

Building Governance Capacity through the Commander's Emergency Response Program



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The primary objective of any counterinsurgency operation is to foster the development of effective governance by a legitimate government.

- Field Manual 3-24 *Counterinsurgency*

Field Manual (FM) 3-24 *Counterinsurgency* offers ten paradoxes of counterinsurgency (COIN) operations that illustrate the unique demands, difficulties, and complexities in this form of warfare. The paradoxes range from “sometimes the more force is used, the less effective it is” to “tactical success guarantees nothing.”¹ While each of these notions can be counterintuitive to a conventional view of tactics and operations, they serve to stimulate our thought toward a significantly different mindset required for the successful conduct of COIN operations.

In terms of building governance capacity, a critical line of operation in the commander's campaign plan, one of the more important pieces of cautionary advice offered in *Counterinsurgency* is the sixth paradox: “The host nation doing something tolerably is normally better than us doing it well.” The purpose of this essay is to explore this paradox and its relationship to building governance capacity through the Commander's Emergency Response Program (CERP). This paper will describe the origins of the CERP program, its initial role in improving governance capacity in Iraq, and present an alternative method commanders can employ in their unit CERP program to achieve more positive effects in their governance line of operation.

Background

In early 2003, while conducting raids and patrols in Baghdad, Soldiers of the 3d Infantry Division found millions of dollars in American currency that former Ba'ath and Republican Guard officials had hidden away in various false walls and hidden containers. These types of discovery increased over the ensuing months. Following a determination by U.S. Central Command (CENTCOM) that the seized funds belonged to the State of Iraq, and were not the personal property of a select group of its citizens, U.S. Army V Corps issued orders making the seized money available to coalition forces for humanitarian assistance under the name Brigade Commander's Discretionary Recovery Program to Directly Benefit the Iraqi People. Government finance officers and controllers immediately developed meticulous procedures to control and safeguard the dispensing of these funds. The ensuing Coalition Provisional Authority's (CPA) Administrator, Ambassador L. Paul Bremer, renamed the program the

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Commander's Emergency Response Program (CERP).² As the seized funds were expended in late 2003, the US Government sought to build upon the early successes of the program. Congress presented a bill authorizing taxpayer money for the program which President Bush signed into law on 6 November 2003. Since this law was enacted, Congress has continued its CERP authorization for both Iraq and Afghanistan in each subsequent National Defense Authorization Act.

Today, the purpose of the CERP program remains unchanged - to provide commanders a capability to effectively respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the indigenous population through the execution of non-construction and construction activities. Current Department of Defense (DoD) policy authorizes CERP expenditures in nineteen categories. Examples of these authorizations include condolence payments after combat operations, providing funds for necessary repairs as a result of combat activity, purchasing or repairing critical infrastructure equipment, conducting large scale civic cleanups, and improving indigenous governance capacities.³

The CERP Program's Initial Role in Governance

Following the January 2005 election in Iraq, the U.S. Department of State (DoS) encouraged the formation of Provincial Reconstruction and Development Committees (PRDC) in each of Iraq's eighteen provinces. The intent for the PRDC program was to provide local Iraqi leaders a greater voice in how the coalition established project priorities and invested its reconstruction funds, including CERP. Specific organizational structures of the PRDCs varied by province, however, each was generally formed as a specialized sub-committee within the Provincial Councils (PC). Their membership reflected the diverse backgrounds of participating council members and included educators, former military officers, engineers, career politicians, among others. In addition to giving local government leaders a greater voice in coalition reconstruction activities, the PRDC also provided a means to improve internal Iraqi coordination mechanisms between the provincial councils, staffs, and their national ministry counterparts. In the end, the PRDC initiative was intended to achieve multiple objectives for each financial investment in reconstruction: infrastructure and services would be restored, while local governance systems would develop and mature over time through project coordination.

The PRDC initiative achieved varying degrees of success. In provinces where PRDCs were established, the program generally improved indigenous ownership of commander's reconstruction program, enhanced coalition partnership with local authorities, and developed some capacity in local governing institutions. However, the program was, in effect, an imposed "outside" solution with little grounding in existing indigenous government structures, and unsustainable without significant coalition support. More importantly, when compared to the large levels of effort and resources the coalition has invested in improving the Iraqi security forces, the initiative did not serve as a vehicle to mass equitable means in building governance capacity. If the primary objective of the counterinsurgent is to foster the development of effective governance as our doctrine states, commanders at all levels must address this discrepancy in resource allocation when balancing their combat and host nation security lines of operation (LOO) with their governance, economic, and essential services LOOs.

Modifying CERP Resources and Procedures to Improve Local Governance

A method commanders may consider to better leverage their available resources in improving local governance capacity is to incorporate elements of the development community's principles of *ownership* and *capacity building* in the unit CERP program.⁴ The principle of ownership reinforces the importance of building the leadership, participation, and commitment of a country and its people in any development program. In other words, the program cannot be an imposed product from outside agencies. Capacity building is the strengthening of local institutions, promotion of appropriate policies, and the transfer of required technical skills to local authorities. The key for the commander in incorporating both of these elements is to link each decisive point along his governance line of operation to existing government structures.

An important prerequisite in addressing ownership and capacity building in the unit CERP program is to collectively move away from the detailed project coordination we conduct today with local or provincial councils (and any associated sub-committees such as the PRDCs), and transition this coordination to those officials in established government posts responsible for these functions. Our current practice of empowering councils in infrastructure and service-related decision making has eliminated the original, indigenous form of service delivery. At the provincial level, a Director General (DG) for Plans and Services exists to coordinate the development of infrastructure and delivery of services. The specific name for this position may vary by province, but the function is accounted for in existing government structure. At the county/district and city/village levels, mayoral/city planner (Qa'im Makam) positions exist, along with supporting technical staffs, and are responsible for the provision of services within their respective political boundaries. The Qa'im Makam serves as the chief administrator for the city, and can use his staff to introduce policies that the council can vote on and approve.

Once the appropriate local government officials are identified and recognized, the unit moves into an advisory role and empowers the DGs and City Planners in the performance of their duties. The CERP program is then used as a forcing function to make the indigenous government work as it is intended. Specifically:

Provincial and local councils establish their vision, priorities, and objectives for their respective communities and constituents

Mayors act on the councils' guidance and execute the stated priorities through the technical staffs

The technical staff prepares the detailed statements of work, specifications, plans, cost estimates, and other documents required to clearly define the project. At the Qada and Nahia levels, these plans go to the appropriate sector DG for technical review and to ensure the province has the resources to sustain the project.

Upon completion of technical reviews, and the mayor is confident that the project is fully sustainable, the project comes to the coalition for CERP funding. As the national government matures over time and infrastructure-related budgets are made available to

the provinces, coalition funds “unplug” from this process.

With funding secured, the mayor solicits bids from all available contractors in a competitive process.

The relevant technical staff or DG office reviews bid submissions for quality and completeness, and recommends a contractor to the mayor and council. This review also ensures legitimacy of the competing contractors.

Jointly, the mayor and council consider the technical staff's recommendation, and select a contractor.

Depending upon the size and scope of the project, the relevant DG or ministry assigns a resident engineer and a quality assurance/quality control staff to supervise construction. Similarly, coalition forces conduct periodic checks to exercise their oversight of the CERP process and ensure we are getting all we have paid for.

The degree to which a commander can apply this process, or any of its elements, will be dependent upon the stage of counterinsurgency within his AOR. An initial “Stop the Bleeding” stage will likely necessitate more coalition driven processes to ensure essential services are provided in a timely manner to sustain the population. As the COIN fight transitions through “Inpatient Care” to the latter stages of “Movement to Self-Sufficiency”, more and responsibility should be transitioned to local authorities as their capacity builds.

CONCLUSION

There is no shortage of challenges in applying this alternative CERP process today in Iraq. The availability of competent technical staffs, qualified leadership, unacceptable levels of corruption, sense of host-nation urgency, and a high demand for immediate effects in some coalition commands are all issues the commander and his staff must work through. However, adhering to recognized principles from the development community and exercising tactical patience are the keys to success. Any of the above challenges can potentially derail this alternative method of CERP application. With the commander's patience, and a balanced approach to each logical line of operation, a command can significantly improve the capacity of local governments within the AOR while simultaneously ensuring the provision of infrastructure and essential services to the population.

¹ U.S. Department of the Army, *Counterinsurgency*, Field Manual 3-24 (Washington, D.C.: U.S. Department of the Army, 15 December 2006), 1-26 – 1-28.

² Mark Martins, “No Small Change in Soldiering: The Commander's Emergency Response Program (CERP) in Iraq and Afghanistan,” *Army Lawyer* (February 2004).

³ U.S. Undersecretary of Defense (Comptroller), “Commander's Emergency Response Program (CERP) Guidance,” memorandum for Secretaries of the Military Departments, et al, Washington, D.C., 9 May 2007.

⁴ Andrew S. Natsios, “The Nine Principles of Reconstruction and Development,” *Parameters*, Autumn 2005.