

## RESEARCH ARTICLE

## Why America's Nation Building Office Failed and What Congress Had to Do With It

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Since the end of the Cold War, America has led six nation-building missions. We have done none particularly well. Throughout the 1990's, but particularly after the invasion of Iraq in 2003, the U.S. government tried to improve the way it ran 'stabilization and reconstruction' operations. That effort produced most notably the Office of the Coordinator for Stabilization and Reconstruction (S/CRS) within the State Department. S/CRS was charged with developing plans, coordinating their interagency implementation, and staffing a 'Civilian Response Corps' to deploy to countries on short notice. S/CRS largely failed in these efforts. It struggled to establish control over the interagency planning process. It failed to staff its Response Corps. And it was largely excluded from the civilian efforts in Iraq and Afghanistan. This paper explains why S/CRS failed. Four reasons in particular stand out. The office never had strong backing from the Secretary of State. It was undercut by USAID in its congressional negotiations. It lacked a strong domestic constituency to advocate for it. And it suffered from a general bias against civilian-led foreign policy projects. Without a clear congressional mandate and enough funding, S/CRS could not control either USAID or the regional bureaus. Simply put, the office did not bring much to the table. Finally, the failure of S/CRS suggests that the Defense Department, not State, will run future stabilization and reconstruction efforts. Though the appetite for nation building in the U.S. is low, history suggests that we are not done with these projects.

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Since the end of the Cold War, America has led six major stabilization and reconstruction missions. We have done none particularly well. Throughout the 1990's, but particularly after the invasion of Iraq in 2003, the U.S. government tried to improve the way it ran such operations. That effort produced most notably the Office of the Coordinator

for Stabilization and Reconstruction (S/CRS) within the State Department. S/CRS was charged with developing plans, coordinating their interagency implementation, and staffing a 'Civilian Response Corps' to deploy to countries on short notice.

S/CRS largely failed in these efforts. It struggled to establish control over the interagency planning process. It failed to staff its Response Corps. And it was largely excluded from the civilian efforts in Iraq and Afghanistan.

Much has been written about why S/CRS failed within the foreign policy bureaucracy

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(Bensahel et al 2009; CFR 2005; Serafino 2009; Unger et al 2010). It lost turf battles with the State Department's regional bureaus and with USAID. And it struggled to get the support it needed from the Secretary of State.

Little, however, has been written about Congress's role in S/CRS's failure. Despite bipartisan support for the office, Congress gave S/CRS an inadequate mandate and insufficient funding. In doing so, it more or less guaranteed that S/CRS would lose its fights within the executive branch.

This paper tries to explain why Congress treated S/CRS the way it did, and what impact that had. It briefly covers America's experience in stabilization and reconstruction and the reasons for creating S/CRS. It then addresses the challenges S/CRS faced, both in the bureaucracy and in Congress. Through this, the paper attempts to answer three questions. First, why was an office with bipartisan support so difficult to authorize and fund? Second, what impact did this failure in Congress have on the office as a whole? And finally, what does the congressional failure of S/CRS say about the kinds of foreign policy projects the U.S. can manage?

To preview the argument somewhat, Congress failed to authorize and fund S/CRS in a timely manner for four reasons. The office never had strong backing from the Secretary of State (beyond rhetoric). It was undercut by USAID in its congressional negotiations. It lacked a strong domestic constituency to advocate for it. And it suffered from a general skepticism of civilian-led foreign policy projects. Without a clear congressional mandate and enough funding, S/CRS could not control either USAID or the regional bureaus. Simply put, the office did not bring much to the table. Finally, the failure of S/CRS suggests that the Defense Department, not State, will run future stabilization and reconstruction efforts. Though the appetite for nation building in the U.S. is low, history suggests that we are not done with these projects.

## Historical background

Since 1989 America has led six 'stabilization and reconstruction' missions: in Somalia, Haiti, Bosnia, Kosovo, Iraq, and Afghanistan. And it participated in many more under the auspices of the United Nations (Dobbins et al 2005).

The motives behind these missions varied dramatically, as did their scope. In Somalia, Haiti, Bosnia and Kosovo, the U.S. intervened for primarily humanitarian purposes. Unsurprisingly, therefore, America concentrated its effort in providing only essential services. These include food, water, shelter, security, combatant disarmament, and basic police training and political support.<sup>1</sup>

In Iraq and Afghanistan, however, the U.S. intervened for perceived national security purposes. In the wake of the September 11 attacks, many policymakers were particularly concerned about rogue and failed states providing safe havens for terrorists. For this reason, U.S. officials felt it was necessary not just to provide basic humanitarian services, but also to reshape these countries' governments and societies.<sup>2</sup> Recalling the ambitious post-war efforts in Germany and Japan, the U.S. offered enormous support helping to build power, water, and telecommunications infrastructure, restart agricultural sectors, introduce new currencies, and build securities markets (Smith 2013; The Washington Post 2013; Dobbins et al 2003; Michaels 2008).<sup>3</sup> The U.S. also attempted to construct new governments, not just holding elections but re-writing whole constitutions.

The U.S. largely failed in these more ambitious missions. Iraq is not, as President Bush's National Security Council (NSC) hoped, 'peaceful, united, stable, and secure' (NSC 2005). Nor has Afghanistan yet 'develop[ed] its own stable government' (Bush 2002). At a very high level, this was the case for three reasons. First, America didn't have the patience for prolonged nation building engagements. History suggests that establishing the rule of law, building rich civil society, and decentralizing government control usually takes

around 50 years (North et al 2009: 27).<sup>4</sup> No U.S. President, certainly not one hoping to be reelected, sought missions approaching even a fraction of this length. Second, America didn't have the expertise for conducting stabilization and reconstruction projects. From the chaos of post-invasion Iraq to the slow civilian surge in Afghanistan, the U.S. demonstrated that it lacked the bureaucratic knowledge to carry out such missions. Third, fundamental changes in government necessarily create temporary power vacuums. In this vacuum there is often a considerable spike in violence, as the government lacks the capacity to exert control over looters and rebels (North et al 2009: 264). This spike, when it occurred in Iraq and Afghanistan, undercut domestic U.S. support for these missions.

But even America's less ambitious stabilization and reconstruction projects after the Cold War were mixed successes. Somalia and Haiti today are both classified as failed states (The Fund for Peace 2013). Only Bosnia and Kosovo are relatively violence-free. These failures, both large and small, spurred the Clinton and Bush administrations to reform the U.S.'s stabilization and reconstruction programs.

After the 1993 debacle in Somalia that resulted in eighteen American deaths, President Clinton pushed two reforms through the foreign policy bureaucracy. First, he opened the Office of Transition Initiatives within USAID to provide stabilization and reconstruction support services (Forman 2013; Lawson 2009). The office filled a gap within the agency, which was designed to support foreign emergency relief and foreign development, but not the political stabilization work that fell in between. Over time the office helped build ministries in Iraq, organized employment programs in Haiti, and repaired electrical systems in Serbia-Montenegro (Lawson 2009: 16–20).

Second, President Clinton issued Presidential Decision Directive 56, which established an interagency framework for coordinating in post-conflict emergencies (Forman 2013: 4). The Directive mandated

for future crises a coordinating Executive Committee, a political-military implementation plan, rehearsals, and an after-action review (Presidential Decision Directive 56 1997). The institutions the Directive established reportedly led to much-improved operations for President Clinton's last stabilization and reconstruction mission, in Kosovo (Forman 2013: 4).

In contrast, President Bush was initially skeptical of the Clinton administration's reforms and its efforts at 'nation building.' During the 2000 campaign, then-Governor Bush stated that, 'I don't think our troops ought to be used for what's called nation-building' (The American Presidency Project 2000). Condoleezza Rice commented that, 'we don't need to have the 82nd Airborne escorting kids to kindergarten' (Dobbins 2014).

But September 11 changed President Bush's perspective on nation building in general. And three years later, the chaos of post-invasion Iraq spurred all of Washington, including the Bush administration, to rethink the government's stabilization and reconstruction bureaucracy specifically. Several prominent think tanks published proposals on the subject (Serafino 2009: 5–6).<sup>5</sup> They clustered around four broad ideas:

- Opening an office (most likely in the State Department) to plan and coordinate stabilization and reconstruction operations (Weinstein 2004: 31).
- Establishing a civilian response corps to deploy quickly into post-conflict environments.
- Creating a reserve fund, from millions to a billion dollars, to support such operations (Weinstein 2004: 4).
- Appointing a director at the National Security Council to support inter-agency strategy development for prevention and planning (CSIS 2003: 11).

Not long after, in February 2004, Senators Richard Lugar (Republican) and Joe Biden (Democrat) introduced legislation that largely

mirrored the think tanks' recommendations. It would have established and funded an Office for Stabilization and Reconstruction, created an Emergency Response Readiness Force, and reserved a response fund to support their work (Serafino 2009: 7). The Senate Foreign Relations Committee approved the bill unanimously (Senate Report (108–247) 2004). The bill never came to a vote, however, reportedly because of a hold Senator Tom Coburn put on the proposal (S. 2127 (108) 2004).

But momentum for the idea was strong, both outside and inside the Bush Administration. When the Senate failed to pass the Lugar-Biden bill, Secretary of State Colin Powell created the office under his own authority (Serafino 2009: 8). He named it the Office of the Coordinator for Reconstruction and Stabilization, or 'S/CRS.' The 'S' in the acronym was a powerful one, indicating that the Coordinator sat within the Office of the Secretary of State. He appointed Carlos Pascual, a former ambassador, to be the office's first Coordinator (Pascual 2004). As will be discussed below, Congress later blessed Secretary Powell's action through the Consolidated Appropriations Act for FY2005.

Thus President Bush effected a dramatic turnaround, embracing ideas on nation building that he once rejected. In doing so, he pushed through changes in the foreign policy bureaucracy as large, or potentially larger, than President Clinton had before him. Yet he did so without congressional approval or support from the State Department bureaucracy. He and his administration also did so without apparently questioning some fundamental assumptions: that it was feasible for civilians to operate without military protection, that it was desirable for the State Department to have a permanent body of expertise that mostly 'sat on the shelf,' and most fundamentally, that the U.S. would conduct more nation building mission. As will be seen, despite some limited successes, for these reasons S/CRS was disadvantaged in very serious ways from its birth.

### **S/CRS's successes**

S/CRS's life was a troubled one, though the office had a few bureaucratic successes in its lifetime. First, it established nominal interagency control over stabilization and reconstruction coordination. In December 2005, President Bush issued National Security Presidential Directive 44 (NSPD-44) (Serafino 2009: 9). The document formalized S/CRS's role in coordinating interagency responses to stabilization and reconstruction projects. NSPD-44 designated the Secretary of State to lead stabilization and reconstruction activities, who in turn delegated this responsibility to the Coordinator of S/CRS (NSPD-44 2005). The directive also added conflict prevention to S/CRS's responsibilities, expanding the office's powers beyond its initial mandate (GAO-08–39 2007).

S/CRS also successfully established an 'Interagency Management System' for stabilization and reconstruction crises (Smith, Jr. 2010). Under the system, in cases of anticipated or ongoing crisis, the President, with the Secretaries of State and Defense, would establish a 'Country Reconstruction and Stabilization Group.' The group would be co-chaired by the S/CRS Coordinator, the N.S.C. Senior Director for the region, and the regional Assistant Secretary at the State Department. Once the group had developed a plan to address the crisis, an 'Advance Civilian Team' would be sent to the country to implement it. However, as will be discussed later, S/CRS's planning was overtaken by events. No such group was ever established after the creation of the Interagency Management System, and no advance team ever dispatched (Smith, Jr. 2010: 91). Crises in Iraq and Afghanistan would continue to be addressed outside these formal channels.

Finally, S/CRS created the Planning Framework for Stabilization, Reconstruction and Conflict Transformation (U.S. Joint Forces Command 2005). The document was an attempt to codify stabilization and reconstruction best practices. It gave practitioners templates for plans, budgets, timelines, as

well as tips on developing and evaluating intervention strategies. Some military training schools apparently used the framework (Smith, Jr. 2010: 86). And U.S. embassies and regional combatant commands used a complementary 'Essential Tasks Matrix' (Smith, Jr. 2010: 86).

### **S/CRS's failures**

But S/CRS's successes were overshadowed by the office's failures. It lost bureaucratic turf battles with the State Department's other bureaus and with USAID. It proved unable to staff its Civilian Response Corps. And, whether because of bureaucratic politics or just event-driven pragmatics, it was pushed aside in planning on Iraq and Afghanistan.

According to one commentator, the State Department's bureaucracy had an 'autoimmune response' against S/CRS.<sup>6</sup> Whether or not the State Department's regional bureaus had the capacity to take on S/CRS's work, they saw the new office's mandate as conflicting with theirs. As discussed above, NSPD-44 gave S/CRS nominal coordinating authority over stabilization and reconstruction. But the official *Foreign Affairs Manual*, the document that describes the functions of the State Department, designates country directors, not S/CRS, as 'the single focus of responsibility for leadership and coordination...activities concerning his or [her] country or countries of assignment' (U.S. Department of State).

In other words, the mandate the President gave S/CRS through his Directive contradicted the operating documents of the State Department. The problem was compounded by the fact that NSPD-44 authorized but did not mandate the Secretary of State to delegate coordinating authority to the head of S/CRS (NSPD-44 2005).<sup>7</sup> Nor did the Presidential Directive clearly announce that it controlled over other documents. Rather, NSPD-44 simply directed the Secretary of State to 'Resolve relevant policy, program, and funding disputes among United States Government Departments and Agencies...' (NSPD-44 2005).

It was within the power of the Secretary of State to assert S/CRS's control and resolve this legalistic dispute. But apparently, neither Secretary Powell nor Rice did. Thus the document, which nominally gave stabilization and reconstruction coordinating control to S/CRS, virtually guaranteed a major bureaucratic turf war with the rest of the State Department.

In fighting this overlap, the regional bureaus effectively boxed S/CRS out of a coordinating role. In 2005 Secretary Rice asked S/CRS to coordinate the Department's work on the growing crisis in Sudan (Bensahel et al 2009: 37). S/CRS briefly organized a Country Reconstruction and Stabilization Group. But the Bureau of African Affairs had already established a competing Policy Coordinating Committee on Sudan. The regional bureau had the established contacts in the country and a first mover's advantage. S/CRS eventually had to drop its Stabilization Group and join African Affairs' Coordinating Committee (Bensahel et al 2009: 37). S/CRS was similarly blocked in its efforts to get involved in Lebanon. The instability in the country after the assassination of Rafik Hariri seemed precisely the sort of crisis for which S/CRS was designed to address. But both the Bureau of Near Eastern Affairs and the Office of U.S. Foreign Assistance Resources objected to its involvement (Smith, Jr. 2010: 89). There, as in Sudan, S/CRS was forced to the sidelines.

S/CRS's mandate also conflicted with that of the Department's functional bureaus. The Bureau of International Narcotics and Law Enforcement objected to S/CRS's control over police training (Smith, Jr. 2010: 85). And the Bureau of Political-Military Affairs objected to its attempted control over counter-insurgency contingency planning (Smith, Jr. 2010: 85).

But the greatest area of conflict was with USAID. There, the Office of Transition Initiatives and Office of Foreign Disaster Assistance, as well as the Office of Conflict Management and Mitigation and the Disaster Assistance Response Team program all overlapped in various ways with S/CRS's



mandate (Williams and Adams 2008; Smith, Jr. 2010: 85). Further, the State Department and USAID were structured in very different ways that gave advantage to the latter. The State Department was not and is not staffed to take on significant operational tasks.<sup>8</sup> It is organized around the work of reporting, representing, and negotiating with other governments. USAID in contrast, was created specifically to do development and emergency response work. Though it has lost many of its expert staff (Unger et al 2010: 8) and has come increasingly to rely on contractors to do its work,<sup>9</sup> it is still the default civilian office for program implementation abroad. According to one former S/CRS staffer, USAID really did not believe in a 'whole of government' approach to stabilization and reconstruction. Essentially, this was a task for which USAID believed it alone was prepared to manage.<sup>10</sup>

Thus USAID saw S/CRS as an intrusion on its territory, and worked to stop it. It reportedly refused to participate in war games with S/CRS and the military combatant commands<sup>11</sup> and much more seriously, tried to have the entire office killed when Carlos Pascual, the first Coordinator, stepped down (Smith, Jr. 2010: 88–89). It drew S/CRS into protracted (and in retrospect, low stakes) fights, such as whether or not to declassify a list of states at risk for conflict (Smith, Jr. 2010: 85). And as will be discussed in more detail below, it effectively redirected congressional funds requested for S/CRS to its own office. In short, USAID proved to be one of S/CRS's fiercest, most determined, and most effective bureaucratic opponents.

Independent of all the bureaucratic infighting, S/CRS struggled to staff up a Civilian Response Corps, the group of full and part-time staff who could deploy to conflict environments on short notice. In its original formulation, the Corps was to have three tranches. The first, the 'Active Component' would be made of civilians drawn primarily from the State Department and USAID. The second, the 'Standby Component' would be

reservists whose day jobs were in federal civilian agencies. The third, the 'Reserve Component' would be composed of civilians from state and local government, NGO's and the private sector (Smith, Jr. 2010: 97–98). The Active Component was to have 250 members, and the Standby and Reserve Components 2,000 members each (Serafino 2009: 14–15). S/CRS established the Active Component of the Civilian Response Corps in 2006. But two years later, the office had recruited just ten members into the Corps, or less than 5 per cent of the original target (Smith, Jr. 2010: 97). And S/CRS failed entirely to staff up its Reserve Component (Smith, Jr. 2010: 98).

For those S/CRS did recruit, the office offered little in the way of training or preparation. Its program at the National Foreign Affairs Training Center consisted of a single five-day course. And while participants were to return annually for additional training, this requirement was not well enforced (Smith, Jr. 2010: 98–99). Even basic support infrastructure was a struggle. When S/CRS tried to outfit Corps members with Kevlar vests and provide transportation for outside embassies, the State Department's Undersecretary for Management refused to fund it.<sup>12</sup>

Finally, S/CRS was never involved in civilian operations in Iraq and Afghanistan. Even after the Bush administration created S/CRS, one-off coordinating bodies continued to manage civilian efforts there (Unger et al 2010: 29). In Iraq, civilian stabilization and reconstruction was run through 'Provincial Reconstruction Teams,' mixed groups of State, USAID, Defense, and other government employees (Perito 2007). S/CRS played no role in organizing these groups. In Afghanistan, S/CRS was similarly pushed aside. Richard Holbrooke's office as Special Representative for Afghanistan and Pakistan managed the civilian surge there.<sup>13</sup> And while Holbrooke expressed initial interest in working with S/CRS, he reportedly found the money to run the surge himself through the South and Central Asian Affairs Bureau.

Holbrooke thus staffed the operation with contractors, leaving no role for S/CRS to play.<sup>14</sup> Not all of this was bureaucratic politics. Much depended on the pragmatic considerations of decisions made quickly, the cultural fits between offices, and chance. But the result was the same: S/CRS played little role in the wars in Iraq and Afghanistan.

All these failures can to some degree be understood in isolation. But in many ways, such shortcomings in the bureaucracy are the result of earlier challenges in Congress. The failure to authorize and fund S/CRS in a timely manner caused many of these bureaucratic problems months or even years later.

### **S/CRS's history in Congress**

S/CRS's supporters struggled to get the office authorized and appropriated in Congress. And the funds the office finally received were in large part divided with USAID or funneled through the Defense Department. As a result, it was hard and time-consuming for S/CRS to spend money on stabilization and reconstruction projects.

Between 2004 and 2008, four bills in the Senate and eight in the House were introduced to authorize an office for stabilization and reconstruction (Serafino 2009). Richard Lugar and Joe Biden led the effort in the Senate. In 2004, 2005, and 2006, they introduced variations on the 'Stabilization and Reconstruction Civilian Management Act,' each time with an ever-widening list of co-sponsors (Serafino 2009: 7). In 2004 the Foreign Relations Committee, as mentioned above, voted unanimously to report the bill favorably to the full Senate. Tom Coburn, however, a deficit hawk and an eventual opponent of the Iraq war, put a hold on the bill. In 2005 the Act never made it out of committee (S. 209 (109) 2005). And in 2006 it passed by unanimous consent, but died in the House (Serafino 2009: 8).<sup>15</sup>

In the House, Representatives David Dreier, Sam Farr, Henry Hyde, and Adam Schiff, along with various co-sponsors, each introduced legislation on stabilization and

reconstruction reform. For the most part, their efforts failed (Serafino 2009: 7–8; H.R. 3996 (108) 2004).

In 2004, however, Congress was able to give S/CRS preliminary authorization through the Consolidated Appropriations Act (P.L. 108–447: Section 408). There, Congress effectively endorsed Secretary Powell's unilateral action to establish S/CRS earlier in the year. The Act authorized the Office and the position of Coordinator reporting to the Secretary of State. It also defined six functions of the office around monitoring and planning for potential crises. Importantly, however, the bill did not authorize either a civilian response corps or a stabilization fund. These were critical components of S/CRS that would turn the office from a mere coordinating body into an operational one. In 2008 Representative Farr, who had supported S/CRS since its inception, managed to incorporate broader authorizing legislation into the FY2009 National Defense Authorization Act (NDAA) (Serafino 2009: 8). The NDAA was 'must pass' legislation with a military, not domestic, focus. Through it, S/CRS's advocates were able to authorize both the stabilization fund and the Response Corps, at least for two years.<sup>16</sup>

After authorizing S/CRS, however, Congress similarly struggled to fund it. For fiscal year 2009, President Bush requested nearly US\$250 million for the Civilian Response Corps. He received just US\$140 million. For fiscal year 2010 President Obama requested US\$323 million for the program. He received less than half that (Unger et al 2010: 6–7). And while Congress expressed some willingness to fund the active and standby components of the Response Corps, it refused to fund the reserve component entirely (Serafino 2009: 28). In short, even with the statutory authority to run the Corps, S/CRS never had the stable funding to make it anything more than a pilot operation.

Congress was similarly reluctant to resource S/CRS's stabilization fund. Instead, due to its deeper relations in Congress,

USAID often received money that both the Bush and Obama administrations requested for S/CRS. For fiscal year 2006, President Bush requested US\$100 million for the fund. Congress rejected him entirely (Smith, Jr. 2010: 86). In 2008 Congress gave US\$55 million to the program. But importantly, it divided the funds between S/CRS and USAID: US\$30 million of the funds went to the State Department, and US\$25 million of the funds went to USAID (Farr 2014). S/CRS had control over this latter pool. The process of dividing appropriations between S/CRS and USAID continued into fiscal years 2009 and 2010 (Farr 2014). It also continued into the next administration. When the Obama administration specifically asked to transfer money from a 'Stabilization Bridge Funds' account to one that S/CRS controlled, Congress instead gave the money to an account controlled by USAID (Serafino 2009: 18). Perhaps if either Secretary Rice or Clinton had had greater control over their own bureaucracies, they would have been able to stop this. But the result was that when Presidents sought to support S/CRS with stable funding, Congress often gave the money to the office's strongest bureaucratic opponent.

Clearly Congress was reluctant to fund civilian stabilization and reconstruction operations, especially those run out of the State Department. The Bush administration in response worked around this by pushing for authorization to transfer funds from the Defense Department to State. Section 1207 of the 2006 National Defense Authorization Act allowed precisely that: it let the Secretary of Defense give up to US\$100 million to the Secretary of State to support civilian stabilization and reconstruction activities (Unger et al 2010: 49). This, it was hoped, would allow the President to circumvent Congress and finally adequately fund S/CRS.

Section 1207 funds were potentially transformative. With control over US\$100 million which it could distribute throughout the State Department, S/CRS had newfound relevance in the foreign policy bureaucracy.

But the first year of the program was lost due to lack of awareness within the State Department, confusion about how bureaus could apply for Section 1207 grants, and conflicts between USAID and State about who controlled the money (Perito 2008). By the end of the 2006 fiscal year, the Defense Department accepted only one proposal: US\$10 million dollars to assist with training Lebanese security forces and removing unexploded ordnance. US\$90 million was left unspent. In 2008, S/CRS did slightly better at advertising the funds within the State Department. But bureaucratic turf battles continued to cripple the project. And importantly, the Section 1207 funds were authorized but not reserved. That meant that the Defense Department needed to decide to fund Section 1207 programs over other projects in its US\$150 billion account for operations and management. In fiscal year 2007, Defense held off on approving any Section 1207 applications until the end of the year, in order to make sure more urgent needs did not come up. This resulted in serious delays for program applicants, and led to a yearlong lag from the time a proposal was submitted until it was approved and finally released to a specific regional bureau (Peritor 2008: 6–7).

Thus Congress was slow to give S/CRS a full mandate, and even slower to fund it. When it did, Congress often divided funds between S/CRS and its bureaucratic opponents, or tied it up with the Defense Department in ways that dramatically slowed its operations.

### **Why Congressional authorization and appropriations proved so challenging**

As the above discussion should make clear, S/CRS struggled to get authorized and funded by Congress. This is surprising. Congress frequently uses bureaucratic reorganizations to wrest some control over agencies and departments from the President (Cuéllar 2013).<sup>17</sup> Creating S/CRS would have taken power away from the regional bureaus (over which Congress had little control) and placed it in the Secretariat's (over which Congress had



more). Further, the opportunity for new authorizations would have opened new opportunities to exert control over State Department policy (Wilson 1991: 243–244). To be sure, there were factors that cut in the other direction: a new Assistant Secretary position would have given the President additional powers over personnel, for example, potentially undercutting Congress. But on the whole, the new office would have likely been a power gain for the legislative branch.

Despite these potential advantages, however, there were at least four practical reasons why S/CRS struggled in Congress. The office never had the strong backing of Secretary Rice. It was outmaneuvered and undermined by USAID. It lacked a natural domestic constituency. And it suffered from a congressional bias against civilian-led foreign operations.

The Bush administration publicly supported S/CRS's work. Secretary Rice spoke highly of the office, calling it an example of what she referred to as 'transformative diplomacy.'<sup>18</sup> Secretary of Defense Robert Gates similarly praised the general effort, saying that there was 'no replacement for...civilian involvement and expertise' in post-conflict environments (Gates 2007).

But, within the State Department, S/CRS never had sufficient backing to overcome bureaucratic inertia. Reportedly Secretary Rice did not fight cuts to S/CRS from the Office of Management and Budget, nor did she lobby senators wary of funding the office (Smith, Jr. 2010: 103). According to one of S/CRS's chief advocates in the House, the administration's effort was therefore 'insufficient to gain momentum for Congress' (Farr 2014: 23). None of this is to suggest hypocrisy on the part of Secretary Rice. Given the enormous budget needs facing the State Department during the Iraq and Afghan wars, she may have chosen her fights wisely. And more generally, Secretary Rice, like all her predecessors, did not have complete control over the State Department's bureaucracy, and so

could not stop infighting or undercutting on Capitol Hill. The result, however, was that the office never had a higher power to protect it from bureaucratic and budgetary battles.

At the same time, S/CRS was repeatedly outmaneuvered by USAID in congressional negotiations. USAID had long-established relationships with Congress; S/CRS did not. In fact, until 2008 the office did not even have a formally designated congressional liaison (Smith, Jr. 2010: 96). This proved to be an enormous blunder for S/CRS. As mentioned above, USAID was able to use its connections to appropriate for itself budget requests the President made for S/CRS. It was also able to block funding to S/CRS entirely. Congress refused to fund the Reserve Corps reportedly in part because of USAID's influence over Representative James Kolbe, the relevant subcommittee chair (Smith, Jr. 2010: 252). That USAID was able to keep S/CRS from being funded in Congress gave it enormous advantages in later bureaucratic turf wars.

S/CRS also lacked natural domestic advocates. Representatives reported that their constituents did not care about stabilization and reconstruction (Farr 2014: 23). Most Americans did not believe that nation building projects were inevitable (Lamb et al 2013). To the extent that they did, they did not see a problem with existing levels of civilian support (Lamb et al 2013; Forman 2013: 1). Further, around the time of S/CRS's formal authorization, experts began to question the strategic relevance of weak and failed states (Serafino 2009: 5). And in popular political debate, citizens increasingly questioned America's ability to change such countries. In short, the intellectual underpinnings of intervention, as well as popular support for them, fell apart precisely while S/CRS was being stood up. This made it ever harder for the office to find support in Congress.

A related point is that shifting public opinion affected congressional perceptions of the Bush administration as a whole. As the war in Iraq faltered, so too did congressional trust in the President. In particular, Congressmen

and women were reluctant to fund S/CRS's stabilization account, which they feared the Bush administration would treat as a slush fund.<sup>19</sup> They were instead far more likely to contribute to USAID, which had a track record that they could review.<sup>20</sup>

Finally, S/CRS suffered from a bias against civilian-led and for military-led foreign operations. As discussed above, advocates in Congress were only able to authorize S/CRS as part of the National Defense Authorization Act. And they were only able to fund the program by funneling money through the Defense Department. The result was a significant delay in authorization and an added layer of bureaucracy in S/CRS's funding that slowed the process by which money was eventually distributed. Together, all these factors made S/CRS's failure within the bureaucracy a near inevitability.

### **What impact Congress had on S/CRS**

Much of the existing literature on S/CRS has focused on the bureaucratic fights it lost. Little has been said about how S/CRS's fights in Congress affected its status in the bureaucracy. In fact, S/CRS's struggle for authorization and appropriations in Congress more or less doomed it to irrelevance within the State Department.

As discussed above, Congress's delay in authorizing S/CRS forced Secretary Powell to act on his own authority. This strategy had three limitations. First, the office could only be created on a temporary basis: five years at the most.<sup>21</sup> Second, the office's head could only be a Director, not a more prestigious and powerful Assistant Secretary, which would have required Senate confirmation.<sup>22</sup> And finally, the office could only draw on general funds at the Secretary's disposal. In other words, it had to compete against the Secretary's many other priorities. These factors weakened S/CRS's position relative to other offices within the State Department. Regional bureaus could reasonably see S/CRS as a temporary intruder. They were the ones who were here to stay.

Further, when Congress did finally authorize S/CRS, it did so in an ambiguous manner that overlapped with other offices' mandates. In 2004 Congress gave the office authority to plan for and coordinate responses to developing crises.<sup>23</sup> This, like NSPD-44 mentioned above, conflicted with the regional bureaus' mandates as established in the *Foreign Affairs Manual*. It also conflicted with the mandate of USAID's Office of Transition Initiatives. Congress empowered S/CRS with a broad mandate. But by failing to make it an exclusive mandate, Congress ensured that S/CRS would be drawn into bureaucratic fights with other parts of the Executive

By failing to fund S/CRS commensurate with its mandate, Congress virtually guaranteed that the office would lose its bureaucratic fights within State and with USAID. As one former S/CRS staff member put it, the mandate the office got was enormous, and far larger than their budget could support.<sup>24</sup> The hope was that the funding would follow the mandate. But this never happened. As a result, S/CRS was charged with inter-agency policy coordination and implementation, but lacked the resources to carry out that function, or to get the respect of other offices. Without ability to control a significant stabilization and reconstruction budget, S/CRS's *de jure* coordination responsibilities offered little actual help.<sup>25</sup> It is little wonder then that many interagency partners saw S/CRS's planning process as 'cumbersome' and 'time consuming' (GAO-08-39: 6). And little wonder too that S/CRS was often pushed aside by other parts of the bureaucracy.

When Congress did finally fund S/CRS, it did so in ways that significantly constrained the office's power. The Section 1207 funds funneled through the Defense Department provided an enormous boost to S/CRS. But it was Defense's money to spend, and officials there were the ultimate decision-makers. This meant less money was ultimately disbursed, and with less urgency, than if the money had been appropriated to S/CRS directly. This almost certainly constrained the office

within the bureaucracy and reduced its leverage over other bureaus.

Thus delays in authorization and appropriations, overlapping mandates and significant funding constraints all hobbled S/CRS. In this way, the bureaucratic fights the office fought and lost can in large part be explained by its failure in Congress months or even years before.

There is however, one way in which the office could have overcome these congressionally-imposed wounds: sustained attention from the Secretary of State. Secretary Powell, however, created S/CRS in the last months of his tenure. And Under Secretary of State Richard Armitage, who had been a strong advocate for the office, left when Powell did (Smith, Jr. 2010: 88). As mentioned above, Secretary Rice often referenced S/CRS in public speeches, but according to observers within the State Department, rarely made it a priority. Never in its bureaucratic turf wars was S/CRS speaking for the Secretary. And so without an exclusive mandate, without sufficient funding, and without senior executive access, S/CRS was almost certain to fail.

Ultimately, however, the office was killed through the Quadrennial Diplomacy and Development Review (QDDR) process in the Obama administration. The QDDR was an attempt to develop a unified diplomatic plan for the U.S., analogous the Defense Department's Quadrennial Defense Review program. According to Ambassador John Herbst, who ran S/CRS during the QDDR process, the new administration viewed S/CRS with a great deal of skepticism. As a holdover from the Bush administration, the office was perceived to have many of the problems of the old regime, including an enthusiasm for foreign intervention and a preference for unilateral action.<sup>26</sup> This was compounded by a budget crunch and a general perception that the U.S. would not get entangled in another operation like Afghanistan or Iraq.<sup>27</sup>

Through the QDDR process, S/CRS gave up on the Civilian Response Corps entirely.<sup>28</sup> It

was replaced by a smaller, cheaper 'Expert Corps' of technical officials willing but not required to deploy to stabilization crisis zones (Serafino 2009: 5). S/CRS also got a demotion: the office was moved from the Office of the Secretary and placed under the Under Secretary for Civilian Security, Democracy, and Human Rights (Hall 2010). It was renamed the Bureau of Conflict and Stabilization Operations (CSO), and in practice, it gave up on the idea of a whole-of-government approach to stabilization and reconstruction (Serafino 2012). CSO now seeks to provide 'small-scale, targeted assistance' (Serafino 2012: 4). The office focuses on small operational programs: community-based approaches to landmine removal in Burma, dialogue promotion in Kenya, and networking and communications support for Syrian civilian opposition groups (Serafino 2012: 6). And despite these changes, funding problems remain. CSO has regularly received 'considerably less' money than requested (Serafino 2012: 8).

In short, while the State Department continues to make gestures towards reconstruction and stabilization, the original dream of S/CRS—coordinated, large-scale interagency civilian responses to stabilization and reconstruction—has died. It has been replaced by something more targeted and perhaps more likely to succeed, but also something far less ambitious.

## Conclusion

To review, the U.S. Congress failed to promptly authorize and appropriate S/CRS for four reasons. It never had sufficient backing from Secretary Rice. It was undermined by USAID in its congressional negotiations. It had no domestic constituency advocating for it. And it suffered from a bias against civilian-led foreign operations.

By failing to authorize or appropriate S/CRS clearly or sufficiently, Congress more or less doomed the office to irrelevance. This all helps to explain S/CRS's failure within the U.S. government. But it also begins to answer

a broader question, namely, what kind of foreign policy projects are the U.S. willing to take on.

First, to the extent the U.S. will take on new foreign policy projects, they will be with the consent of Congress. Much has been written about Congress's abdication of responsibility on foreign affairs, particularly when it comes to matters of war and peace (Ornstein and Mann 2006). True, the last time the U.S. Congress declared war, it was against Romania in 1942. But the political calculus that has made Congress reluctant to weigh in on combat play out differently when it comes to authorizing and appropriating foreign policy programs. By necessity Congress must play a role in this area, unless by failing to pass appropriating legislation it hopes to shut the State and Defense Departments down (no longer an impossibility). S/CRS's initial weakness by birth through executive action demonstrates that major foreign policy projects cannot be undertaken without congressional authorization, at least not if they are going to be adequately funded.

Second, to the extent the U.S. will take on more stabilization and reconstruction projects specifically, we will do so increasingly through the Defense Department. This is consistent with two larger historical trends: the gradual contraction of State Department power and the enlargement of Defense Department power.

Across functions, the State Department has proven ill-equipped for handling operational responsibilities, as opposed to reporting and negotiating ones. At its core, State Department staff view their task as diplomacy, not project management, and they are poorly equipped to handle the latter (Wilson 1991: 243–244). This was a challenge experts recognized from the beginning of the debate over S/CRS, but one the office was unable to overcome.<sup>29</sup> Further, the State Department is also becoming increasingly risk-adverse. The attack on the U.S. embassy in Benghazi and the political crisis that it has engendered has only accelerated this trend. This makes it difficult to send State Department officials into

dangerous environments in need of stabilization and reconstruction support.

At the same time, while the military has been a strong advocate for civilian control in stabilization and reconstruction, it has increasingly taken on these operations in the absence of State Department capacity.<sup>30</sup> In 2005, the Defense Department issued a directive making stability operations a core military function (DOD 2005). It also established the Commanders Emergency Response Program: a fund for senior military leaders to support development and humanitarian activities (Dobbins 2014: 56). The Defense Department also began to integrate development and diplomacy operations into its combatant commands, most notably in AFRICOM (Unger et al 2010). The military is thus building the capacity to take on stabilization and reconstruction tasks in a way that the State Department currently is not.

Further, the military is more professional and more insular than ever before, and that has an effect on how Congress treats it. In 1971, 73 per cent of Congressmen and women had served in the military. In 2013, just 22 per cent had (Eikenberry 2013). The result is that Congress is reluctant to engage with, and even less likely to challenge, senior military leadership (Eikenberry 2013). Thus to the extent that the military chooses to engage in stabilization and reconstruction missions, Congress is unlikely to question that choice.

In sum, the failure of S/CRS will likely mean that ever more stabilization and reconstruction services will be handled by the Defense Department. In discussing the challenges of the Civilian Response Corps, Senator Lugar, one of the original architects of the office, predicted precisely that: 'If the problems on the civilian side of crisis management cannot be solved, I think we will begin to see a realignment of authorities between the Departments of Defense and State' (Lugar 2014). This shift in power may shift the very nature of these missions, but that is the subject for another essay.

There are a few lessons for Congress in this history. If an office like S/CRS is ever to

succeed, it will need both clear authorizations and sufficient appropriations. Congress should demand a detailed implementation plan to overcome organizational resistance. And any authorizing legislation it passes should address, rather than obfuscate, tensions with existing bureaucracies.

But all this assumes that America will someday conduct stabilization and reconstruction operations again. Is that the case? The perception common both to the public and to Congress is that the U.S. does not do nation building, and even if it was something we did in the past, it is not something that we do anymore. The problem is that this was the perception after Somalia, after Bosnia, after Afghanistan, and after Iraq. As James Dobbins, another early supporter of S/CRS put it, 'successive administrations have treated each new mission as if it were the first and, more importantly, as if it were the last.'

History suggests that for all its opposition, the U.S. will probably conduct stabilization and reconstruction operations again at some point in the future. The partition of Syria, the collapse of eastern Iraq, the overthrow of the Ayatollah in Iran or the King in Saudi Arabia: all these crises could prompt U.S. policymakers to decide that stabilization and reconstruction operations are necessary to protecting national interests. If they do, despite all our best intentions, the U.S. will engage in yet another stabilization and reconstruction project. It was the mission of S/CRS—a mission no government office currently holds—that we do such projects well.

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### Notes

<sup>1</sup> For a general description of these services, see Bensahel et al 2009: 14–19.

<sup>2</sup> This opinion was not universally shared, even within the Bush administration. In

early 2003, Secretary of Defense Rumsfeld rejected that the U.S. was engaged in 'nation building' in Afghanistan (Rumsfeld 2003).

<sup>3</sup> For a general discussion on the legal challenges of setting up a securities exchange, see Black 2001.

<sup>4</sup> There are exceptions to this. Arguably like Japan, West Germany, South Korea and Taiwan all recovered from relationship-driven rule to impersonal, decentralized government more quickly than that.

<sup>5</sup> According to Serafino 2009, these included the Center for Strategic and International Studies 2003, Murdock et al 2004, Binnendijk and Johnson 2003, Weinstein 2004, Perito et al 2004a and Perito et al 2004b.

<sup>6</sup> Interview with Robert Lamb, Director and Senior Fellow, Center for Strategic and International Studies (May 14, 2014).

<sup>7</sup> The directive states: '...the Secretary of State shall be responsible for the following functions and *may direct* the Coordinator for Reconstruction and Stabilization ('Coordinator') to assist the Secretary...' (emphasis added).

<sup>8</sup> Interview with Stephen Krasner (May 8, 2014).

<sup>9</sup> Interview with Robert Lamb, Director and Senior Fellow, Center for Strategic and International Studies (May 14, 2014).

<sup>10</sup> Interview with former S/CRS official (May 19, 2014).

<sup>11</sup> Interview with former S/CRS official (May 19, 2014).

<sup>12</sup> Interview with former S/CRS official (May 19, 2014).

<sup>13</sup> Interview with John E. Herbst, Director, Center for Complex Operations, National Defense University (November 21, 2103).

<sup>14</sup> Interview with John E. Herbst, Director, Center for Complex Operations, National Defense University (November 21, 2103).

<sup>15</sup> That same year Senators Lugar and Biden attached the proposal as an amendment to the Foreign Relations Authorization Act, but it too failed.



- <sup>16</sup> Permanent authority for the office had to wait until Congress amended the State Department Basic Authorities Act of 1956 (Serafino 2009: 10).
- <sup>17</sup> Congress designed the Social Security Review Board so as to undermine Presidential control of it.
- <sup>18</sup> Interview with former S/CRS official (May 19, 2014); See also: 'It is difficult to generate enthusiasm for policies that appear to be little more than great rhetoric with shallow follow-through' (Farr 2014: 21).
- <sup>19</sup> Interview with former S/CRS official (May 19, 2014).
- <sup>20</sup> Interview with former S/CRS official (May 19, 2014).
- <sup>21</sup> In announcing the office, the State Department gave no justification for how it was legally established. If, however, the office was established pursuant to the President's 5 U.S.C. § 3161 powers, the temporary office could only exist for at most five years.
- <sup>22</sup> See 22 U.S.C.A. 2651a.
- <sup>23</sup> See P.L. 108-447 § 408.
- <sup>24</sup> Interview with former S/CRS official (May 19, 2014).
- <sup>25</sup> Interview with Robert Lamb, Director and Senior Fellow, Center for Strategic and International Studies (May 14, 2014).
- <sup>26</sup> Interview with John E. Herbst Interview, Director, Center for Complex Operations, National Defense University (November 21, 2103).
- <sup>27</sup> Interview with John E. Herbst Interview, Director, Center for Complex Operations, National Defense University (November 21, 2103).
- <sup>28</sup> Interview with John E. Herbst Interview, Director, Center for Complex Operations, National Defense University (November 21, 2103).
- <sup>29</sup> 'Nation-building also requires the early mastery of both policy and program management. These two types of responsibility do not come together in most Foreign Service careers until one reaches the Deputy Chief of Mission level' (Dobbins 2004).

- <sup>30</sup> General Richard Meyers said that creating S/CRS was 'an important step' (Serafino 2009: 8).

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