keep your approach comprehensive and embed yourself in the comprehensive picture.

2.3 Environmental factors

Environmental factors are those which provide structural conditions and frame the environment NONCAS live in. Most of the missions today are taking place in an operational environment which is usually characterised by a lack of functioning and/or legitimate state structures and the lack of a real monopoly of power. This is one of the reasons why NONCAS emerge and proliferate. And it is this kind of environment which influences and shapes the characteristics of the behaviour of those actors. Improving those structural conditions might be a first step in a compliance strategy. So the guiding question is:

Which of the environmental factors are causing non-compliance?

The operational commander should focus especially on:

1. The security situation (safe and secure environment)

Are people able to conduct their daily lives without fear or systematic or large scale violence? Is security of property ensured? Are populations safe from human rights violations? Etc.

If the state (host nation) does not provide for security and safety throughout its territory, citizens may start to regard the state as less legitimate, may start to look for alternatives for protection (self-help or militias etc.), or succumb to irregular adversaries' threats.

2. Political setup, politics and governance

Some important aspects may include: Legitimacy of the government? Democratic institutions exist and function? Civic participation and empowerment? Widespread discrimination a problem? Protection of fundamental freedoms? Rule of law, i.e. legal frameworks, legal accountability, access to justice? Etc.

For example if the system is repressive or excludes significant groups from political power (e.g. who have traditionally played a role), those repressed or excluded may not comply with the government's rules and with the objectives of those supportive of this government (coalition).

3. Economic situation

Shape and stability of macroeconomic situation, e.g. what are the traditional sources of wealth in the area of operations that are regarded as legitimate by the local population? Is there a locally unacceptable distribution of wealth? (Un)employment situation? Etc.

If for instance the distribution of wealth is perceived to be unfair (clientelism, corruption etc.) this may contribute to an ever bigger inclination to look for alternatives outside the local and international norms (producing heroine, planting bombs). Widespread unemployment, especially among male youth, creates recruitment bases for non-compliance.

4. Access to basic goods and services

Access to and delivery of basic needs services (e.g. health), food, water, education etc.?

If indicators of human development are dire this may mean less room for self-improvement and self-determination of the local populations concerned which in turn may e.g. contribute to their inclination to join NONCAS. If non-governmental organisations or coalition development agencies provide excessive donations of goods such as food, local farmers may lose legitimate income streams and become NONCAS, growing illicit crops such as poppies for heroine. In contrast, if criminal elements are providing credit and seed for illegal crops

and the host nation government is not ensuring that legitimate resources are available, local civilians may become NONCAS to avail themselves of alternative incomes.

5. Socio-cultural context

Are there any specific relevant features that may influence an inclination towards non-compliance/NONCAS or amplify such trends?

Some general cultural dimensions which may be checked in the context of non-compliance may include for example the acceptance of inequality within a society (does a certain culture accept seriously unjust distribution of wealth or power?) or the allegiance to strong authorities (not necessarily the host nation government representatives).

6. Level and form of participation in the political, social, cultural and economic domains

How has the local civilian population historically participated in these domains? It is important to concentrate on knowing what is acceptable to the population of the country in which the coalition is intervening. This has also a lot to do with ownership. The lesser e.g. the ownership of political processes and institutions/social processes etc., the bigger the risk of instability and potential disrespect or active rebellion against the given structures, processes and framework conditions.

7. History of conflict and instability

Involvement in regional conflicts? Internal conflict lines? Etc.

If a country has a long history of instability and/or of internal conflicts and/or is part of a regional conflict pattern, resistance, lawlessness, use of violence, ethnic/religious etc., hatred and a self-help-mentality may be entrenched and may favour non-compliant tendencies of local populations.

8. Information environment

Coalitions typically lack the ability to properly understand and assess the information environment, and communication and opinion processes in general. Coalitions' actions are monitored 24/7 by an increasing number of actors, and information as well as misinformation is exchanged dynamically at high speed. The communication sphere has no geographical boundaries and continuously evolves, which produces tangible effects on the theatre of operations. This can immediately impact human relations and security conditions, thus facilitating or hindering the achievement of the mission objectives.

2.4 Actors-related factors

Three overarching questions in the context of the analysis of actors-related factors are

Who? What/How? Why?

Within this spectrum, some parameter of actors have been identified which are helpful to classify non-compliance/NONCAS and which are directly linked with strategy development for improving compliance.

1. Basic actor parameters

Is it an individual/individuals or group(s)? Which is the size of the group(s) and proportion of overall local actors/population? Who are members of the group(s) and which is the composition of group(s)? Are there clearly defined borders of the group(s) or frequently changing/unclear affiliations? Are there key leaders, what is their influence and who are they? Etc.

2. Position of NONCAS in the overall system

Is the non-compliant actor at the centre of the system, strongly integrated in the system or rather located on the periphery? Which are their relations with other relevant groups/individuals/the local population, the government, coalition forces and agencies? Are there any allies/supporters or enemies? What are partnerships/alliances built on? Are there any significant support bases? Which are their support bases? Etc.

3. Resources and capabilities

Resources and capabilities are understood as power sources for NONCAS, i.e. in the political, military, social, economic, financial, information or communication domain.

4. Strategies, methods, means and tactics

These aspects have a direct influence on interaction possibilities and potential for external actors. In order to get some ideas about the forms and kinds of non-compliance performed and in order to better classify the non-compliance observed, some more specific questions may be asked which may shed light on possible patterns and underlying tactics.

- **Use of violence**

How is violence used? Systematically and directed? Or no detectable strategy? Which is the scale, intensity/frequency of violence? Sustainment over time? Which are instruments, means, methods and assets in the context of the use of violence? Which are the main targets of violence? Etc.

- **Non-violent strategies, behaviour and activities**

Is non-compliant behaviour/activity systematic and directed? Or does non-compliance show no detectable strategy? Which is the scale, intensity/frequency of non-compliance? Is non-compliance performed openly or stealthily? Sustainment over time? Which are the fundamental modes and methods of non-compliance? What and who is affected by non-compliance? Etc.

5. Objectives, interests and commitment

The nature of objectives as well as the commitment is inspired – among others – by environmental factors, actors' motivations, and the means and resources available. They shape kinds and forms of behaviour and activity. Objectives, interests and commitment play a great role in strategy development for improved compliance/for preventing or countering non-compliance. For example, mitigating non-compliance that has been motivated by a broad range of fundamental issues in several domains which moreover inspire total commitment may be more difficult/complex to achieve and may take a longer time before success shows (or not). NONCAS with limited objectives and commitment may be more easily brought to compliance by strategies such as persuasion.

6. Motivation

The operational commander needs to be aware that is not only "objective" reality what counts in terms of the following sources of motivation but subjective perceptions of injustice/inequality, profit, threats to identity and existence and power. For that reason, subjective perspectives of concerned individuals or groups need to be integrated in the analysis. Possible sources of motivation may be political needs/grievances, economic motivation/greed, "creed"/identity issues (this motivational sphere comprises issues which are often of a supra-rational/emotional nature such as e.g. ethnic group affiliation; religious

beliefs; ideologies), fear, frustration (of expectations) and habits (traditions, social obligations and allegiances).

7. Perceptions and self-conception of NONCAS

Which is the moral/rational basis for own aspirations and action and the focus of communication/argumentation (internally and externally)? Legitimacy of own aspirations and actions? Tradition? Ideology? Cultural rules and norms? Historical experiences? Are there/which are self-set limits (codes of conduct or honour, no-go areas etc.)?

8. Organisational parameters

Size? Degree of homogeneity/heterogeneity? Cohesion? Mechanisms of group cohesion? Organisational form/structure? Organisational stability? Flexibility? Relationship leadership level – followers? Distance? Basis of allegiance? Organisational degree/level of organisation? Procedures?

2.5 Coalition-related factors

External actors, like coalition forces, may be able to improve compliance. That means that coalition forces are assumed to be in a position to proactively prevent, counter and mitigate non-compliance/NONCAS. At the same time, external actors may have a detrimental effect on compliance or even are the cause for non-compliance: As coalition forces become part of the system of conflict and conflict regulation they induce changes within this system. Non-compliance/NONCAS may emerge or increase/deteriorate as unintended side-effects of coalition forces' presence, strategies, activities and behaviour.

The guiding questions for the analysis of the coalition related factors should be:

- 1. Is coalition's behaviour or presence inducing non-compliance?**
- 2. To which extent?**
- 3. Why?**

Thinking about the coalition related factors is like a look into the mirror. The operational commander has to look "through the eyes" of the local population. Typical non-compliance causes could be:

- Civilian casualties and excessive use of force.
- Disproportionate use of force.
- Not keeping promises.
- Underperformance with a view to assigned/declared tasks and objectives, especially the protection of the population and improvement of living standards.
- Display of lack of commitment (e.g. political considerations in home countries).
- Display of weakness or fear.
- Reinforcement of existing conflict lines and cementation of perceived injustices (e.g. by supporting certain local actors whilst being agnostic as to whether they deserve support – especially in relation to other actors).
- Misbehaviour/misdemeanour of single elements (individual soldiers etc.) of coalition forces.

- Intercultural insensivities and injuring cultural and societal norms and trespassing borders (e.g. disrespectful treatment of women or elders and disregarding of religious boundaries).
- Human rights violations and using double standards (e.g. treatment of prisoners in Abu Ghraib).

Last but not least the operational commander should be aware of the fact that perception matters a lot. For the coalition in the context of non-compliance, the own centre of gravity may be its legitimacy and credibility. On this basis a bond of trust between the coalition forces and the local population could arise that improves and stabilises compliance.

3 Coping with Non-Compliance and Non-compliant Actors

Finding the right answer for every case of non-compliance/NONCAS is not trivial. In most cases it will be a tailored combination of different kinds of coalition-based strategic approaches and measures – concurrently or sequentially. The underlying principle resembles the building blocks approach.

Furthermore it may be the involvement of different coalition actors playing different roles on different levels that may allow non-compliance/NONCAS to be overcome. The operational commander has to remember that the mitigation of non-compliance/NONCAS requires a consolidated and comprehensive approach of the coalition's actors combining a wide range of instruments. Military aspects are only one part of a common strategy.

3.1 Preconditions for compliance

Non-compliance/NONCAS may emerge, deteriorate or get entrenched, among others, due to a lack of security, a lack of political, economic, and social participation and a lack of fairness and equality, a lack of economic possibilities and the denial of basic goods and services, and deficits in human development and human security in general. Most of these root causes may be attributed to or may be perceived to amount to a lack of effectiveness and/or a lack of legitimacy of the host nation government. Supporting the host nation government, coalition forces may be seen in the same light and may be (partly) blamed for these very deficits of the host nation government.

Thus, there may be several basic preconditions in an area of operation that have a preventive character vis-à-vis non-compliance. They form an almost indispensable basis for compliance. In turn one may argue that if these preconditions are not met to a tangible degree and over significant periods of time, the very lack of those may be causes for non-compliance. Such preconditions include:

1. Minimum degree of legitimacy of the host nation government

(Post-) war, newly created governments face severe challenges and difficulties to acquire legitimacy in the eyes of local people. If the host nation government is widely (perceived) as not legitimate by the local population, non-compliance will persist. In terms of strategy it is an imperative for coalition forces both to improve legitimacy of the host nation government (and decrease legitimacy of illegitimate entities) and to foster and show its own legitimacy.

2. Minimum degree of host nation government effectiveness

Government effectiveness is about a government's capability to perform tasks and services that a government may be rightfully expected to perform by its citizens, including protection

and the provision of basic goods and services. The implied lack of monopoly of power and force results in deficits in human security and human development and in turn in the disaffection and alienation of local populations from their government. Other actors may profit from this situation and substitute or challenge the state in its core functions.

In terms of strategy this means that maintaining or increasing the effectiveness of legitimate authorities must be a prime concern in any case.

3. Minimum level of security/protection

Needless to say that without a minimum of security, compliance with the coalition's goals and government regulations and objectives is undermined: A government that cannot uphold and exert its monopoly of force and ensure a minimum degree of security throughout its territory and coalition forces which cannot effectively protect the population lose credibility and legitimacy.

A minimum level of security is not only a direct precondition for compliance. It is also an enabler for the successful implementation of any coalition or host country strategy against non-compliance or for improving compliance. Especially in the context of devising and implementing strategies, like for instance political negotiations, ensuring a minimum of security may be the essential task for the military component of a coalition effort. Generally security and protection are not only a task for coalition forces but also of national security forces which need to be made fit to effectively take over these tasks in the mid- to long term.

Closely related to the above mentioned prerequisites for compliance a certain level of legitimacy, credibility and commitment of coalition forces themselves most effectively prevent and mitigate non-compliance.

4. Legitimacy and credibility of coalition forces

Legitimacy and credibility are essential preconditions for compliance and essential to successfully mitigate non-compliance, while potential negative effects of the limited timeframe of any external (military) intervention need to be compensated. All in all credibility has much to do with convincing the population that

coalition forces can and will deliver on promises made. Obvious commitment to achieve the coalition goals and obvious prospects of success is essential. This is especially important for any promises or commitments made in relation to the populations' security. The population needs to be convinced that the coalition is going to succeed in its mission, i.e. through visible successes and visible presence. Moreover, words and deeds of the coalition forces must be tangibly and perceptibly cohesive.

5. Adequate mission conduct/code of conduct

Living up to the rules as mentioned before (avoid civilian casualties etc.) are a prerequisite for compliance and are needed to enable additional proactive strategies to improve compliance and to mitigate non-compliance to succeed at all. Active achievement and implementation of an adequate style of operation and an adequate code of conduct are part of strategies to cope with non-compliance/NONCAS.

Compliance preconditions:

- Minimum degree of legitimacy of the host nation government
- Minimum degree of host nation government effectiveness
- Minimum of level of security/protection
- Legitimacy and credibility of coalition forces
- Adequate mission conduct/code of conduct

3.2 Designing strategies – starting point and general approach

A thorough analysis of non-compliance/NONCAS and the operational environment is already half the way to the finish line. In addition to such a thorough analysis, the operational commander needs to take into account and perform five more steps in order to successfully cope with non-compliance/NONCAS.

1. Define objectives/an end state

With a view to compliance/non-compliance and NONCAS develop an idea of which levels of compliance by which actors are needed or desired and why. Refine these ideas during the course of the analysis of the operational environment and non-compliance/NONCAS.

2. Analyse and evaluate own possibilities

Which measures should be taken or could successfully be taken depends on the prevailing conditions and means. In this context, scrutinise limits and impact of own role and find out which are own strengths and weaknesses and the own centre of gravity.

3. Communicate, coordinate and cooperate

Some aspects may be beyond own means and competences and other actors may be in a position to make valuable contributions or may even need to take the lead to prevent or mitigate non-compliance or improve compliance. Against this background we need to communicate, coordinate and cooperate with other friendly and neutral actors from an early stage.

5 steps to counter non-compliance:

- Define objectives/end state
- Analyse and evaluate own possibilities
- Communicate, coordinate and cooperate
- Define and implement strategies, tasks and resources
- Control effects and adapt strategy

4. Define and implement strategies, tasks and resources to achieve objectives

Refine ideas about potential influencing options and develop lines of operations. Think about possible courses of action and try to anticipate possible consequences of own action, identify the possible problems that would prevent or impede success.

5. Control effects of own action and adapt strategy if necessary

Control outcomes and output of action and evaluate results. Identify and learn lessons.

Against this background, the operational commander has to give thought to general options and types of strategies. There are different ways to categorise strategies in a non-compliance/NONCAS context, for instance:

Explicit – implicit strategies: Highlighting a distinction between strategies which proactively tackle non-compliance/NONCAS and require specific tailored action on the one hand versus strategies which could be described as a systematic and tailored or even general do-no-harm or structural approach on the other hand.

Direct – indirect strategies: Highlighting a distinction between strategies that directly address NONCAS on the one hand versus strategies which address the structural causes that lead to non-compliance/NONCAS on the other hand.

Inclusive – exclusive strategies: Highlighting a distinction between strategies which try to change behaviour and attitudes through integration (and maybe thus also mitigate structural deficits such as lack of participation) on the one hand, versus strategies which weaken,

marginalise, criminalise or fight certain actors in order to weaken these actors and/or protect the rest of the society.

3.3 An incomplete selection of strategy elements

The following incomplete selection of strategy elements may help – individually or in combination – the operational commander to promote compliance and to mitigate non-compliance.

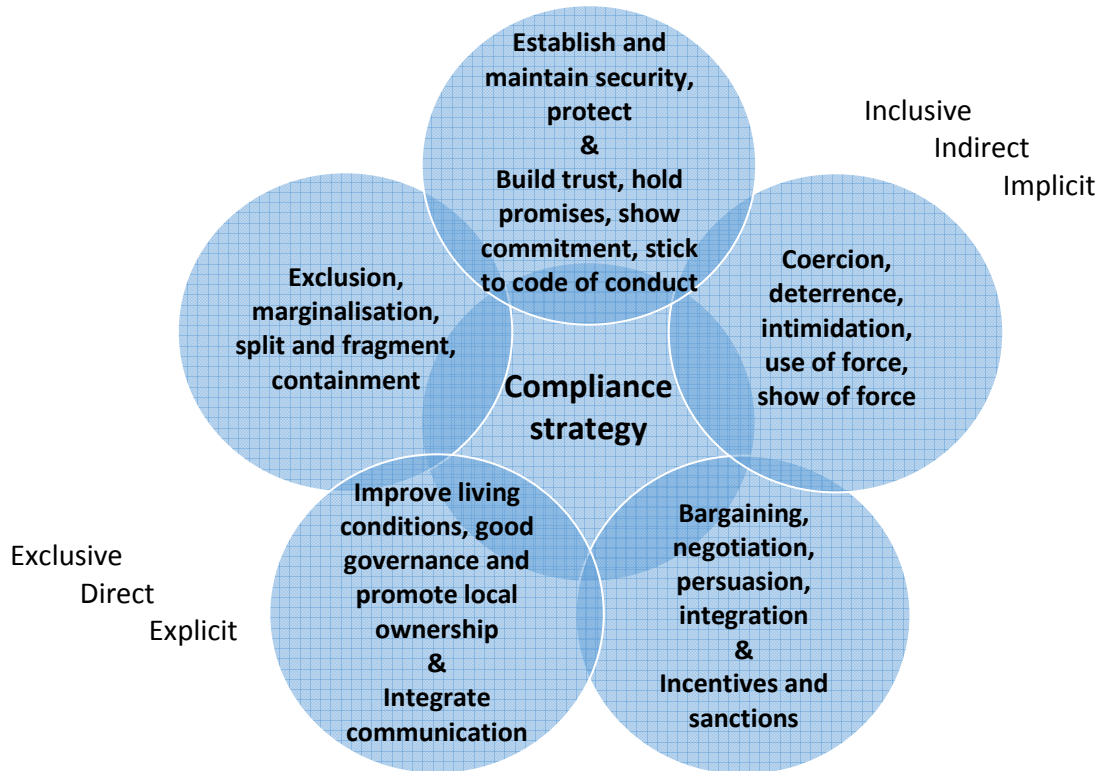


Illustration: Rough overview and classification of options to prevent and mitigate non-compliance and to improve compliance

3.3.1 Establish conditions to secure the population and provide protection

Local populations' fear of retaliation by armed groups against supporters of the host nation government and/or coalition forces may be a cause of non-compliance. Against this background, not only stabilising governmental institutions and structures in concert with coalition forces and host nation authorities (e.g. police, administration and justice) is necessary, but securing the population and protecting them from intimidation, violence and abuse is a key military task. Performing this task effectively may be a major contribution to preventing and mitigating non-compliance.

3.3.2 Build and uphold credibility, legitimacy and trust

A lack of trust vis-à-vis coalition or any intervening forces is a major factor for non-compliance. Building credibility, legitimacy and trust with local populations has a lot to do with effectively providing security. It also hinges on keeping promises, not frustrating expectations, demonstrating reliability and commitment, as well as adequate conduct (in fact of each individual soldier) in the mission area.

3.3.3 Improve living conditions and local development

Having argued that deficits in living conditions and local development may promote non-compliance, we consequently need to conceive the improvement of living conditions and local development as a suitable strategy to contribute to the improvement of compliance and the prevention and countering of non-compliance, if the root causes of the non-compliance/NONCAS in question (partly) lies within structural conditions. Although restoring essential utilities and services such as sewer, electricity, education and public sanitation is not first and foremost in the competence of the operational commander, he has to consider within the coalition his possibilities to support restoring essential services. This means coalition forces and development agencies may devote efforts to restore and/or create a public education system as a way of reaching large parts of the civilian population with coalition messages and as a chance to instil national norms in the civilian population.

3.3.4 Improve governance capacity

Frustration with ineffective administrations and corrupt officials, and a perception of neglect and abandonment as well as anger at injustice and inequality resulting from bad governance all lead to alienation of local populations from the host nation government. This alienation may as well be projected on the coalition forces supporting that government. If justice is to be considered as a basic service and if the rule of law is an essential expression of the (re-) establishment of a functioning monopoly of force, the establishment of rule of law is among the immediate key requirements of creating and consolidating sustainable stability, peace and development and also of preventing and mitigating non-compliance out of sheer frustration or for reasons of impunity. A comprehensive transitional justice concept may play a crucial role as well.

3.3.5 Promote local ownership

In the light of the constraints that external coalitions and especially coalition forces are subject to, the promotion of local ownership is not only a strategic option but a necessity. The operational commander should be aware that local ownership must not be understood as a tactic to be used for certain limited objectives. Rather it needs to be understood as an underlying principle of any successful intervention, transition and exit strategy and as a natural aim of any external temporal interference as well as of any host nation. This inherent need for local ownership at least in the mid- and long run needs to be taken into account when devising strategies even during initial phases of an intervention. Besides the need to take into account the requirement of local ownership, the promotion of local ownership may be considered a strategy for improved compliance/against non-compliance in its own right, by decreasing alienation.

3.3.6 Incentives/positive sanctions/rewards

This strategic approach comprises all factors that enable or motivate a particular course of action, or count as a reason for preferring one option over the other. Incentives/positive sanctions/rewards may be material (financial or economic) or immaterial (political influence, social prestige, amnesty etc.). Generally, NONCAS who have a primarily economic motivation may be influenced in their behaviour and attitudes through providing positive sanctions and rewards. In fact, these measures may even be a strategy to get NONCAS back into the compliance spectrum, as long as these NONCAS are no hard-core ideology or creed-driven

actors. Incentives/positive sanctions/rewards may, however, work mostly for actors with a rather limited degree of commitment.

3.3.7 Negative sanctions/punishment

Negative sanctions/punishment have direct effects on the expected benefit of non-compliance on the NONCAS side and may be material or immaterial. They may have a deterrent effect and a coercive dimension, as the certain behaviour or activity is (expected) to be punished and cause disadvantages to the actor exhibiting this behaviour or performing this activity. Besides their deterrent and coercive character, negative sanctions may also have the effect to contain NONCAS by limiting their scope of activity or access and use of their sources of power.

3.3.8 Bargaining/negotiation

Bargaining and negotiation with those who do not comply may lead to their participation/reintegration into “regular” politics, economics or society, if the participation/reintegration is expected to leave the NONCAS concerned in a better position than continued non-compliance. Bargaining and negotiations make use of other influencing mechanisms as described further above, such as incentives and sanctions. To make this work, this strategy requires that groups addressed have a hierarchical organisation and an authority which has the power to enforce agreements and bargaining results as binding for the entire group with a lasting effect.

3.3.9 Persuasion

Persuasion is a form of social influence and may be conceived as the process of guiding someone toward the adoption of an idea, attitude, or action by rational and symbolic (though not always logical) means.

This strategy option requires both weak motivation and commitment on the addressees’ side in order to be successful. Persuasion may also comprise incentives or disincentives perceived as threats. Other persuasion strategies may include for example “social proof”, relying on the human tendency that people do things that they see other people are doing, resulting in imitation. Authority has a persuasive character as well. People will tend to obey authority figures. This is what local ownership and key leader capacity building partly relies on for long term effects. A local leader in general has more authority than an external actor and, as an insider, may have stronger convincing effects and inspire more compliance and allegiance.

3.3.10 Marginalisation/isolation/containment

Marginalisation, isolation and containment aim to weaken an actor in his power and spheres of influence and limit his fields of action, activities, reach and scope, audience and impact of his doings and at least prevent him from reaching out further. Cutting an actor off from sources of power or his spheres of influence is a major option in this context. In the long run, if followed by more integrative strategies, marginalisation, isolation and containment may also provide a starting point for transformation of NONCAS. Marginalisation, isolation and containment may resort to strategies of negative sanctions and/or coercion. The separation of NONCAS from their support bases within local populations and from other groups is a valuable approach especially with a view to groups which acquire and sustain their power and influence primarily via mobilisation strategies.

3.3.11 Coercion

Coercion implies the actual or threatened force (physical, economic, political, moral etc.) to compel a person to do something, or to abstain from doing something. Coercion in fact implies that a person or a group is forced to act or not to act in a certain way against the person's/the group's will. While the behaviour may be adapted for the period of time where the coercive power is exercised and maintained, the motivation to pursue a certain goal or act in the way originally planned or foreseen remains unchanged.

If applied as the only strategy, coercion may achieve instrumental/tactical compliance yet rarely has sustainable effects. If the coercive power is suspended/lifted (i.e. if the coalition forces leave), non-compliance will most probably kick in again and endanger the maintenance of the stable end-state that should have been achieved. For that reason, the application of coercive (military) force alone is a severely limited approach.

3.3.12 Socialisation

This strategy aims at the internalisation of aims, norms, rules etc. Through embedding actors in institutional arrangements and practices some actors may gradually be changed to stick to certain rules and norms of behaviour. These actors may experience collective learning processes and may not only change their behaviour and strategies but maybe even their preferences, sets of goals and self-conception. Socialisation in this context is conceived as a mid- to long-term management strategy.

3.3.13 Integrated communication

Communication is not an optional add-on to coalition operations. It must be thoroughly integrated at all stages of planning and conduct of operations, and shape both the design and implementation of crisis management activity. Effective communication in multinational coalition operations requires the integration of coalition internal and external communication processes at all levels in order to promote the cohesion and coherence of the coalition, and advance coalition interests and objectives. Principles of integrated communication are:

- Actors need an appropriate understanding of the information environment and require intercultural competences.
- Actors need to understand communication as a process characterised by the exchange of verbal and non-verbal messages.
- All members of the coalition need to understand its global, long-term perspective.
- The senior leadership have a pivotal role in communication efforts at all levels.
- Effectiveness is promoted through cohesion and coherence of the coalition.
- All coalition activity must continuously be cross-functionally integrated, and consider communication aspects throughout.

Commanders are role models for the members of their organisation. At the same time, external actors perceive them as main representatives of the organisation. Therefore, integrated communication is a strategic management function to harmonise the internal and external roles of leadership, and positively impact the perception of internal and external audiences.

4 Implementation of Compliance Strategies

“The difficulty lies, not in the new ideas, but in escaping from the old ones...”

John Maynard Keynes

Understanding the following implications should help the operational commander in tailoring and implementing strategies for improved compliance/against non-compliance with due regard to the aspects mentioned in the chapter before and some cross-cutting implementation issues.

4.1 Framing the coalition: Implications for the comprehensive approach

Today’s operational challenges are not solely a military problem. The comprehensive approach is described in a broad sense as the wide scope of actions undertaken in a coordinated and collaborative manner with the affected nation(s) by national and multinational civilian government agencies and possibly, military forces, international and intergovernmental organisations, non-governmental organisations and the private sector to achieve greater harmonisation in the analysis, planning, management and evaluation of actions required to prevent, ameliorate, mitigate and/or resolve the conditions precipitating the crisis. The operational commander has to realise, that, despite the powerful assertive means he can deploy, with respect to the comprehensive approach he is just one player in the operational environment.

1. Conduct comprehensive assessment!

The classical military assessment might not be sufficient in a comprehensive environment. Try to broaden your operational picture. Exchange information proactively, share your information with your partners, without always expecting to “get something back”. Be open-minded and inclusive. Usually it is easier to share information in a give-and-take atmosphere. Civilian actors are not informants; sometimes this will endanger their daily work or life. Try to gather a shared awareness with your coalition partners and a comprehensive picture about your situation. This will help to identify first ideas how to tackle your problems. Keep in mind that dealing with non-compliance is an inter-agency – especially political – task and most instruments to achieve compliance are civilian by nature.

2. Coordinate early!

Coordination should begin early in the mission process and should be as inclusive as possible. The goal of the coordination would be a joint understanding and a similar assessment of the socio-cultural and political environment the mission operates in. Don’t wait too long to coordinate in dealing with non-compliance. The uncoordinated use of instruments by different coalition actors might send mixed messages to the NONCAS and may be perceived as weakness. In the worst case, the NONCAS might play one actor within the coalition off against another.

3. Have clear modest goals, but be flexible in how to reach them!

Try to define and achieve common objectives and a shared understanding of the end-state and how to secure the success of a compliance strategy within the coalition.

Though the wishful goal in dealing with non-compliance should be the transformation of a non-compliant actor into a compliant one, this might be unrealistic. It is very difficult, for example, to change a deeply-routed undemocratic attitude into a supportive, democratic

one. But it might be possible to turn the disagreement about the “right” political system from a violent conflict into a non-violent dispute. There are different ways to support this transformation. If one way does not work out, try another one.

4. Be aware of and take into account possibilities and limits of resources available!

Time is an important framework condition and resource in the field of non-compliance/NONCAS. Time is of the essence – long-term engagement is necessary (no quick fixes and quick-impact-projects-only strategies usually work). Achieving compliance is a local process and can only be supported by external actors. You can support little steps within this process, but others will carry on. Don't try to rush! The grass does not grow quicker when you pull it. Other resources at disposition, including manpower and competences, organisational capacities and processes etc. need to be evaluated carefully in the context of defining goals and developing strategies. Moreover, in a coalition, the degree of consensus and homogeneity needs to be taken into account as influencing own possibilities. Take limitations into account as well as specific strengths. In the context of checking own possibilities and limitations check whether and which other actors may have responsibilities and capabilities in the overarching effort to improve compliance.

5. Coordinate your communication efforts!

Impact, effectiveness, credibility, as well as efficiency and sustainability of efforts in crisis management require the continuous consideration of the information factor throughout analysis, planning, execution/management and assessment/evaluation of operations. Actions often convey far more meaning and have an immeasurably greater impact on people's perception than words or imagery alone ever could. Everything the coalition says, does, or fails to do and say, has intended and unintended consequences. Every action, word, and image sends a message, and every team member is a messenger and recipient, from the individual soldier or humanitarian aid worker in the field to the political leadership. Therefore, the operational commander must consider the many possible communication outcomes as he/she plans operations. Actions do not always speak for themselves as intended and should therefore be accompanied by coherent word messages. Consistent activity and thus consistent messaging requires integrated communication. Internal and external communication efforts need to build on the same concepts of coalition identity and image. Any separation of communicators and operators must be avoided in order to promote a common coalition identity and achieve coherent activity that contribute to a desired image of the coalition as a unified and capable organisation, and thus promotes the achievement of mission objectives.

4.2 Starting to network: Implications for the interactions with local actors

Even if the host nation government in a (post-)conflict scenario can not deliver its functions in all aspects (either due to a lack of will or a lack of capacity), the government has to bear responsibility for the development of the nation. So the host nation government should always play an important role for coalition forces when implementing compliance strategies. Against this background the following recommendations should be seen.

1. Make use of local structures and conditions and promote local ownership!

Identify and make use of functioning and supportive systems and structures within the host nation. Cooperation with local actors should follow mainly two selection questions: Which is

the (degree of) legitimacy of the actor within the population? Will the actor in question support nation-building in the mid and long run or not?

Find out and address key persons (leaders) or so-called “individual change agents”, as they may be entry points for wider change. Not coalition but local actors need to be integrated in the endeavour to promote compliance (official authorities, local NGOs etc.). Build trusted networks, thereby creating local allies, who share common interests with coalition forces and are prepared to act in support of coalition objectives while actively or passively opposing NONCAS.

2. Don't talk to the worst first! Be inclusive!

Don't create unfavourable local power structures. It might be easy, to strike deals with local warlords to leverage security, but in the long run, more peaceful but weaker actors would be sidelined, which we would prefer to take responsibility in the host state or government. Though it is not easy to strike a balance between short- and long-term requirements, the aim should be to include a wide variety of local actors from the beginning in talks. Don't talk to the worst first, because it sends the wrong message in the long run!

3. Understand the relationship between formal and informal state systems! Respect both, but be supportive of formal state structures!

Especially in traditional societies, power often lies not in the official state system or the host nation government, but in informal systems, e.g. in the hands of tribes, clans, families. Usually, formal and informal systems are interlinked. Try to find out who is powerful and interlinked with whom to better understand your influence on the systems. Respect the way the host society tries to reconcile both systems, but make sure you give more of your support to formal state structures (especially the host nation government) – even if they are weaker. Send the right message: We want to support state-building in the long run. Formal institutions matter!

4. Take a local perspective!

Changing perspectives helps a lot in understanding behaviour of NONCAS: How does the local population feel and think about it? Is there local support for non-compliance? Why? Taking the local perspective into account helps to understand the actor's position within society and helps to estimate the impact your approach towards the NONCAS would have on your relation to the local population.

5. Develop a cross-cultural awareness and intercultural competence!

Try to understand local structures, norms and rules, customs and mindsets in order to locate potential sources for non-compliance and points of leverage for improving compliance. Moreover, understanding often is the key to respect, while a lack of understanding often leads to frustration, mistrust or disdain, which in turn may have negative effects on sticking to a certain code of mission conduct, especially on an individual level.

6. Be aware of your direct impact on local perception and behaviour!

Military operations send strong messages. Be sure they are understood in a way that serves the coalition's goals in the long run. Avoiding civilian casualties and respectfully handling them should they occur, are not (only) a moral imperative, but a strategic necessity. A lot of non-compliance in the operational area could be the direct outcome of your presence and behaviour. Though this cannot be prevented completely and probably is a normal side-effect of any foreign deployment, you should make clear that you try the best that you can.

7. Be aware of your indirect impact on local perception and behaviour!

It is often overlooked that the military does not only have direct impact on local conditions through military operations. Deployed troops have an impact also by the way they communicate or manage their camps. It makes a difference if a local warlord gets easier access to a commander than an elected community representative. It makes a difference how local service-providers in the camps are treated and how jobs are distributed. Make sure that you do not send unintended wrong messages!

8. Don't show weakness and fear! Project self-confidence and -assuredness!

Carefully assess risk and project confidence – excessive force protection is distancing, not inspiring. Support host nation security forces not only in education and training, they expect to fight with you together side by side. Once you commit yourself to their needs, you will be accepted as worthy to cooperate with – this will improve compliance.

4.3 Framing operations: Implications for the style of military operations

1. Do no harm!

In implementing any compliance strategy, the operational commander must avoid aggravating non-compliance or other issues and aspects harmful to the achievement of sustainable peace and development. This basically means that any compliance strategy, implemented in any operational scenario, has to avoid unintended harmful side-effects of the compliance strategies. Sometimes it could be better to do nothing instead of doing something wrong or with a false attitude.

2. Focus on the reasons, not only on effects!

Military assessment intends to focus on effects, such as direct activities, actors or incidents. Operational commanders intend to concentrate on their direct opponents and try to discover e.g. possible IED-threats. However, this is just a reactive, rather than proactive approach. Following the above questions-based approach should guide the military assessment to a more generic picture and should deliver a reliable assessment about possible future actions. Put effort in achieving a comprehensive assessment. Guide your intelligence means to answer reasons!

3. Protect civilians!

Civilian casualties are at the core of the root causes of non-compliance. They cause significant disillusionment and fear within the population. Take civilian losses seriously and identify reasons and responsibilities. Always consider the principles of proportionality and discrimination with your actions. Sharing risks with the local population rather than keeping own forces separate can substantially reduce civilian casualties as this approach enhances awareness and sensitivity on both sides.

4. Assume responsibility for civilian casualties!

There is no substitute for a direct apology and gesture (often monetary) of condolence from those responsible. It is crucial for the victims to receive an apology and for the bereaved to be aware that the compensation comes from the forces responsible. The commander should always be upfront in all corrective activities. As a general principle, thorough and candid investigations initiated and authoritatively represented by the commander should be conducted, and the commander must always take full responsibility for his/her forces actions.

5. Restraint of use of force!

The principle of proportionality is the guiding principle for the use of force. Responding to small arms fire with an air strike may result in excessive civilian casualties and may cause compliant civilians to become NONCAS. Irregular adversaries from Tito's Partisans up to today's Taliban have attacked military forces in an effort to spark overreaction leading to more recruits for their movements.

6. Mitigate alienation!

Always stick to the rules! Note the international law, the human rights and the rules of engagement. E.g. take care of your prisoners of war/arrested adversaries and treat them with respect. Incidents such as Abu Ghraib are detrimental with respect to compliance strategies.

7. Avoid neglecting the interests of civilians!

Night flights, closure of roads, placement of international bases in the centre of cities also leads to significant civilian disruptions due to various security measures and traffic.

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