Draft Program

Stable Governance Interim Program Review

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The Governance Innovation in Security and Development (GISD) research project seeks solutions to the challenges of supporting governance in fragile environments. The research team investigates issues and trends in the stability sectors—social well-being, promotion of safe and secure environments, stable governance, rule of law, sustainable economies and infrastructure, and homeland integration—and the competencies needed when the military is called upon to support to civilians in those sectors. GISD, on behalf of Brigadier General Hugh Van Roosen of the Institute for Military Support to Governance, and the Civil Affairs Proponent, US Army JFK Special Warfare Center and School, has invited experts to a program review of the Safe and Secure Environment sector, as described in the document Guiding Principles for Stabilization and Reconstruction developed by the United States Institute of Peace and the United States Army Peacekeeping and Stability Operations Institute. The *Guiding Principles* define stable governance as follows:

> *Ability of the people to share access or compete for power through nonviolent political process and to enjoy the collected benefits and services of the state (Guiding Principles for Stabilization and Reconstruction 2009) 8-98*

Governance sub-sectors include the following:
- political moderation and accountability
- civic participation and empowerment
- provision of essential services
- stewardship of state resources

→ How do these inform the work to prevent, mitigate and transform from conflict, and what are the implications for military civil experts to support stable governance? [For examples, see Appendix A and Appendix B]

Day One, Wednesday, June 18

9:00   Welcome and Introductions
Meeting framing as a practical discussion of governance:
- Conflict and human development/human security
- Civil and military support to governance

9:30   Roundtable: governance in the context of conflict and human development
This roundtable opens the discussion with a 360 degree view of the theme of stable governance. What is the state of the art and where are the gaps - how to address them?

Stable governance conditions are typified by state effectiveness delivering essential services such as security, basic human needs, the rule of law, economic, governance, and mechanisms for participation of the people in their own governance. Empirically stable governance indicators are correlated obviously, with development and income, but also with the state's capacity to raise resources through taxation and to spend on social programs, to integrate with the global economy, and to provide Democratic processes and protect human rights.(Goldfinch et al. 2012) As we know, by definition, societies experiencing sectoral conflict or undergoing transition through peace processes have some ways to go in order to establish stable governance. The state may not be able to effectively provide a legitimate monopoly on the use of force, and may lack institutional capacity to provide emergency humanitarian services for the people, including displaced populations. In the absence of stable governance criminal groups, terrorist organizations and spoilers to peace processes are empowered to fill that vacuum of governance and appropriate state resources. The population may turn to shadow government or criminal organizations simply in order to survive.

A gap between de jure sovereignty and de facto sovereignty – what Ashraf Ghani and Claire Lockhart call "the sovereignty gap" is a key obstacle to the promotion of both local and global security and well-being (Ghani and Lockhart 2008). General guidance for promotion of stable governance emphasizes supporting the development of host nation capacity, including both formal and informal institutions. Understanding of the context, such as the role of governance institutions in conflict itself, and the nature of the social contract in a given society - including expectations about the core functions of the government, laws and regulations, and oversight mechanisms – is a first step to enabling stable governance.

For several decades, the international development community has focused on national-level institutions and top-down, state-centric processes.   In Iraq, Afghanistan, and the Horn of Africa, the international development community and the US military worked in states divided by internal conflict. The "top-down" strategy persists alongside "bottom-up" formation, linking local and civil society organizations to formal state structures.

Questions:
1. How are keywords - governance, human development, and security - used in the context of work by stakeholders?
2. How are goals and plans developed?
3. Who are your key partners in the implementation of your goals?
4. How is effectiveness measured? [For examples, see Appendix C: *Measuring Progress in Conflict Environments* (MPICE) framework]

10:30 Break

11:00 Applied Exercise: 38G
Functions and tasks are fundamental to the identification of requisite skills and knowledge for expert positions. We will work to discern a hierarchy of skills and knowledge associated with the functions and tasks in order to facilitate a career progression for the 38G.
1. In what way, if at all, can "top-down" and "bottom-up" state formation be synchronized to improve local human development?
2. What are governance-related tasks for Civil Affairs?
3. What is relevant to the governance responsibilities of the 38G?
4. What can the 38G contribute?
5. How would success be measured?

12:00 Lunch

1:00 Political Moderation and Accountability
Political legitimacy, simply defined by Bruce Gilley as pertaining to "how power may be used in ways that citizens consciously accept," (Gilley 2006) is for many, the "central issue" concerning social and political theory (Beetham 1991). The Enlightenment notion of a social contract, a bargain between individuals consenting way submitting to authority in exchange for protection of other rights, has informed the discourse on government legitimacy, and the nature of justice for generations (Rousseau 1762). Much of the literature on the concept of justice has focused upon the notion of "perfect justice." The ideal as expressed by John Rawls begins with an "original position" of "primordial inequality," in which parties under a "veil of ignorance" as to personal identities or vested interests determine what is fair (Rawls 2005). As noted by Amartya Sen, in reality, societies begin at a different position altogether, informed by their experience in the world, from which one must determine how to promote justice and combat injustice (Sen 2009).

Managing conflict through political governance requires frameworks for warring factions to reframe interests through nonviolent processes and the inclusion of moderate voices in political processes. Peace accords may be a first step, but often leave issues unresolved. National constituting processes such as Constitution drafting are another powerful means to transform conflict and establish legitimacy for an interim or existing host nation government. If elections are held, the timing, and openness of the process are key variables. Executive and legislative bodies may benefit from training and mentoring. Responsibilities of political moderation include:
- Dynamics between State-Recognized Leadership and Territoriality-Oriented Insurgents
- Rule of Law through State Legal Institutions, Indigenous, Customary Law, and Religious Codes

Questions:
1. What is the context for internal and external support to the development of political moderation and accountability?
2. What are the operational activities in this domain?
3. What methods are employed and how is effectiveness gauged?

2:00 Applied Exercise: 38G
1. What is relevant to the governance responsibilities of the 38G?
2. What can the 38G contribute?
3. What are the tasks for the 38G?
4. How would success be measured?

3:00   Break

3:30 Panel: Civic Participation and Empowerment

The International Declaration of Human Rights proclaims the right of everyone to "take part in the government of his country, directly or through freely chosen representatives," and adds, "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures. (Article 21)[1] The Declaration does not declare any particular form of taking part in governing - just that some institutional form of governance will enable the expression of the will of the people.

The Liberal School of International Relations, citing evidence that liberal states are more stable and peaceful, focuses upon the character of states.[2] Francis Fukuyama in 1989 declared an "end of history" with an established consensus on the right to democracy. This piece had political consequences, legitimating an American drive to export democracy.[3] Jack Snyder has shown a problem, that transitions to democracy are often violent - a signficiant warning for external actors who support political transition.[4] A second problem, identified by James Fishkin, is with public engagement itself, as most people are "rationally ignorant." Deliberative democracy, developed by Fishkin, is an alternative approach, making use of statistical sampling, education and small group discussion. His aim is "to show is that these people don't lack the competence to make informed decisions. If we give them the right information, in an institutional design where they become seriously engaged in competing arguments, they will make informed and thoughtful judgments."[5] Deliberative democracy, and other civil society building approaches, are potential means to facilitate development of civic participation.

Governance responsibility for civic participation and empowerment include the following:
- Coordinate establishment of mechanisms for local level participation
- Civil Society Development
- Independent Media and Access to Information
- Inclusive and Participatory Political parties

Questions:
1. What is the context for internal and external support to civic participation and empowerment?
2. What are the operational activities in this domain?
3. What methods are employed and how is effectiveness gauged?

4:30   Applied Exercise: Civic Participation and Empowerment
1. What is relevant to the governance responsibilities of the 38G?
2. What can the 38G contribute?
3. What are the tasks for the 38G?
4. How would success be measured?

5:00   Day one close

Day Two – Thursday, June 19

9:00   Provision of Essential Services

Francis Fukuyama's measures of "stateness" include the scope of governmental activity and the strength of the state, "the ability to plan and execute policies and to enforce laws cleanly and transparently."[6] This focus on institutional capacity is one of the hallmarks of the literature on post-conflict reconstruction. Ashraf Ghani and Clare Lockhart in *Fixing Failed States* focus specifically on key functions of the state.[7] Primary among these functions in both accounts is the provision of a monopoly on the use of force. For Max Weber, it was the successful claim on a monopoly on legitimate use of force within a given territory that defines the state. Particularly in the early days of an intervention, establishing public order and providing basic services are essential to the success

The governance sector responsibility to provide essential services includes the following:
- Coordinate restoration of essential public services schools, water, shelter, basic sanitation, media, food
- Coordinate maintenance of essential public services-transportation, storage, security, distribution-logistics, etc. and verify all local government functions became operational

10:00 Practical Exercise: Provision of Essential Services
1. What is relevant to the governance responsibilities of the 38G?
2. What can the 38G contribute?
3. What are the tasks for the 38G?
4. How would success be measured?

10:30 Break

11:00 Stewardship of State Resources

Stewardship of state resources is about public administration. Transitional administrators, or interim regimes, can form in many different ways, and often go through several transformations.[8] Nonetheless, they make crucial decisions affecting the fundamental rights of the people.
Security sector and civil service reform are some of the most challenging issues in post-conflict states. Development of good practices of custodianship of state resources, transparency and accountability are required.

Governance responsibilities pertaining to stewardship of state resources include the following:
- Restoration of Executive Institutions and Public Administration
- Security Sector Reform
- Protection of State Resources

12:00 Lunch

1:30   Practical Exercise: Stewardship of State Resources

1. What is relevant to the governance responsibilities of the 38G?
2. What can the 38G contribute?
3. What are the tasks for the 38G?
4. How would success be measured?

2:00 Break

2:30 Scrub of the 38G

4:00 close

Appendix A: Existing Specialties

6E Civilian Supply Officer
(Governance)

Description of positions. Identifies positions requiring knowledge in administration, storage, and distribution of consumer goods and commodities to the indigenous population of an area of operations. Surveys local availability of food and supplies from military and other agencies for use by the local population. Assists in identifying and acquiring local resources for use by the tactical commander.

Qualifications. Requires a bachelor degree in economics or business administration emphasizing supply management and distribution, and/or 5 years experience in the management of food or product distribution systems.

SI	ORG	CPT	MAJ	LTC
6E (Civil Supply)	BN		32	
	BDE			7
	CACOM			24
	Germany		1	1
	Hawaii			1

6V Cultural Affairs Officer
(Governance)

Description of positions. Identifies positions requiring knowledge in evaluating and preserving socioreligious arts, artifacts, monuments, shrines and other physical manifestations of the culture and the institution of the people in the area of operations.

Qualifications. Requires professional knowledge or experience with the ethnography, culture, sociology, institutions, and religious heritage of the people of the areas of assignment or potential assignment.

SI	ORG	CPT	MAJ	LTC
6V (Cultural Affairs)	BN			
	BDE			
	CACOM			12

6D Public Education Officer
(Public Education and Information)

Description of positions. Identifies positions requiring the knowledge to evaluate current educational systems and provides guidance to foreign nation agencies responsible for the administration of the indigenous educational institutions.

Qualifications. Requires a master degree in either education administration or education with and emphasis on school administration or vocational education; and/or 5 years civilian experience in either public or private school district administration, or state/national department of education activities.

SI	ORG	CPT	MAJ	LTC
6D (Public Education)	BN			
	BDE			
	CACOM			12

(if not already covered by SWB)

6F Public Transportation Officer
(Infrastructure)

Description of positions. Identifies positions requiring identification, categorization, rehabilitation, mobilization, development, and operation of civilian transport assets and facilities in support of Civil-Military Operations.

Qualifications. Bachelor degree in civil engineering or transportation; or, equivalent experience in the management or design of transportation systems either public or private; and/or 3 years experience in the development of plans and policy at the state or national Department of Transportation level.

SI	ORG	CPT	MAJ	LTC
6F (Public Transportation)	BN			
	BDE			
	CACOM			12

29

6G Public Facilities Officer
(Infrastructure)

Description of positions. Identifies positions requiring identification, assessment of capability, rehabilitation, development, and operational supervision of Public Works and Utilities in the conduct of Civil-Military Operations.

Qualifications. Bachelor degree in either civil, electrical, mechanical, waste, or water management engineering, and/or 5 years experience in either management, design, or operation of public or private works and utilities. Officers holding a professional engineering license in any discipline are considered uniquely qualified.

SI	ORG	CPT	MAJ	LTC
6G (Public Facilities)	CO	128		
	BN		32	
	BDE		7	7
	CACOM			24
	CAPOC			2
	Germany	4	2	1
	Hawaii		1	1

6R Public Communications Officer
(Infrastructure)

Description of positions. Identifies positions requiring knowledge in telecommunications engineering, network architecture and technical expertise in the identification, assessment of capability, rehabilitation, systems analysis, development planning, and operational oversight/supervision of indigenous public and private communications technologies, assets and facilities during the conduct of civil-military operations.

Qualification. Bachelor degree in either Electronic or Electrical Engineering, communications management, or computer science and/or 5 years civilian experience in either engineering or management in a related public or private communications position to include radio, television, postal service or automated data processing network.

SI	ORG	CPT	MAJ	LTC
6R (Public Communications)	BN			
	BDE			7
	CACOM			12
	Germany			1
	Hawaii			1

6U Agricultural Officer
(Economic Stability)

Description of positions. Identifies positions requiring knowledge in civilian production, processing, storage, and distribution of food, fiber, and wood products, and for the development and management of resources essential to these activities. Categories of agricultural production include livestock, poultry, grain, vegetables, fruit, fish, fiber, and forestry products.

Qualifications. Bachelor degree in an agricultural discipline and/or 5 years experience in an agricultural related profession, preferably in a County/State Agricultural Extension position or Federal Department of Agriculture.

SI	ORG	CPT	MAJ	LTC
6U (Agricultural Officer)	BN			
	BDE			
	CACOM			12

If we haven't covered in SED

3N International Law Specialist

Description of positions. For positions which require familiarity of international law.

Qualifications. Requires successful completion of the JAG graduate course and--

(1) Service for at least 3 years in a position requiring at least half of the officer's time to be devoted to international law;

(2) or (2) Service for 3 years as an instructor in the International Law Division at TJAG School; or

(3) (3) Service for at least 2 years in a capacity under (1) or (2) above and 1 year of post graduate legal study specializing in international law; or

(4) (4) Any combination of 3 years under the foregoing categories.

Restrictions. For use with JAG Branch AOC only.

Appendix B: Proficiency Codes

Criteria for Degree of Proficiency for Military Government (AOC 38G) (USAR Only)

Proficiency Code: 1L (Basic Functional Skill Practitioner)
a. *Description of positions.* Identifies AOC 38G officers who possess basic knowledge and experience in civil skills.
b*. Qualifications.* Requires award of a Civil Affairs Proponent Skill Identifier for which this proficiency is to be applied and:
   (1) Appropriate Bachelor's degree from a regionally accredited university, which correlates to the skill identifier under consideration for proficiency designation and:
   (2) Certificate(s) of training and/or other educational documentation pertaining to the skill identifier under consideration.
c. *Restrictions.* For use with AOC 38G only. Award of proficiency and waiver requests will be determined by CG, Headquarters, U.S. Army John F. Kennedy Special Warfare Center and School (USAJFKSWCS), ATTN: AOJK–CDI-CA, Fort Bragg, NC 28310.

Proficiency Code: 1M (Senior Functional Skill Practitioner)
a. *Description of positions.* Identifies AOC 38G officers who possess detailed knowledge and working experience in civil skills.
b. *Qualifications.* Requires Basic Functional Skill Practitioner (1L) and possess two of the following requirements:
   (1) Minimum of 48 months, cumulative experience working in career field correlating to the Basic Functional Skill Practitioner SI under consideration.
   (2) Appropriate Master's degree from a regionally accredited university.
   (3) Professional certification from one of the USAJFKSWCS recognized national certifying bodies who oversee the career field relating to the Senior Functional Skill Practitioner SI 1M.
c. *Restrictions.* For use with AOC 38G only. Award of proficiency and waiver requests will be determined by CG, Headquarters, U.S. Army John F. Kennedy Special Warfare Center and School (USAJFKSWCS), ATTN: AOJK–CDI-CA, Fort Bragg, NC 28310.

Proficiency Code: 1N (Expert Functional Skill Practitioner)
a. *Description of positions.* Identifies AOC 38G officers who possess expansive knowledge and working experience in civil skills.
b. *Qualifications.* Requires Senior Functional Skill Practitioner SI (1M) and:
   (1) Minimum of 96 months, cumulative experience working in career field correlating to the Senior Functional Skill Practitioner SI under consideration and:
   (2) Appropriate Master's degree from a regionally accredited university and:
   (3) Professional certification from one of the USAJFKSWCS recognized national certifying bodies who oversee the career field relating to the Senior Functional Skill Practitioner SI 1M.
c. *Restrictions.* For use with AOC 38G only. Award of proficiency and waiver requests will be determined by CG, Headquarters, U.S. Army John F. Kennedy Special Warfare Center and School (USAJFKSWCS), ATTN: AOJK–CDI-CA, Fort Bragg, NC 28310.

Proficiency Code: 1P (Master Functional Skill Practitioner)
a. *Description of positions.* Identifies AOC 38G officers who possess mastery knowledge and working experience in civil skills.
b. *Qualifications.* Requires Expert Functional Skill Practitioner SI (1N) plus a minimum of 144 months, cumulative experience working in career field correlating to the Expert Functional Skill Practitioner SI under consideration and:
   (1) Appropriate PhD from a regionally accredited university and/or:
   (2) Terminal professional certification from one of the USAJFKSWCS recognized national certifying bodies who oversee the career field relating to the Expert Functional Skill Practitioner SI 1N.
c. *Restrictions.* For use with AOC 38G only. Award of proficiency and waiver requests will be determined by CG, Headquarters, U.S. Army John F. Kennedy Special Warfare Center and School (USAJFKSWCS), ATTN: AOJK–CDI-CA, Fort Bragg, NC 28310.

Appendix C: Measuring Effectiveness

The *Measuring Progress in Conflict Environments* (MPICE) framework developed by the US Army Peacekeeping and Stability Operations Institute, the US Institute of Peace and the US Army Corps of Engineers (Agoglia, Dziedzic, and Sotirin 2010), provides the following governance metrics categories to measure the degree to which conflict drivers are diminished, and state capacity for good governance are enabled:

Diminishing the Drivers of Conflict
- Competition for Absolute Power:
  - To what extent our political elites polarized on the basis of identity?
  - To what extent to political elites and identity groups perceive the political process in exclusive terms?
- Political Grievances:
  - Are war aims unresolved?
  - Are there systematic atrocities against opposition identity groups, for example political violence such as extrajudicial killings, disappearances massacres?
- External Destabilization
  - Do other states or nonstate actors manipulate local political affairs?
  - Do perpetrators of political violence find sanctuary and support in neighboring states?

Enabling the Development of State Capacity - Institutional Performance
- Peace Settlement:
  - Is there a peace accord, and/or a viable process for addressing continuing violent conflict and unresolved issues in a peace process?
  - Do political leaders and elites except in support peace settlement?
  - Does the population except in support a peace process or settlement process?
  - Is the peace process being implemented?
  - Is international engagement adequate to sustain the peace process?
- Delivery of Essential Government Services:
  - Are public expectations for provision of essential public services and utilities met?
  - Are the various levels of government able to provide essential services, utilities and functions?
  - Does a professional civil service exist?
- Governmental Legitimacy, Responsiveness, and Accountability:
  - Does a constitution or other document provide for peaceful succession of power and avoidance of abuse of power?
  - Is their confidence in state institutions?
  - Is a legislature representative of and responsive to the populace?
  - Is the budget process transparent?
  - Is government accountable?
- Political Parties and Electoral Process Respect for Minority Rights:
  - Do former warring factions participate in party formation?
  - Is the public committed to nonviolent and accountable electoral process? For example, what is the participation in elections by various identity groups?
  - Across identity groups, our party formation, campaigning, and conduct in government inclusionary?

- o Do minority groups and disenfranchised populations enjoy guarantees for fundamental civil and political rights?
- Citizen Participation and Civil Society Free and responsible Media:
  - o Is there citizen participation in local government?
  - o Do the citizens I support in an active civil society?
  - o Are citizens informed about government abuse?
  - o Are citizens capable of serving as a check on government abuse?
  - o How robust are civil society organizations?
  - o Do civil society organizations provide oversight and scrutiny of government actions?
  - o What is the level of activity by civil society organizations that represent and advocate for minority women and other groups?
  - o Do the media provide scrutiny of government? For example, what is extent of editorial criticism and news unfavorable to the government in power? Is there existence of official censorship?
  - o Do effective restraints curb media incitement of violence, for example, what is the level of inflammatory rhetoric and public media, our professional standards and ethics in journalism addressing incendiary language or hate speech?
  - o Are external media accessible?

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[1] http://www.un.org/en/documents/udhr/

[2] Michael Doyle, "Kant, Liberal Legacies, and Foreign Affairs, part 1" *Philosophy and Public Affairs* Vol. 12, No. 3 (Summer 1983) and "Kant, Liberal Legacies, and Foreign Affairs, part 2" *Philosophy and Public Affairs* Vol. 12, No. 4 (Fall 1983); also Bruce Russett, *Grasping the Democratic Peace: Principles for a Post-Cold War World* (Princeton, N.J.: Princeton University Press, 1993).

[3] Francis Fukuyama, "The End of History?" The National Interest Vol. 16 (Summer 1989), pp. 3-16. See also Timothy Dunne, "Liberalism" in John Baylis and Steve Smith (Eds.) The Globalization of World Politics (Oxford: Oxford University Press, 1997), pp. 147-163, p. 155.

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[5] http://www.theeuropean-magazine.com/783-fishkin-james/784-deliberative-democracy#

[6] Fukuyama, Francis. State-Building : Governance and World Order in the 21st Century. Ithaca, N.Y.: Cornell University Press, 2004 p. 7.

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