Peacekeeping/Stabilization and Conflict Transitions: Background and Congressional Action on the Civilian Response/Reserve Corps and other Civilian Stabilization and Reconstruction Capabilities

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Summary

The 111th Congress will face a number of issues regarding the development of civilian capabilities to carry out stabilization and reconstruction activities. In September 2008, Congress passed the Reconstruction and Stabilization Civilian Management Act, 2008, as Title XVI of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (S. 3001, P.L. 110-417, signed into law October 14, 2008). This legislation codified the existence and functions of the State Department Office of the Coordinator for Reconstruction and Stabilization (S/CRS) and authorized new operational capabilities within the State Department, a Civilian Response Corps of government employees with an active and a standby component, and a Civilian Reserve Corps.

S/CRS was established in 2004 to address longstanding concerns, both within Congress and the broader foreign policy community, over the perceived lack of the appropriate capabilities and processes to deal with transitions from conflict to stability. These capabilities and procedures include adequate planning mechanisms for stabilization and reconstruction operations, efficient interagency coordination structures and procedures in carrying out such tasks, and appropriate civilian personnel for many of the non-military tasks required. Effectively distributing resources among the various executive branch actors, maintaining clear lines of authority and jurisdiction, and balancing short- and long-term objectives are major challenges for designing, planning, and conducting post-conflict operations, as is fielding the appropriate civilian personnel.

Since July 2004, S/CRS has worked to establish the basic concepts, mechanisms, and capabilities necessary to carry out such operations. Working with a staff that has slowly grown from a few dozen to 112 individuals from the State Department, other executive branch agencies, and on contract as of January 30, 2009, S/CRS has taken steps to monitor and plan for potential conflicts, to develop a rapid-response crisis management "surge" capability, to improve interagency and international coordination, to develop interagency training exercises, and to help State Department regional bureaus develop concepts and proposals for preventive action.

In June 2008, Congress specifically provided $65 million for S/CRS and USAID S&R activities, including the establishment and implementation of civilian response capabilities, in the Supplemental Appropriations Act, 2008 (P.L. 110-252). Congress provided another $75 million in FY2009 appropriations in the Omnibus Appropriations Act, 2009 (P.L. 111-8).

On March 7, 2009, the Obama Administration requested $323 million in FY2010 funds to continue the development of the Civilian Response Corps (CRC) active and standby components, formally launched in July 2008, and the establishment of a 2,000-member civilian reserve component. In addition, the Administration requested a $40 million Stabilization Bridge Fund under the Economic Support Fund (ESF) to deploy members of this force. Among the issues that Congress will face regarding the development of civilian capabilities are the means to support, maintain, and deploy the civilian response and reserve corps.

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Introduction

In its FY2010 budget request, submitted to Congress on May 7, 2009, the Obama Administration requested $323 million in the State Department budget for the Civilian Stabilization Initiative (CSI), the effort begun by the George W. Bush Administration to develop a three-component "ready response" civilian force of 4,250 members. In addition, the May 7 budget request included a $40 million Stabilization Bridge Fund to deploy members of this force. If approved by Congress, these funds would enable the Administration to complete the recruitment, hiring, and training of force members. This "surge capacity" would enable the U.S. government to deploy rapidly civilians to address emergency stabilization needs.

For well over a decade, there has been widespread concern that the U.S. government lacks appropriate civilian "tools" to carry out state-building tasks in post-conflict situations. This concern grew from U.S. military operations in Haiti, Somalia, Bosnia, and elsewhere, where military forces were tasked with a variety of state-building tasks, such as creating justice systems, assisting police, and promoting governance. With the wars in Afghanistan and Iraq, consensus increased that the United States must develop adequate civilian organizational structures, procedures, and personnel to response effectively to post-conflict and other "stabilization and reconstruction" (S&R) situations.

The George W. Bush Administration launched several initiatives to do just that. The centerpiece of its efforts was the establishment of the Office of the Coordinator for Reconstruction and Stabilization (S/CRS) in the Office of the Secretary of State. Created in mid-2004, S/CRS was tasked with designing, and in some cases establishing, the new structures within the State Department and elsewhere that would allow civilian agencies to develop effective policies, processes, and personnel to build stable and democratic states. Among other tasks, S/CRS developed plans for the creation of a civilian "surge" capability that could respond rapidly to S&R emergencies.

In the early months of the Obama Administration, Administration officials signaled their support for civilian S&R capabilities. In her January 2009 confirmation hearings before the Senate Foreign Relations Committee, Secretary of State Hillary R. Clinton mentioned the State Department's new S&R responsibilities, citing a Department need to demonstrate competence and secure funding to carry them out. Secretary of Defense Robert Gates, while serving in that position under former President George Bush, urged the development of civilian capabilities in major speeches.[1] As Senator, Vice President Joseph Biden was the co-sponsor, with Senator Lugar, of legislation, first introduced in 2004, to create an office within the State Department that would coordinate U.S. government S&R operations and deploy civilian government employees and private citizens to carry out state-building activities in crises abroad.

In its second session, the 110th Congress enacted legislation that "operationalizes" certain groups of personnel within the Department of State and other federal agencies for S&R efforts by authorizing the creation of federal civilian "response" units, as well as the creation of a volunteer S&R civilian reserve force, akin to the military reserve force. This legislation advances the work

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[1] U.S. Department of Defense. Speech by Secretary of Defense Robert M. Gates delivered at Kansas State University, Manhattan, KA (the "Landon Lecture"), November 26, 2007, and U.S. Department of Defense, Speech by Secretary of Defense Robert M. Gates, at the AFRICOM Activation Ceremony, Washington, D.C., October 1, 2008. Accessed through http://www.defenselink.mil/speeches/secdef.aspx; last accessed February 3, 2009.

of previous Congresses regarding Bush Administration initiatives to improve the conduct of (S&R) efforts. With the passage in September 2008 of Title XVI of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (S. 3001/P.L. 110-417), signed into law October 14, 2008, Congress took two important steps:

- It established S/CRS as part of permanent law.

- It formally "operationalized" certain units in civilian federal agencies, most particularly the State Department, transforming it from an institution devoted solely to diplomacy to one that also has a role in effecting change through "on-the-ground" personnel and programs dedicated to promoting security and stability in transitions from conflict and post-conflict situations. This was accomplished by authorizing the creation of a two component "readiness response" corps consisting of a small active unit of federal employees drawn from several agencies and a federal standby unit, and a large civilian reserve corps, analogous to the military reserve.

The 111th Congress is faced with several remaining tasks. One is whether to create a mechanism, such as envisioned in early legislation, to create a flexible, no-year, discretionary Conflict Response Fund to be drawn upon by civilian agencies for S&R efforts. The other is the appropriate level of staffing and funding for S/CRS, and the means to develop, maintain, support and deploy the Civilian Response Corps and Civilian Reserve Corps.

This report provides background on these issues. It also discusses proposals and tracks related legislative action. It will be updated as warranted.

Background

Former President George W. Bush's pledge, articulated in his February 2, 2005, State of the Union address, "to build and preserve a community of free and independent nations, with governments that answer to their citizens, and reflect their own cultures" cast the once-discredited concept of building or rebuilding government institutions, economies, and civic cultures in a new light. During the 1990s, many policymakers considered the establishment of new institutions in troubled countries to be an overly expensive, if not futile exercise. The use of U.S. military forces for such activities, particularly in the first half of the decade, was troubling to many Members. In the past few years, however, the Bush Administration, in response to concerns about the threats posed by weak and fragile states, reframed both U.S. security and international development policy and initiated dramatic corresponding changes in U.S. governmental structures and practices. These changes, the Bush Administration argued, would enable the United States to perform such tasks more efficiently and at a lesser cost, particularly in transitions from conflict and in post-conflict situations.

A key component of these changes was the establishment and reinforcement of new civilian structures and forces, in particular S/CRS and the civilian response/reserve corps. The Bush Administration made these new civilian entities a prominent feature in two initiatives: the National Security Presidential Directive 44 (NSPD-44) of December 2005 on the management of interagency reconstruction and stabilization operations and the "transformational diplomacy" reorganization of State Department personnel and practices announced in January 2006.

These initiatives were intended to enhance the United States' ability to function effectively on the world scene in the environment. created by the terrorist attacks on the United States of September 11, 2001 (9/11). In that environment, many analysts perceive that the greatest threats to U.S. security often will emerge within states that are either too weak to police their territory or lack the political will or capacity to do so. To deal with that environment, in 2006 former Secretary of State Condeleezza Rice outlined a new U.S. foreign policy strategy focusing on the "intersections of diplomacy, democracy promotion, economic reconstruction and military security" and involving extensive changes in government to carry that strategy out.[2] State-building (or nation-building as it is often called) was at the center of this strategy. Both initiatives reinforced the important role that the Bush Administration gave S/CRS in policymaking and implementation dealing with conflict transitions and weak and fragile states.

Evolving Perceptions of Post-Conflict Needs[3]

The creation of S/CRS in July 2004 responded to increasing calls for the improvement of U.S. civilian capabilities to plan and carry out post-conflict state-building operations. Several factors combined after 9/11 to lead many analysts to conclude that such operations are vital to U.S. security and that the United States must reorganize itself to conduct them effectively, in particular by creating new and improving existing civilian institutions to carry them out. Foremost among these factors, for many analysts, was the widespread perception since 9/11 that global instability directly threatens U.S. security and that it is a vital U.S. interest to transform weak and failing states into stable, democratic ones. Related to this was the expectation that responding to the threat of instability will require the United States and the international community to intervene periodically in foreign conflicts with "peacekeeping"[4] and "stabilization" forces at about the same intensive pace as it had done since the early 1990s. Because that pace stressed the U.S. military, many policymakers believed that the United States must create and enhance civilian capabilities to carry out the peacebuilding tasks that are widely viewed as necessary for stability and reconstruction in fragile, conflict-prone, and post-conflict states. Finally, numerous analyses distilling the past decade and a half of experience with multifaceted peacekeeeping and peacebuilding operations raised hopes that rapid, comprehensive, and improved peacebuilding efforts could significantly raise the possibilities of achieving sustainable peace.

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[2] Taken from a speech delivered by then-Secretary of State Condeleeza Rice. Remarks at Georgetown School of Foreign Service, January 18, 2006. Available at http://www.state.gov/secretary/rm/2006/59306.htm. This theme was reiterated by Stephen Krasner, director of Policy Planning at the State Department. Remarks at the Center for Global Development, January 20, 2006. Available at http://www.cgdev.org/doc/event%20docs/Krasner%20Transcript.pdf.

[3] Parts of this Background section and the following section on S/CRS are drawn from a now archived CRS Report RS22031, *Peacekeeping and Post-Conflict Capabilities: The State Department's Office for Reconstruction and Stabilization*, by Nina M. Serafino and Martin A. Weiss.

[4] "Peacekeeping" is a broad, generic, and often imprecise term to describe the many activities that the United Nations and other international organizations, and sometimes *ad hoc* coalitions of nations or individual nations, undertake to promote, maintain, enforce, or enhance the possibilities for peace. These activities range from providing election observers, recreating police or civil defense forces for the new governments of those countries, organizing and providing security for humanitarian relief efforts, and monitoring and enforcing cease-fires and other arrangements designed to separate parties recently in conflict. (Many of these activities are often also referred to as "nation-building"; a better term, some analysts suggest, is "state-building.") As used here, the term encompasses both "peace enforcement" operations, sent to enforce an international mandate to establish peace, and "peacebuilding" activities. Peacebuilding activities, usually undertaken in a post-conflict environment, are designed to strengthen peace and prevent the resumption or spread of conflict, including disarmament and demobilization of warring parties, repatriation of refugees, reform and strengthening of government institutions, election-monitoring, and promotion of political participation and human rights.

Post-conflict operations are complex undertakings, usually involving the participation of several United Nations departments and U.N. system agencies, the international financial institutions and a plethora of non-governmental humanitarian and development organizations, as well as the military and other departments or ministries of the United States and other nations.[5] The United States developed its contributions to the earliest international "peacekeeping" operations of the 1990s on an *ad hoc* basis, with little interagency planning and coordination, and often with the U.S. military in the lead. The military was called upon to perform such missions not only for its extensive resources but also because no other U.S. government agency could match the military's superior planning and organizational capabilities. In addition, because of its manpower, the military carried out most of the U.S. humanitarian and nation-building contribution, even though some believed that civilians might be better suited to carry out such tasks, especially those tasks involving cooperation with humanitarian NGOs.

During the 1990s, many analysts began to perceive the need to improve and increase civilian contributions to peacekeeping operations, especially for those activities related to planning and conducting operations and to establishing a secure environment. An important Clinton Administration initiative was the May 1997 Presidential Decision Directive (PDD) 56, entitled *The Clinton Administration's Policy on Managing Complex Contingency Operations.* According to the white paper explaining it, PDD 56 sought to address interagency planning and coordination problems through new planning and implementing mechanisms.[6] Due to what some analysts describe as internal bureaucratic resistance, PDD 56's provisions were never formally implemented, although some of its practices were informally adopted. (In December 2005, President Bush issued National Security Presidential Directive (NSPD) 44, which replaced PDD-56. For more information, see below.) The Clinton Administration also attempted to remedy the shortage of one critical nation-building tool, international civilian police forces, through PDD 71, which a white paper describes as outlining policy guidelines for strengthening criminal justice systems in support of peace operations.[7] While never implemented by the Clinton Administration, PDD 71 has been partially put into force by the Bush Administration.[8]

Improvements in the provision of social and economic assistance were also viewed as crucial to successful outcomes. Post-conflict populations need "safety net" and poverty alleviation programs, as well as technical assistance and advice on monetary and fiscal policy and debt management in order to create an environment conducive to democratization and economic growth.[9] While the popular image of U.S. post-conflict assistance is the post-World War II

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[5] The term "post-conflict stabilization and reconstruction" is broad but is usually understood to encompass tasks and missions to promote security and encourage stable, democratic governance and economic growth following major hostilities. In the past, many of the "stabilization" activities were loosely labeled "peacekeeping." Reconstruction involves repairing (in some cases creating) the infrastructure necessary to support long-term economic growth and development. This infrastructure can be physical (e.g., roads and schools), or institutional (e.g., legal and tax systems) For additional background on various aspects of post-conflict reconstruction and assistance, see CRS Report RL33557, *Peacekeeping and Related Stability Operations: Issues of U.S. Military Involvement*, by Nina M. Serafino; and CRS Report RL33700, *United Nations Peacekeeping: Issues for Congress*, by Marjorie Ann Browne.

[6] *The Clinton Administration's Policy on Managing Complex Contingency Operations: Presidential Decision Directive*. May 1997. http://www.fas.org/irp/offdocs/pdd56.htm.

[7] U.S. *Text: The Clinton Administration White Paper on Peace Operations.* February 24, 2000 http://www.fas.org/irp/offdocs/pdd/pdd-71-4.htm, hereafter referred to as PDD-71 White Paper; and U.S. *Text: Summary of Presidential Decision Directive 71*, http://www.fas.org/irp/offdocs/pdd/pdd-71-1.htm.

[8] See CRS Report RL32321, *Policing in Peacekeeping and Related Stability Operations: Problems and Proposed Solutions*, by Nina M. Serafino.

[9] Collier, Paul and Hoeffler, Anke "Aid, Policy and Growth in Post-Conflict Societies," *World Bank Working Paper*, (continued...)

Marshall Plan, through which the United States provided the foreign assistance needed for Europe's post-conflict reconstruction, the United States is no longer the sole, and often not the dominant, donor in post-conflict situations. Multilateral institutions became increasingly important during the 1990s, when small, regional conflicts proliferated following the collapse of the Soviet Union.

International organizations such as the World Bank and the International Monetary Fund now play crucial roles, working with the U.S. government to provide economic assistance and technical advice on rebuilding post-conflict economies. (Nevertheless, although the United States has provided some funding for economic reconstruction multilaterally for the recent Afghanistan and Iraq operations, most U.S. funding for post-conflict operations is provided bilaterally.) Many analysts now judge that multilateral assistance is more effective for the recipient country than bilateral aid for two reasons.[10] First, disbursing funds multilaterally through U.N. agencies or international organizations gives greater assurance that it will reach recipients than providing aid bilaterally with direct payments to individual governments or non-governmental organizations (NGOs). In addition, analysts find that bilateral aid is more likely to be apportioned according to the donor's foreign policy priorities rather than the economic needs of the recipient country.[11]

For many analysts and policymakers, the ongoing Iraq operation has illustrated a U.S. government need for new planning and coordination arrangements that would provide a leadership role for civilians in post-conflict phases of military operations and new civilian capabilities to augment and relieve the military as soon as possible, and greater international coordination. The perception of a continued need for such operations, and the perceived inefficiencies of the still largely *ad hoc* U.S. responses have reinvigorated calls for planning and coordination reform. The extreme stresses placed on the U.S. military by combat roles in Iraq and Afghanistan have pushed those calls in a new direction, to the development of adequate civilian capabilities to perform those tasks.

Calls for Change

The perception that international terrorism can exploit weak, unstable states convinced many policymakers and analysts of the need to strengthen U.S. and international capabilities to foster security, good governance and economic development, especially in post-conflict situations. The 9/11 Commission and the Commission on Weak States and U.S. National Security found that weak states, as well as unsuccessful post-conflict transitions, pose a threat to U.S. security.[12] These groups argued that such states often experience economic strife and political instability that make them vulnerable to drug trafficking, human trafficking and other criminal enterprises, and to

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(...continued)

October 2002.

[10] Milner, Helen, "Why Multilateralism? Foreign Aid and Domestic Principal Agent Problems," available at http://www.wcfia.harvard.edu/seminars/pegroup/milner.pdf, and Schiavo-Campo, S., "Financing and Aid Arrangements In Post-Conflict Situations," *World Bank Working Paper*, May 2003.

[11] Alesina, Alberto and Dollar, David, "Who Gives Foreign Aid to Whom and Why?" *NBER Working Paper No. w6612*, June 1998.

[12] The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States, New York: W.W. Norton and Company, 2004, and On the Brink: A Report of the Commission on Weak States and US National Security, sponsored by the Center for Global Development, May 2004. Also see CRS Report RL34253, *Weak and Failing States: Evolving Security Threats and U.S. Policy*, by Liana Sun Wyler.

linkage with non-state terrorist groups (such as the links between the previous Taliban government in Afghanistan and the Al Qaeda terrorist network). Weak states also are unprepared to handle major public health issues, such as HIV/AIDS, that can generate political and economic instability.[13] These commissions, and other analysts, argued for assistance to the governments of weak states and of post-conflict transitions regimes to help them control their territories, meet their citizens' basic needs, and create legitimate governments based on effective, transparent institutions.

These and other studies recognized a need to enhance U.S. government structures and capabilities for conducting post-conflict operations.[14] Although differing in several respects, the studies largely agreed on five points: (1) the *ad hoc* system needs to be replaced with a permanent mechanism for developing contingency plans and procedures for joint civil-military operations led by civilians; (2) mechanisms to rapidly deploy U.S. civilian government and government-contracted personnel need to be put in place; (3) preventive action needs to be considered; (4) the U.S. government needs to enhance multinational capabilities to carry out post-conflict security tasks and to better coordinate international aid; and (5) flexible funding arrangements are needed to deal with such situations. In addition, some urged substantial amounts of funding for flexible U.S. and international accounts.[15]

Proposals for New Civilian Forces

A prominent feature of several of the reports on stabilization and reconstruction operations was a recommendation to develop rapidly-deployable civilian forces to undertake state-building functions, particularly those related to rule of law, even before hostilities had ceased. Many analysts view the early deployment of rule of law personnel as essential to providing security from the outset of an operation, which they argue will enhance the possibilities for long-term stability and democracy in an intervened or post-conflict country. Many view the development of civilian groups to do so as permitting the earlier withdrawal of military personnel than would otherwise be possible.

The concept of a cohesive, rapidly deployable unit of civilian experts for stabilization and reconstruction operations dates back at least to the Clinton Administration. In PDD-71, which dealt with strengthening criminal justice systems in peace operations, the Clinton Administration

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[13] Prins, Gwyn, "AIDS and Global Security," *International Affairs*, vol. 80, Issue 5, 2004.

[14] The reports are (1) *Play to Win: The Final Report of the Bi-partisan Commission on Post-Conflict Reconstruction,* Center for Strategic and International Studies (CSIS) and the Association of the U.S. Army (AUSA), 2003 (a book-length version was published in mid-2004, *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, Robert C. Orr, ed.); (2) Clark A. Murdock, Michèle A. Flournoy, Christopher A. Williams, and Kurt M. Campbell, principal authors. *Beyond Goldwater-Nichols: Defense Reform for a New Strategic Era Phase I Report*, CSIS, March 2004; (3) Hans Binnendijk and Stuart Johnson, eds. *Transforming for Stabilization and Reconstruction Operations*, National Defense University Center for Technology and National Security Policy, April 2004, (4) *On the Brink: Weak States and US National Security*, Center for Global Development, May 2004; Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics. *Defense Science Board 2004 Summer Study on Transition to and From Hostilities*, December 2004; and *In the Wake of War: Improving U.S. Post-Conflict Capabilities,* Washington, D.C.: Council on Foreign Relations, Report of an Independent Task Force, July 2005.

[15] The July 2005 Council on Foreign Relations report recommends the establishment of a conflict response fund of $500 million, a five-fold increase over the amount requested by the Bush Administration for FY2006. In addition, the report recommends establishing a new $1 billion standing multilateral reconstruction trust fund under the auspices of the Group of Eight industrialized nations. This trust fund would be modeled on existing post-conflict trust funds located at the United Nations and the World Bank.

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identified such an initiative as a high priority, according to the PDD-71 White Paper.[16] Six studies between 2003 and 2005 endorsed the creation of cohesive, rapidly deployable units of civilian experts for stabilization and reconstruction operations. These include a 2003 report of the National Defense University (NDU;[17] a March 2004 report of the Center for Strategic and International Studies (CSIS);[18] an April 2004 report of the U.S. Institute of Peace (USIP);[19] a book by a USIP analyst;[20]and the Defense Science Board 2004 Summer Study on transitions from hostilities.[21] The establishment and deployment of such a corps, now in its initial stages (see below), marks a substantial change from past practices.

Critics Respond

Some analysts have questioned the utility of S/CRS and of the rationale that underlines its creation and the adoption of the transformational diplomacy strategy more broadly. Two think-tank studies published in January 2006 dispute the concept that weak and failed states are per se among the most significant threats to the United States. They point out that weak states are not the only locations where terrorists have found recruits or sought safe-haven as they have exploited discontent and operated in developed countries as well. A report of the Center for Global Development states that many factors beyond the weakness or lack of government institutions—demographic, political, religious, cultural, and geographic—contribute to the development of terrorism.[22] As a result, an emphasis on weak and failed states can lead the United States to give short shrift to more tangible threats and to areas of greater U.S. interest. The CATO Institute study worries that former Secretary Rice's focus on promoting "responsible sovereignty" as an underpinning of transformational diplomacy may provide potential justification for eroding the current international norm of respect for national sovereignty, leading the United States into fruitless interventions.[23]

In addition, some analysts are skeptical that the problems of weak and failed states can be most dealt with through military and political interventions aimed at creating viable government institutions. The effectiveness of past efforts is a subject of debate, with differing views on the

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[16] That white paper states that PDD 71 instructed that "programs must be developed that enable the U.S. to respond quickly to help establish rudimentary judicial and penal capacity during peace operations and complex contingencies." *PDD-71 White Paper,* op.cit., p. 6.

[17] Transforming for Stabilization and Reconstruction Operations, op.cit.

[18] Beyond Goldwater-Nichols: Defense Reform for a New Strategic Era, Phase 1 Report, op.cit. See pp. 64-65.

[19] Robert M. Perito, Michael Dziedzic and Beth C. DeGrasse, *Building Civilian Capacity for U.S. Stability Operations.* Washington, DC: United States Institute of Peace, Special Report 118, April 2004.

[20] Robert M. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force.* Washington, DC: United States Institute of Peace Press, 2004. See pp 323-337 for an extensive discussion of this proposal.

[21] Transition to and From Hostilities, op.cit., p 58.

[22] Patrick Stewart. *Weak States and Global Threats: Assessing Evidence of "Spillovers."* Working Paper No. 73, Center for Global Development, January 2006.

[23] Justin Logan and Christopher Preble. *Failed States and Flawed Logic: The Case against a Standing Nation-Building Office.* CATO Policy Analysis Paper No. 560, Cato Institute, January 11, 2006. The authors make substantial reference to a Fall 2004 paper by Stephen Krasner, State Department Director of Policy Planning, that challenged the conventional sovereignty norms. Krasner argues that these norms are outmoded and an obstacle to dealing with the international threats caused by weak and unstable states. He argues for granting international acceptance to new norms of shared-sovereignty (more than one country) or international trusteeships following successful interventions, Stephen Krasner, "Sharing Sovereignty," *International Security*, Vol. 28, No. 4, Spring 2004, pp. 5-43.

criteria for and the number of successes, draws, and failures, as is the best means to achieve success.

There is some skepticism that state-building efforts will result in success in most instances. In the words of one scholar, "barring exceptional circumstances (the war against the Taliban after 9/11), we had best steer clear of missions that deploy forces (of whatever kind) into countries to remake them anew.... The success stories (Germany, Japan) are the exceptions and were possible because of several helpful conditions that will not be replicated elsewhere."[24] Others, however, point to cases such as Mozambique and El Salvador as examples that state building efforts can promote peace after civil strife.

Creating Civilian Reconstruction and Stabilization Capabilities: Congressional and Executive Actions, 2004-2007

The "Lugar-Biden" Legislation

On February 25, 2004, Senators Lugar and Biden introduced the Stabilization and Reconstruction Civilian Management Act of 2004 "to build operational readiness in civilian agencies.... " (At the time, these senators were respectively the Chairman and Ranking Member of the Senate Foreign Relations Committee [SFRC].) The bill provided concrete proposals for establishing and funding the two new "operational" entities that had been recommended in think tank reports. This legislation contained three main proposals: (1) establish in law and fund a State Department Office for Stabilization and Reconstruction, (2) create an Emergency Response Readiness Force, and (3) create and fund an annually replenishable emergency response fund similar to that used for refugee and migration funds.[25] The SFRC reported S. 2127 on March 18, 2004, but it was not considered by the full Senate; its companion bill (H.R. 3996, 108th Congress, introduced by Representative Schiff) was not considered by the House International Relations Committee. In subsequent years, similar legislation was introduced,[26] but until 2008 the only bill to pass either

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[24] Rajan Menon, "Low Intensity Conflict in the Emerging Strategic Environment," as reproduced in U.S. Army Peacekeeping and Stability Operations Institute. *Strategic Requirements for Stability Operations and Reconstruction: Final Report*. pp. 80-81. This report summarizes the result of a conference held April 19-20, 2006, and three preceding workshops, conducted under the aegis of the Dwight D. Eisenhower National Security Series. It also reproduces several papers presented at one workshop. The final report was distributed by e-mail in late 2006, but as of January 18, 2007, does not appear on either the PKSOI or Eisenhower Series website.

[25] The emergency response fund would have been subject to limited conditions, but requiring extensive consultation with Congress, similar to spending authority provisions of Section 614 of the Foreign Assistance Act of 1961, as amended. FAA Section 614(a)(3) requires the President to consult with and provide a written policy justification to the House Committee on Foreign Affairs (now International Relations), the Senate Committee on Foreign Relations, and the Appropriations committee of each chamber. CBO estimated that implementing the bill would cost some $50 million in 2005 and $550 million from 2005 through 2009.

[26] These include two similar versions of the original Lugar-Biden bill with same name: the Stabilization and Reconstruction Civilian Management Act of 2005 (S. 209/109th Congress, by Senators Lugar, Biden, and Hagel), and of 2006 (S. 3322/109th Congress by Senators Lugar, Biden, Hagel, Alexander and Warner, and H.R. 6104/109th Congress by Representatives Farr, Blumenaurer and Saxton). Similar provisions were included in Title VII of the Senate version of the Foreign Relations Authorization Act for FY2006 and FY2007 (S. 600/109th Congress). A related bill was the International Security Enhancement Act of 2005 (H.R. 1361/109th Congress, introduced by Representative Dreier), which also would provide authority for preventive action not included in the other bills. (H.R. 1361 would have allowed the president, acting through S/CRS, to authorize the deployment to a country likely to enter into conflict or civil strife in addition to countries emerging from conflict.) Related bills were: The Winning the Peace Act of 2003 (H.R. 2616/108th Congress, introduced by Representative Farr); the International Security Enhancement Act of 2004 (continued...)

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chamber was a subsequent Lugar-Biden measure, the Reconstruction and Stabilization Civilian Management Act of 2006 (S. 3322/109th Congress). S. 3322 was introduced in the Senate May 26, 2006, and approved without amendment by unanimous consent the same day. It was received by the House on June 6, 2006, and referred to the House International Relations Committee. No further action occurred until the 110th Congress until the House passage of on March 5, 2008, of a House bill with almost the same title, the Reconstruction and Stabilization Civilian Management Act of 2008 (H.R. 1084) , and the incorporation of a version of that bill into the conference version of the FY2009 NDAA, (S. 3001, P.L. 110-417, see below.)

S/CRS Start-Up and Early Congressional Mandate

S/CRS began operations in July 2004 on a somewhat more tentative status than that envisioned by the Lugar-Biden bill. The office was created by then Secretary of State Colin Powell without statutory authority and the Coordinator, appointed by the Secretary, was not given the rank of "Ambassador-at-Large." By the beginning of 2005, S/CRS had a staff of 37 individuals from the State Department, USAID, and several other U.S. government agencies, including the Departments of Defense, Commerce, and the Treasury.

The U.S. military supported S/CRS' creation and its mission. In prepared statement for testimony before the Armed Services committees in February 2005, General Richard B. Myers, Chairman of the Joint Chiefs of Staff, cited the creation of S/CRS as "an important step" in helping "post-conflict nations achieve peace, democracy, and a sustainable market economy." "In the future, provided this office is given appropriate resources, it will synchronize military and civilian efforts and ensure an integrated national approach is applied to post-combat peacekeeping, reconstruction and stability operations," according to General Myers.[27]

S/CRS also received an endorsement from a task force headed by two former Members. The June 2005 report of the Congressionally-mandated Task Force on the United Nations, chaired by former Speaker of the House of Representatives Newt Gingrich and former Senate Majority Leader George Mitchell, recommended that the United States strengthen S/CRS and that Congress provide it with the necessary resources to coordinate with the United Nations.[28]

2004 Congressional Mandate

Congress first endorsed the creation of S/CRS in 2004 as part of the Consolidated Appropriations Act for FY2005 (H.R. 4818, P.L. 108-447), signed into law December 8, 2004. Section 408, Division D, defined six responsibilities for the office, the first five of which respond to the first need—to create a readily deployable crisis response mechanism—stated above. As legislated by P.L. 108-447, S/CRS' functions are (1) to catalogue and monitor the non-military resources and capabilities of executive branch agencies, state and local governments, and private and non-profit

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(...continued)

(H.R. 4185/108th Congress, introduced by Representative Dreier); and the United States Assistance for Civilians Affected by Conflict Act of 2004 (H.R. 4058/108th Congress, introduced by Representative Hyde).

[27] Posture Statement of General Richard B. Myers, USAF, Chairman of the Joint Chiefs of Staff, before the 109th Congress. Senate Armed Services Committee, February 17, 2005, p. 31, as posted on the Senate Armed Services Committee website.

[28] American Interests and U.N. Reform: Report of the Task Force on the United Nations. Washington, DC: United States Institute of Peace, June 2005, p. 25.

organizations "that are available to address crises in countries or regions that are in, or are in transition from, conflict or civil strife"; (2) to determine the appropriate non-military U.S. response to those crises, "including but not limited to demobilization, policy, human rights monitoring, and public information efforts"; (3) to plan that response; (4) to coordinate the development of interagency contingency plans for that response; (5) to coordinate the training of civilian personnel to perform stabilization and reconstruction activities in response to crises in such countries or regions"; and (6) to monitor political and economic instability worldwide to anticipate the need for U.S. and international assistance. In subsequent legislation (S. 3001, P.L. 110-417, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009), Congress expanded this list of functions. (See below.)

Congress funds S/CRS under the State Department's Diplomatic and Consular Affairs budget. S/CRS has received funding through annual appropriations and supplemental appropriations.

S/CRS Role in Interagency Coordination

The S/CRS role in interagency coordination was formalized under NSPD-44, issued by former President Bush on December 7, 2005, to improve conflict-response coordination among executive branch agencies. NSPD-44 assigns the Secretary of State the lead responsibility for developing the civilian response for conflict situations and related S&R activities; the Secretary may direct the Coordinator for Reconstruction and Stabilization to assist with those tasks. Under NSPD-44, the Secretary of State is also responsible for, and may delegate to the Coordinator, coordination of the interagency processes to identify states at risk, the leadership of interagency planning to prevent or mitigate conflict, and the development of detailed contingency plans for stabilization and reconstruction operations, as well as for identifying appropriate issues for resolution or action through the National Security Council (NSC) interagency process as outlined in President Bush's first National Security Policy Directive (NSPD-1, "Organization of the National Security Council System," signed February 1, 2001[29]). NSPD-44,, entitled "Management of Interagency Efforts Concerning Reconstruction and Stabilization," expanded S/CRS activities beyond those conferred by the Congressional mandate (see above). (NSPD-44 supersedes PDD-56, referred to above.)

S/CRS developed the mechanism for interagency cooperation in actual operations, drafting the January 22, 2007, Interagency Management System (IMS) for Reconstruction and Stabilization, which was approved by a National Security Council (NSC) deputies meeting. This document lays out a plan for interagency coordination in responding to highly complex reconstruction and stabilization crises.. Under the IMS, the Coordinator for Reconstruction and Stabilization is one of three co-chairs of the central coordinating body for the U.S. government response to a crisis. (The others are the appropriate regional Assistant Secretary of State and the relevant NSC Director.) Under the plan, S/CRS is charged with providing support to a civilian planning cell integrated with relevant military entities (a geographic combatant command or an equivalent multinational headquarters).

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[29] NSPD-1 established 17 NSC/PPCs to "be the main day-to-day fora for interagency coordination of national security policy," providing policy analysis for more senior committees (the NSC Principals Committee and the NSC Deputies Committee) and ensuring timely responses to presidential decisions. Membership on the NSC/PCC is to consist of representatives from the departments of State, Defense, Justice and the Treasury, and the Office of Management and Budget, the offices of the President and Vice President, the Central Intelligence Agency, the Joint Chiefs of Staff, and the NSC. Representatives from the Departments of Agriculture and Commerce, and the Office of the U.S. Trade Representative, are to participate when issues pertain to their responsibilities.

Codifying Civilian Reconstruction and Stabilization Assistance and State Department Capabilities: Title XVI, P.L. 110-417, October 14, 2008

The effort to expand civilian capabilities to perform stabilization and reconstruction tasks reached an important benchmark in October 2008. Through Title XVI of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (P.L. 110-417), Congress amended the basic foreign assistance and State Department statutes to (1) authorize the President to provide assistance for a reconstruction and stabilization crisis, (2) formally establish S/CRS and assign it specific functions, and (3) authorize a Response Readiness Corps (RRC) and a Civilian Reserve Corps (CRC). The authority to provide assistance for a reconstruction and stabilization crisis was created by amending chapter 1 of part III of the Foreign Assistance Act of 1961, as amended (FAA, 22 U.S.C. 2351 et. seq.) by inserting a new section. This authority is, however, subject to a time limitation: it may be exercised only during FY2009-FY2011. The new authority for S/CRS, the RRC and the CRC was created by amending Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C..2651a et. seq.). These authorities are permanent.

Authorizes Assistance for Reconstruction and Stabilization Crises

Under the heading Authority to Provide Assistance for Reconstruction and Stabilization Crises, Section 1604 of P.L. 110-417 adds a new section to the FAA. Section 681 provides authority for the President to use U.S. civilian agencies or non-Federal employees to furnish assistance for reconstruction and stabilization in order to prevent conflict and to secure peace. The specific authority permits the President to "to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife... ." As passed in P.L. 110-417, this authority may be exercised for three fiscal years (FY2009-FY2011).

To provide such assistance, the President must determine that U.S. national security interests are served by using such personnel. The President may use funds made available under any other provision of the FAA that are transferred or reprogrammed for the purposes of this section, subject to the 15-day prior notification to congress required by section 634A, FAA. The President must also consult with and provide a written policy justification to Congress' foreign affairs and appropriations committees (under Section 614(a)(3), FAA) prior to its use. The assistance may be provided notwithstanding any other provision of law, and on such terms and conditions as the President may determine. The section does not provided authority "to transfer funds between accounts or between Federal departments or agencies."

Makes S/CRS a Permanent State Department Office and Assigns Specific Functions

A major objective of proponents of improving the civilian capacity to perform stabilization and reconstruction operations was to provide S/CRS with a permanent authorization and specified functions mandated by law. Such an authorization was a key feature of the initial and subsequent versions of the Lugar-Biden legislation. P.L. 110-417, Section 1605, codifies the existence of S/CRS by amending Title 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651 et seq.), which, among other functions, provides for the establishment of the higher level

positions within the Department of State. This codification prevents the dismantling of the office without the legislative consent of Congress. It also assigns nine specific functions to S/CRS, largely mirroring the functions assigned by Congress in its original legislation on S/CRS, as cited above. In general, these functions convey on the Coordinator for Reconstruction and Stabilization an overall responsibility for monitoring and assessing political and economic instability, and planning an appropriate U.S. response. Some of these functions are to be undertaken in coordination or conjunction with USAID and other relevant executive branch agencies.[30]

Authorizes a Civilian Response Readiness Corps and a Civilian Reserve Corps

Civilian personnel available through the U.S. government to perform S&R activities are scarce, decentralized in organization, and difficult to call up. Many analysts viewed the remedy to this situation as the creation of a corps of "on-the-ground" civilian personnel which could develop and implement state-building activities and interact with U.S. military personnel at all levels in order to foster security and stability in troubled situations. From the beginning, Luger\Biden legislation sought to authorize the establishment of such a corps. The Bush Administration began creating a small response cadre of government employees in its FY2006 and FY2007 budget submissions, and proposed a full-scale corps in its February 2008 Civilian Stabilization Initiative.[31]

P.L. 110-417 establishes the Response Readiness Corps and the Civilian Reserve Corps "to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are at risk of, in, or are in transition from, conflict or civil strife."

[*Note that the terminology for this "surge" capability differs in the legislation from that used by the Bush and Obama Administration in naming its components. The Obama Administration combines the Civilian Response Readiness Corps and the Civilian Reserve Corps into one*

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[30] The specific functions, as detailed in P.L. 110-417, Section 1605, are (1) "Monitoring, in coordination with relevant bureaus within the Department of State and the United States Agency for International Development (USAID), political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of a country or region that is at risk of, in, or ... in transition from, conflict or civil strife"; (2) "Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of agencies ... that are available to address such crises"; (3) "Planning, in conjunction with USAID, to address requirements, such as demobilization, rebuilding of civil society, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises"; (4) "Coordinating with relevant agencies to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises"; (5) "Entering into appropriate arrangements with agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2008"; (6) "Identifying personnel in State and local governments and in the private sector who are available to participate in the Civilian Reserve Corps ... or to otherwise participate in or contribute to reconstruction and stabilization activities"; (7) "Taking steps to ensure that training of civilian personnel to perform such reconstruction and stabilization activities is adequate and, is carried out, as appropriate, with other agencies involved with stabilization operations"; (8) "Taking steps to ensure that plans for United States reconstruction and stabilization operations are coordinated with and complementary to reconstruction and stabilization activities of other governments and international and nongovernmental organizations, to improve effectiveness and avoid duplication"; and (9) "Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment."

[31] In its FY2006 and FY2007 budget requests, the Bush Administration's budget proposed funding for S/CRS to establish a 100-person ready-response cadre of government employees. Congress has not yet provided funds for establishing such a cadre or a civilian reserve corps: although in 2007, Congress approved $50 million in supplemental funds (available through FY2008) to establish and maintain a civilian reserve corps, the release of these funds was made contingent on a subsequent authorization of the corps. (Section 3810, [U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, H.R. 2206, P.L. 110-28, signed into law May 25, 2007.)

"Civilian Response Corps" (CRC) with three components. The Obama Administration's CRC active and standby units (CRC-A and CRC-S) correspond to this legislation's Civilian Response Readiness Corps, and the reserve component (CRC-R) corresponds to this legislation's Civilian Reserve Corps.]

This civilian capability consists of two components:

- The Response Readiness Corps (RRC) of federal employees composed of active and standby components consisting of U.S. government personnel, including employees of the Department of State, USAID, and other agencies who are recruited and trained to provide reconstruction and stabilization assistance when deployed to do so by the Secretary of State. No specific number is provided for members of these components. The legislation notes that members of the active component would be specifically employed to serve in the Corps. The Secretary of State is authorized to establish and maintain the SRC, in consultation with the Administrator of USAID and the heads of other appropriate U.S. government agencies. The Secretary of State alone is authorized to deploy its members.

- The Civilian Reserve Corps (CRC) of individuals with "the skills necessary for carrying out reconstruction and stabilization activities, and who have volunteered for that purpose." The Secretary is authorized to establish the Corps in consultation with the Administrator of USAID, and is authorized to employ and train its members, as well as to deploy them subject to a presidential determination under the proposed Section 618 of the Foreign Assistance Act of 1961, as amended. No size was specified for the Civilian Reserve Corp. For the Corps to deploy, the President must issue a determination that U.S. national security interests would be served by providing assistance for a reconstruction and stabilization crisis (see above).

Development of the S/CRS Office, Responsibilities, and Capabilities

Since 2004, S/CRS has worked to develop the knowledge, capacity, procedures to ably respond to the needs of countries at risk of conflict, in transitions from conflict, and in the early stages of recovery from conflict. S/CRS has grown from a few dozen to a staff of 112, as of January 30, 2009. Of that staff, a little over half were State Department personnel: 36 Foreign Service officers on one-year tours, 22 State Department permanent civil service employees, and an additional three State Department personnel on detail. Another nine are on detail from other executive branch agencies: Commerce (1); Justice (1); Office of the Director of National Intelligence (1); USAID (2); and DOD (4). (Of the four from DOD, one is from the Joint Staff, one from the Office of the Secretary of Defense, one from the Army Corps of Engineers, and one from the Air Force.) In addition, 36 contractors work for S/CRS, as do six fellows and interns. S/CRS carries out a range of activities: monitoring potential conflict, planning for U.S. responses to conflict, and evaluating and initiating programs to prevent conflict or the spread of conflict, among others.

Monitoring and Planning for Potential Conflicts

To monitor potential crises, S/CRS asked the National Intelligence Council (NIC) to provide it twice a year with a list of weak states most susceptible to crisis, from which S/CRS chooses one or more as test cases to prepare contingency plans for possible interventions. S/CRS also has worked with the USAID Office of Conflict Management and Mitigation, which develops techniques for preparing highly detailed assessments of current and impending conflicts. In addition, S/CRS has worked with the U.S. military's Joint Forces Command (JFCOM) to develop a common civilian-military planning model for stabilization and reconstruction operations. S/CRS also assists U.S. embassies abroad in assessing the potential for conflict in individual countries.

Developing and Carrying Out Conflict Response Activities

S/CRS takes a lead in planning, developing, and implementing most of the small conflict response programs that are carried out with funds and other assistance provided under DOD's "Section 1207" authority.[32] Since FY2006, "Section 1207" authority has been used to carry out conflict prevention and response efforts in 11 individual countries and two regions.[33] These targeted programs to address specific problems range from $4 million to help provide basic health, education and infrastructure in areas recently reclaimed from insurgents in Colombia, to a $5 million to improve the Lebanese Internal Security Force communications capacity, to $30 million to assist internally displaced persons in Georgia.

The Response Corps Pilot Project

Well before Congress authorized the creation of a Civilian Response Corps (see above), S/CRS took the first steps in the lengthy process of creating integrated and coherent groups of crisis-response personnel from executive branch agencies. In 2006, S/CRS created, as a pilot project, a small nucleus of active and retired government employees to deploy to operations. S/CRS began deploying members of the active response component during the last half of 2006. In 2006, ARC members were deployed to Darfur, Lebanon, Chad, and Nepal. About ten other deployments followed, some with standby component members and other members of the S/CRS staff.[34]

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[32] For more on this program, see CRS Report RS22871, *Department of Defense "Section 1207" Security and Stabilization Assistance: A Fact Sheet*, by Nina M. Serafino.

[33] Afghanistan, Colombia, Democratic Republic of Congo, Georgia, Haiti, Lebanon, Nepal, Somalia, Sri Lanka, Tajikistan, Yemen, Southeast Asia region and Trans-Sahara region.

[34] The first active response component member was deployed to Lebanon, to assist with efforts to train and equip additional Lebanese Internal Security (LIS) forces. (The purpose of this effort was to enhance LIS ability to replace the Lebanese Army Forces which had been maintaining law and order in conflictive areas such as the Bekaa Valley before being deployed to southern Lebanon.) Several standby response component members also deployed to post-conflict situations in 2006. The first person from this group was deployed to Eastern Chad and two more began working in Nepal on demobilizing and reintegrating Maoist rebels. In the course of early 2007, several active component members deployed to Kosovo to help prepare for the status settlement process, one deployed to Beirut to help coordinate reconstruction assistance, and one to Chad to monitor activities on the Chad side of the border with Sudan. Other response corps deployments were to Afghanistan, Bangladesh, Cuba, the Democratic Republic of Congo, Georgia, Haiti, Iraq, Liberia, and Sri Lanka, as well as to work with the U.S. Africa Command (AFRICOM). Original plans had called for the ARC to number 30 by the end of 2006. U.S. Department of State. *Fact Sheet: State Department Stands Up Active Response Corps.* August 23, 2006. http://www.state.gov/s/crs/rls/71038.htm.

Other Activities

To address the need for greater interagency, particularly civil-military, planning and coordination, S/CRS worked with the military entities to develop civilian-military training exercises for stabilization and reconstruction operations. It has entered into an agreement with the U.S. Army to train civilian planners. And, among other activities, it has developed ties with other international participants to coordinate and enhance civilian capabilities for stabilization and reconstruction activities.

Current Development of the Civilian Response Corps (CRC)

On July 16, 2008, then Secretary of State Rice formally launched the Civilian Response Corps active and standby components with a speech thanking Congress for the passage of funding in the Supplemental Appropriations Act, 2008, to establish the CRC. Under plans developed by the Bush Administration (and continued by the Obama Administration) the three-component corps would consist of a 250-member active component (CRC-A) of U.S. government employees who could deploy within 48 hours, a 2,000-member standby component (CRC-S) of U.S. government employees who could deploy within 30 days, and a 2,000 member reserve component (CRC-R) of experts from other public institutions and the private sectors who would be available for deployment in 45-60 days.

Under the leadership of S/CRS, two other State Department offices and eight other contributing departments and agencies are now recruiting the first 100 members of the CRC-A, and 500 members of the stand-by component. Besides the State Department, contributors are USAID and the Departments of Agriculture, Commerce, Justice, Health and Human Services, Homeland Security, Treasury, and Transportation.

Initial CRC Funding: FY2008 and FY2009

As of May 7, 2009, the date the Obama Administration presented its detailed FY2010 budget request, Congress had appropriated $140 million for the establishment and deployment of the active and standby civilian response components. These FY2008 and FY2009 funds together provided for the establishment of a 250-member active component and a 500-member standby component.

In June 2008, Congress specifically provided $65 million for S/CRS and USAID S&R activities in supplemental appropriations through the Supplemental Appropriations Act, 2008, P.L. 110-252, signed into law June 30, 2008.[35] Of that amount, up to $30 million was appropriated as FY2008 funds (under the State Department Diplomatic and Consular Programs account) for the State Department "to establish and implement a coordinated civilian response capacity" and up to $25 million was appropriated to USAID as FY2008 supplemental funds for that agency to do the same (122 Stat.2328-2329). The remaining $10 million was part of FY2009 supplemental bridge

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[35] The $10 million in FY2009 bridge fund supplemental appropriations for the State Department was provided as part of a lump sum for State Department diplomatic and consular programs.

fund appropriations for the State Department. (This appropriations was less than the $248.6 million that the Bush Administration requested in February 2008, for its "Civilian Stabilization Initiative" [CSI], which rolled into one its request for funds for continued operations of S/CRS, funds for a 250-member interagency CRC Active Response component and a 2,000-member Standby Response component, and a 2,000-member Civilian Reserve component, and money for deployment of experts.) The P.L. 110-252 funding expires on September 30, 2009.

In March 2009, Congress provided $75 million in FY2009 appropriations to establish and support the CRC active and standby components (Omnibus Appropriations Act, 2009, P.L. 111-8, signed into law March 11, 2009). This included $45 million in State Department funds and $25 million in USAID funds.

FY2010 Budget Request

The Obama Administration's May 7, 2009, FY2010 budget request of $323.272 million for the Civilian Stabilization Initiative (CSI) continues the Bush Administration plans for the establishment of a 4,250 member, three-component civilian response corps. According to the State Department request for these funds, the CSI will provide "trained, equipped, and mission-ready civilian experts and institutionalized systems to meet national security imperatives, including in partnership with the U.S. Armed Forces.... " This corps will enable the President and Secretary of State "to react to unanticipated conflict in foreign countries" while reducing or eliminating "the need for large military deployments in such crises," according to the State Department request.

The requested FY2010 CSI funding would support the continued development of the CRC, including the establishment of a reserve component, which has yet to receive funds, and would provide for the institutional structure to coordinate interagency conflict response efforts. CRC development requires not only recruitment and hiring, but the training and pre-positioning of equipment for U.S. government response personnel. The State Department breaks down the uses of the requested $323 million as follows:

- $136.9 million to build and support an active component of 250 members and a standby component of 2,000 members, to fund up to 1,000 members of the active and standby component to deploy to S&R missions in FY2010;

- $63.6 million to establish a trained and equipped 2,000 member reserve component that will draw other public and private sector experts into U.S. S&R responses;

- $12.5 million to fund the deployment of other experts during the first three months of an operation, "ensuring that critical staff such as police trainers and advisors can be deployed when.... most needed";

- $51.3 million to sustain deployed personnel and provide logistics for up to 130 responders for three months, including $7.1 million to operate and maintain a civilian deployment center;

- $34.3 million to provide security for up to 130 civilian responders (in up to three deployed field teams) in a semi-permissive environment for three months; and

- $24.7 million to augment Washington-area leadership, including 10 new positions for S/CRS operations and staff.

The Obama Administration requested an additional $40 million in the Economic Support Fund (ESF) account for Stabilization Bridge Funds (SBF) to provide for urgent on-the-ground needs during the initial stages of a crisis. These funds could be used while other funds are reprogrammed, transferred, or appropriated for the crisis. Under its "General Provisions" request, the Obama Administration asks authority to transfer SBF funds into the CSI account.

Establishing the Civilian Response Corps Active Response Component (CRC-A)

As of April 29, 2009, the CRC-A totaled 23 members. Agency/Department composition was as follows: Justice (10); State (9); and Commerce, Health and Human Services (HHS), Homeland Security (DHS), and Treasury (1 each).

By May 27, 2009, there will be 39 active component members.

By the end of FY2009, the ARC will total 100 members. All participating agencies are currently hiring. USAID will contribute 37, the largest number. The State Department will contribute 30 members from three offices (12 will be from S/CRS, 9 from International Narcotics and Law Enforcement [INL]; and 9 from Diplomatic Security).

Table 1. ARC Contributions: First 100 Members

State	USAID	Justice	USDA	HHS	Commerce	DHS	Treasury
30	37	24	3	2	2	1	1

By the end of Calendar Year (CY) 2009, the active component is expected to reach its full complement of 250 members. Plans call for all to be trained and ready for deployment by the end of FY2010.

Table 2. ARC Contributions: Full 250-Member Component (Tentative)

State	USAID	Justice	USDA	HHS	Commerce	DHS	Treasury
72	93	62	8	5	5	3	2

The Civilian Response Corps will be composed of personnel filling over 100 specific job specialties. The first 100 active component members will be hired for roughly half of those specialties. These include 29 rule of law personnel dealing with police, the judicial system, corrections, and human rights. Other personnel will be skilled in commerce, finance, revenue and budgets; civil works and infrastructure; demobilization, disarmament, and reintegration; security sector reform; agriculture; strategic communications; health; drug enforcement; environment; urban and rural planning and management; and disarming explosives.

According to S/CRS, the State Department and the other participating agencies have not completed work on the distribution of specialties for the full active component of 250. Tentative plans, however, appear to call for a little under half that number to be rule of law specialists.

Establishing the Civilian Response Corps Standby Component (CRC-S)

As of April 29, the CRC-S had 311 members: 177 are from State, 81 from USAID, 50 from Justice, and 3 from USDA.

By May 27, 2009, there will be 366 Standby members.

By the end of CY2009, plans call for the CRC-S to number 500. The distribution of these positions among departments and agencies, below, is not firm and subject to change.

Table 3. CRC-S Contributions: First 500

State	USAID	Justice	USDA	HHS	Commerce	DHS	Treasury
196	186	72	16	10	10	6	4

Current plans call for a CRC-S of 2,000 members. The tentative agency/department contributions call for the largest component from USAID, the second largest from State, and the third largest from Justice. Together these three agencies would provide about 90% of the CRC-S members. USDA, DHS, HHS, Commerce, and Treasury would provide the rest.

According to S/CRS, plans for the standby component specialties have not been completed.

Establishing a Civilian Reserve Capability

The Obama Administration's FY2010 budget request calls for $63.3 million (as noted above) to establish a 2,000-member CRC reserve component (CRC-R), whose members would be deployable within 45-60 days. S/CRS has developed a general concept for a reserve component of retired government personnel, personnel from state and local governments, private for-profit companies, and non-profit NGOs to carry out rule of law, civil administration, and reconstruction activities.[36]

In his January 23, 2007, State of the Union address, former President Bush pointed to the need for a civilian reserve corps as a tool in the generational struggle against terrorism. "Such a corps would function much like our military reserve," he said. "It would ease the burden on the armed forces by allowing us to hire civilians with critical skills to serve on missions abroad when America needs them. It would give people across America who do not wear the uniform a chance to serve in the defining struggle of our time." The Bush Administration's 2008 CSI called for the

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[36] Two outside studies forming the basis for planning for the reserve were completed in 2006. BearingPoint, Inc. *Management Study for Establishing and Managing a Civilian Reserve.* Prepared for the U.S. Department of State, Office of the Coordinator for Reconstruction and Stabilization. May 30, 2006.

establishment of a reserve component of 2,000, but Congress did not provide any FY2008 or FY2009 funding for that purpose.

Issues for Congress

S/CRS Capacity and Status

Some observers have argued that the magnitude of the S/CRS mission requires improved capabilities within the office and enhanced status, if it is to provide adequate direction and personnel for an interagency response to stabilization and reconstruction crises. "It is not clear that S/CRS is large enough, well enough funded, or sufficiently high in rank to pull an interagency effort together," according to a 2008 MIT Security Studies Program report.[37]

Such reservations persist about the office's ability and capacity to carry out its mission, despite widespread support for S/CRS. Especially in the early years, some observers argued that S/CRS had not moved expeditiously in carrying out its functions. This perceived lack of initiative has often been blamed on an "anti-operational" social culture of the State Department and a lack of support from top State Department leadership. Given that perspective, some observers question whether all of the functions assigned S/CRS are appropriate for that office. For instance, some contend that an office with the mission of mobilizing civilian personnel for stabilization and reconstruction missions would be better placed in USAID,[38] which fields disaster response units (the Disaster Assistance Response Teams) and has an Office of Transition Initiatives that has worked in post-conflict settings. Others, however, fault a lack of adequate resources for any S/CRS shortcomings.

Some urge firm support for S/CRS.[39] With the passage of the Civilian Stabilization and Reconstruction Assistance Management Act of 2008, see above, Congress appears to have mooted the debate on which agency is best suited to accomplish the S/CRS mission, although the issue may resurface within the context of a larger debate on interagency reform.

For the moment, the most salient question seems how best to enhance S/CRS capabilities to carry out assigned functions. One improvement suggested would be to extend the period of Foreign Service officer (FSOs) tours with S/CRS. FSOs now serve on one-year rotations with S/CRS, rather than the two to three year rotations standard for other assignments.

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[37] Cindy Williams and Gordon Adams. Strengthening Statecraft and Security: Reforming U.S. Planning and Resource Allocation. MIT Security Studies Program Occasional Paper, June 2008, p. 89.

[38] Gordon Adams, Obama's test: Bringing order to the national security process. Bulletin of the Atomic Scientists, web version, posted January 26, 2009. Accessed through http://www.thebulletin.org. Last accessed February 4, 2009.

[39] The HELP Commission, established by Congress in January 2004 (Consolidated Appropriations Act, 2004, P.L. 108-199, Section 637) to study U.S. foreign assistance programs, recommended in its report of December 2007 that Congress "strengthen and fund the capacities of the State Department Office S/CRS and assign it responsibility for coordinating Sate and Defense Department programs for security-related aspects of addressing crises and weak and failing states." Recommendation 2.2.2., at http://www.helpcommission.gov/portals/0/recommendations_final.pdf; last accessed February 3, 2009.

To provide the head of S/CRS with greater clout within the State Department and in dealing with other departments and agencies, some suggest that rank of that official or the Status of the Office itself, be upgraded. Some suggest that the Coordinator's functions be assigned to an Under Secretary, or that S/CRS become a State Department bureau headed by an Assistant Secretary. (The "Coordinator" position is the equivalent of an Assistant Secretary, according to an S/CRS official.)

Appropriate Size for the Civilian Response Corps

Some policymakers and analysts question whether the CRC active, standby, and reserve components are large enough to perform effectively their intended functions. One study, prepared by the National Defense University (NDU) Center for Technology and National Security Policy, argues that the CRC should be considerably larger, with 5,000 total in the active and standby components and 10,000 in the reserve component. An active/standby component of that size "would provide a fairly large pool of trained experts in each category" if personnel were "properly distributed," according to the study. "This sizable, diverse pool, in turn, would help provide the flexibility, adaptability, and modularity to tailor complex operations to the missions and tasks at hand in each case, without worrying that the act of responding effectively to one contingency would drain the force or expertise in key areas needed to handle additional contingencies."[40] This study also states that a combined active and standby force numbering 2,500 (compared to the 2,250 now planned) "should be backed by a reserve force of 4,500 personnel, not 2,000."[41]

 Another study envisions the possibility of a larger corps than currently contemplated by the Obama Administration, but somewhat smaller than that proposed in the NDU study. Co-sponsored by the American Academy of Diplomacy and the Stimson Center, this study finds that the "magnitude of growth beyond FY2010 will depend largely on the experience gained based on deployments in that year. For the purposes of projection, we propose that the active response team would grow to 500 by FY2014, the standby response corps would remain at 2,000, and the civilian reserve would grow to 4,000." [42]

Flexible Funding for CRC Operations

For many years, proponents of "operational" civilian capabilities for S&R operations have urged Congress to provide the State Department with a flexible conflict response fund that would allow U.S. government civilian agencies to respond rapidly to S&R emergencies. The Bush Administration repeatedly requested such a fund, and proposals for a flexible, replenishable fund were including in early versions of the Lugar-Biden legislation and subsequent related legislation.[43] But Congress, which has long resisted the provision of "blank check" pots of money

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[40] Christel Fonzo-Eberhard and Richard L. Kugler. "Sizing the Civilian Response Capacity for Complex Operations" in *Civilian Surge: Key to Complex Operations*, edited by Hans Binnendijk and Patrick M. Cronin. Center for Technology and National Security Policy, National Defense University. December 2008. p. 7.

[41] Ibid., p. 9.

[42] Ambassador Thomas Boyatt, et.al., *A Foreign Affairs Budget for the Future: Fixing the Crisis in Diplomatic Readiness*, American Academy of Diplomacy and the Henry L. Stimson Center, October 2008, p. 45. Accessed through http://www.stimson.org. Last accessed May 22, 2009.

[43] A provision for a flexible, replenishable fund was included in early versions of the Lugar-Biden legislation. Most recently, some legislation in the 110th Congress contained provisions for a $75 million replenishable fund that could be (continued...)

as an abdication of constitutional appropriation and oversight powers, turned down several Administration requests for more flexible S&R funding mechanisms in the State Department budget.[44]

Proponents of a flexible conflict response fund argue that it is needed because many crises that demand a U.S. rapid response cannot be foreseen and thus planned for in annual budget submissions. In addition, they argue, the existing mechanisms for transferring funds to an emergency situation are too time-consuming to provide an immediate response. Some Proponents have argued for a mechanism like the automatically replenishable Emergency Refugee and Migration Assistance (ERMA) emergency relief account, funded through foreign operations appropriations. Many proponents suggest that ERMA provides a model for a conflict response fund. Several bills were introduced that would, among other provisions, permanently establish a conflict response fund, but none passed Congress.

(In December 2007, the HELP Commission recommended the establishment of two rapid-response crisis funds. One would be a permanent humanitarian crisis response fund to meet the needs of natural disasters. The other would be a foreign crisis fund to meet security challenges. No recommendation was made regarding the agency responsible for these funds.[45])

Since 2006, the funding that Congress has made available through the DOD budget for conflict response has served as a de facto response fund for small S&R projects. Section 1207 of the conference version of the National Defense Authorization Act for Fiscal Year 2006 (P.L. 109-163, H.R. 1815/S. 1042; signed into law January 6, 2006 and subsequently amended) authorizes the Secretary of Defense to provide the Secretary of State with up to $100 million in services, defense articles and funding for reconstruction, security, or stabilization assistance to a foreign country per fiscal year. This authority expires in FY2009.

Further Authority and Funding for the Reserve Component

The 2008 authorization of a Civilian Reserve Corps (P.L. 110-417, see above) may provide impetus for the development of a reserve that could substitute for military troops in a wide variety of state-building activities. Although S/CRS developed plans for a reserve (and the Bush Administration's CSI plan contemplated a size of 2,000 members) no steps implementing those plans have been taken, according to S/CRS. The Obama Administration has requested funding to establish a 2,000-member reserve.

(...continued)

used by the President to respond to crises in countries or regions at risk of, in, or in transition from conflict or civil strife. Of that, some $25 million could be used for expenses related to the development, training, and operations of the Response Readiness Corps.

[44] These requests were contained in both annual and supplemental appropriations measures) for no-year funds to be used for conflict emergencies in foreign countries or regions, and proposals in previous iterations of the Lugar/Biden legislation to establish a replenishable conflict response for a conflict response fund.

[45] http://www.helpcommission.gov/portals/0/recommendations_final.pdf. Recommendation 3.5. Last accessed February 3, 2009.

Proponents of the creation of a civilian reserve corps foresee a variety of advantages from the creation of such a corps. DOD promoted the concept on the grounds that it would free military personnel from state-building tasks during military operations, thus increasing the personnel available for combat and other more strictly military tasks.[46] Proponents also view such a corps as a means to enhance prospects for success in S&R operations as the personnel who would be sent to perform such tasks would in general have a much higher level of expertise and depth of experience than soldiers and could, unlike many military personnel assigned to such tasks, perform at peak efficiency from the outset. Many view this as particularly true at the national level, where extensive experience with developing national-level structures is desirable over the long run. (Although military Civil Affairs officers are largely reservists whose civilian jobs are relevant to state-building tasks, many analysts state that there are too few civil affairs personnel to provide the depth needed to deploy the appropriate person in most circumstances.) Many argue that civilian personnel are also preferable for symbolic reasons, as they may signal a greater commitment to the construction of a democratic state.

Skeptics look at the concept of a civilian reserve as untested and potentially unfeasible. Some wonder whether qualified experts would sign up in sufficient quantities to make the corps an effective replacement for military troops in S&R operations.[47] Some question whether the existence of such a corps would provide an incentive to interventions of various types that the United States otherwise would not have undertaken.

Cost is likely to be a major issue. In 2008, the Congressional Budget Office (CBO) assembled a cost estimate for the Bush Administration's CSI. Its estimate for the recruiting, screening, enrolling, training, and equipping the 2,000 members contemplated by the CSI was $87 million in FY2009 and $47 million in 2010.[48] (The CBO estimate of first-year costs is considerably higher than the Obama Administration's $63.6 million FY2010 request to establish the reserve.) Although some may view the potential cost of the civilian corps as high, some proponents argue that the costs of deploying civilian personnel would result in a net savings to the military. (It is likely, however, that any possible savings would depend on the circumstances in which such civilian personnel were deployed and the effect of their deployment on the number of military personnel needed.) Proponents also maintain that even if high, the monetary cost to maintain and

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[46] However, DOD Directive 3000.05, *Military Support for Stability, Security, Transition and Reconstruction (SSR) Operations*, issued November 28, 2005, states that many stability operations tasks "are best performed by indigenous, foreign, or U.S. civilian professionals," but nonetheless "U.S. military forces shall be prepared to perform all tasks necessary to establish or maintain order when civilians cannot do so." Among the tasks listed are the rebuilding of various types of security forces, correctional facilities, and judicial systems, the revival or building of the private sector, and the development of representative governmental institutions. (Points 4.3, 4.3.1-4.3.3. Access through http://www.dtic.mil/whs/directives/corres/html/300005.htm.)

Some military analysts argue that at the beginning of an operation or in extremely volatile situations the use of U.S. troops to perform nation-building efforts may be considered highly desirable as they can "multi-task," performing combat missions in one area while switching quickly to state-building efforts in another. In addition, some believe that it will always be desirable to have trained military civil affairs officers who can deal with civilian leaders and populations involved in state-building efforts at the local level, as a means of demonstrating goodwill toward such populations and enhancing the image of soldiers, especially in counterinsurgency operations.

[47] For information on the experiences of the Germany, Canada, and the United Nations in recruiting personnel for state-building rosters and deployments to other countries see CRS Report RL33647, *A Civilian Reserve for Stabilization and Reconstruction Abroad: Summary of a Workshop on U.S. Proposals and International Experiences and Related Issues for Congress*, by Nina M. Serafino.

[48] The Congressional Budget Office estimated the cost of implementing the Civilian Reconstruction and Stabilization Management Act, H.R. 1084 (110th Congress),[48] if "employed in a manner consistent with the [President's] Civilian Stabilization Initiative." (The estimate is included in H.Rept. 110-537, 110th Congress.)

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deploy civilian reservists would still be relatively inexpensive when compared to the multiple costs, both tangible (such as money and lives) and intangible (such as domestic and international political support and loss of strategic leverage) of prolonged or failed military interventions.

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