



District chief speaks to commander during shura at Afghan National Police station, Zabol Province

the 21st century. The purpose of this article is to highlight the security cooperation potential that organizations could use to meet our nation's capacity-building strategic objectives, identify shortfalls in doctrine and authorizations, and propose solutions.

Doctrine and Authorities Mismatch

The global nation-state system that was established by the Treaty of Westphalia in 1648 assumes that international action occurs solely through the state. Unfortunately, in today's security environment, violent nonstate actors are increasingly operating from ungoverned spaces, with an expanding capacity to threaten international security and stability. These destabilizing elements blur the traditional distinction between law enforcement and warfare and create a gray area between routine policing activities and international armed conflict. Hence the global system, which has worked so well for over 360 years, might fray if the international community allows terrorists to thrive in the unregulated areas within sovereign states' borders. The international community acknowledged the danger of these transnational actors in United Nations (UN) Security Council Resolution 1373, where it called on all states to deny safe haven to those committing or facilitating terrorist acts.¹ Unfortunately, not all states are able to govern the entirety of their territories, creating the strategic dilemma of combating adversaries within nations with which we are not at war.

Since the end of World War II, the United States has fulfilled the role of security capacity builder. President Barack Obama reaffirmed this role in the May 2010 National Security Strategy, which states that Washington will support new UN frameworks and capacities for countering transnational threats to include counterterrorism. Specifically for Iraq, the National Security Strategy provides the goals of denying al Qaeda safe haven and building a positive partnership with the government of Iraq.²

The U.S. Government began its war termination and transition from a DOD-led mission to a State Department-led mission with a Security Cooperation Organization (SCO) subordinate to the chief of mission as combat operations ended. Accordingly, the Office of Security Cooperation-Iraq (OSC-I)

Security Cooperation Doctrine and Authorities Closing the Gaps

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The challenges we face are more complex than ever, and so are the responses needed to meet them. That is why we are building a global architecture that reflects the realities of the 21st century.

—Former Secretary of State Hillary Clinton

Two factors shape all discussions on security cooperation. First, when the Department of Defense (DOD) revised its security cooperation doctrine, it did so assuming a relatively unrestricted environment. Second, the Arms Export Control Act and the Foreign Assistance Act, statutory authorities supporting U.S. security cooperation with foreign governments, were largely developed during the Cold

War. The former's broad construct does not fully account for statutory authorities and the constraints of fiscal resources while the latter does not account for current global realities. Taken in combination, these two conditions limit the ability of the United States to use security cooperation for achieving its objectives in fragile or failing states. The resulting disconnect creates varied policy interpretations and gaps that must be closed for effective security cooperation in

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stood up on October 1, 2011, 2^½ months prior to the withdrawal of U.S. forces in mid-December 2011. The OSC-I mission was to conduct security cooperation activities in order to build partner capacity in support of the developing strategic partnership with a stable, self-reliant, and regionally integrated Iraq. This mission fully supports the strategic vision described by the Commander in Chief in his “Responsibly Ending the War in Iraq” remarks at Camp Lejeune on February 27, 2009, and further endorses his letter on January 3, 2012, which served as the preface to *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense*. President Obama states in his letter, “In contrast to the murderous vision of violent extremists, we are joining with allies and partners around the world to build their capacity to promote security, prosperity, and human dignity.”³

As an SCO, OSC-I’s mission also nested well with DOD’s guidance, which stated, “Whenever possible, we will develop innovative, low-cost, and small-footprint approaches to achieve our security objectives, relying on exercises, rotational presence, and advisory capabilities.”⁴ But it is not enough for an SCO to integrate its mission with DOD; it must integrate with the State Department’s strategic plan because State executes foreign policy with DOD in a complementary, supporting role.

The State Department and U.S. Agency for International Development (USAID) strategic plan for fiscal years (FYs) 2007–2012 outlines how they planned to achieve U.S. strategic goals:

Responsible governments must be able to deal with threats within their own borders and address international problems in partnership with the United States and others. Through security cooperation, including arms transfers, we help partners develop the capability to operate with us and other like-minded nations to protect peace, restore security, and when necessary, to fight and win wars. We will develop and maintain effective security relationships with other countries and international organizations. We will build strong partnerships through robust political-military activities such as defense trade and export control regimes; arms control, nonproliferation, and disarmament agreements and verification protocols; international treaties, alliances, and burden-sharing agreements; security assistance programs; international

*exercises; and active confidence-building measures. We will build the capacity of partners to counter regional threats. We will support efforts to strengthen partner nations’ law enforcement, internal defense, and border and maritime security capabilities. We will support the professionalization and accountability of law enforcement institutions, including border security, and internal defense and military forces.*⁵

In order for DOD and the State Department to meet their objectives, the OSC-I strategic plan included four lines of effort. The first was to generate the Iraqi security forces (ISF) principally through the Foreign Military Sales program. The second was to train these forces both operationally and within the institutional training base.

The third was to build a professional ISF by developing its leaders through military education, ethics, doctrine, and lessons learned. The fourth was to facilitate Iraq’s reintegration into the region as a responsible security partner through U.S. Central Command’s regional exercise program.

This four-pronged strategy was designed to enable OSC-I to complete all of its security assistance and security cooperation tasks in support of the overall strategic goals of the United States. Yet outdated statutory authorities not designed for today’s operating environment hinder security cooperation doctrinal task implementation. This doctrine and authorities mismatch has impeded implementing necessary “ways and means” to achieve strategic ends.

DOD must analyze and more strictly define its security cooperation doctrine, which is presently spread over numerous publications, regulations, and manuals. DOD Directive 5132.03 defines *security cooperation* as “activities undertaken by the Department of Defense to encourage and enable international partners to work with the United States to achieve strategic objectives. It includes all DOD interactions with foreign *defense and security* establishments.”⁶ Joint Publication (JP) 1-02 defines *security cooperation* as “all Department of

Defense interactions with foreign *defense* establishments.”⁷ One quickly notices that the joint publication omits the phrase “and security” from its definition, which restricts security cooperation to a nation’s traditional military forces and excludes other security forces, such as federal police, which may also have a role in that nation’s defense.

Language modifications such as this appear minor, but they have large implications for OSC-I as it attempts to fulfill President Obama’s call to deny safe havens for al Qaeda and build strong, enduring partnerships. For instance, the Iraqi Counterterrorism Service (CTS) is a military force separate from Iraq’s Ministry of Defense. However, under joint doctrine, OSC-I is limited in its ability to support the CTS because legal authorities support JP 1-02’s narrower defi-

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inition, not the broader definition within the DOD Directive, which challenges OSC-I’s ability to equip, advise, and train a security force that is organized outside Iraq’s Ministry of Defense. This question of doctrinal responsibility further aggravates the debate about statutory authorities that will be highlighted shortly.

The Defense Institute of Security Assistance Management refers to *security cooperation* as “an umbrella term that is loosely defined and encompasses a variety of programs.”⁸ Those programs are not centrally managed. The most comprehensive list of security cooperation activities can be found in JP 3-22, *Foreign Internal Defense*, and the list finishes with the vague “other programs and activities.”⁹ Competing doctrine, subject to varied interpretations, adds to the confusion among DOD and State Department policymakers as they attempt to define OSC-I’s doctrinal responsibilities and its subsequent connection to legal authorities.

To resolve this issue, the first step would be for the Joint Staff to collate the doctrine for security cooperation activities into one comprehensive publication and assemble a team of defense professionals with experience in SCOs to analyze the doctrine to ensure it is consistent with law

and that it sufficiently supports the goals of the current national strategy. Once DOD has completely and definitively identified its doctrinal requirements, it can turn the doctrine over to the Under Secretary of Defense for Policy and DOD's General Counsel to determine if the current policies and laws authorize the tactics and procedures DOD needs to perform in order to achieve the strategic objectives, which brings us to the issue of gaps in the authorities.

Gaps

The second problem with security cooperation support involves inadequate existing legal authorities. The Arms Export Control Act and the Foreign Assistance Act, the main sources for OSC-I's Title 22 authorities, were both developed during the Cold War. They remain relevant for stable countries, but they are insufficient for security cooperation activities in fragile or failing states. Security cooperation activities in stable states support a materiel focus on force modernization. In fragile and failed

of the Ministry of Defense forces and outside the capabilities of the Ministry of Interior forces. Transnational terrorist groups can overwhelm traditional police forces, particularly a nascent internal security capability in an emerging democracy. This is especially true in Iraq, where groups such as al Qaeda in Iraq and Asaib Ahl al-Haq need to be met by a paramilitary internal security force. Iraq's burgeoning CTS requires training and equipping, and, as mentioned earlier, OSC-I and its predecessor organizations have been powerless to assist them without special legislative authority. While ISFF filled the void and bridged this statutory gap, a long-term solution would best support SCOs and U.S. strategic goals.

Absent ISFF or other special authorities, all OSC-I training and advisory missions involving uniformed military personnel would cease. This fact reflects the inadequacies of the current statutory authorities, which support a robust security assistance program with Foreign Military Sales as its cornerstone but do not support

To avert segmentation in U.S. support caused by a gap in the 2012 special authorities, DOD responded by authorizing the use of the Combatant Commander Initiative Fund (CCIF) to continue the training program, which was intended as a short-term solution until Congress passed the National Defense Authorization Act of 2013. The use of CCIF allowed the continuation of the OSC-I training mission, but at the cost of approximately 20 percent of OSC-I personnel because using the CCIF did not permit as broad a training mission as authorized under the ISFF. Moreover, there is a statutory limit of \$5 million that may be used to train foreign military forces worldwide. Through hard work, unsung professionals within DOD, U.S. Central Command, and OSC-I temporarily resolved the problem, but this was yet another example of a temporary authority providing short-term relief to a systemic problem. A full-time solution is needed. Since the Arms Export Control Act and Foreign Assistance Act cannot meet America's 21st-century postconflict requirements, we must develop legislation that enables SCOs to meet the future challenges that face our nation. Said another way, Congress needs to rewrite these statutes in keeping with the new global paradigm. The June 2011 National Strategy for Counterterrorism describes this solution. It states that the U.S. legal framework must "maintain sufficient flexibility to adjust to the changing threat and environment."¹⁰ Today it does not.

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states, force modernization is not enough. Those states require an SCO empowered to implement the force generation model to rebuild their military institutions. In recognition of this fact, Congress passed the Iraq Security Forces Fund (ISFF) in 2006, which authorized U.S. forces to train and assist the ISF, which include counterterrorism forces, conventional military forces, and federal police. ISFF was the only authority that allowed OSC-I to complete all of the security cooperation tasks needed to produce President Obama's vision for Iraq, but regrettably it expired in September 2012 before all the strategic objectives were reached and an adequate follow-on authority could be legislated.

An additional complaint concerning the existing legal authorities is the statutory distinction between the Ministries of Interior and Defense and internal and external security, which has not kept pace with the realities of the global environment. Many transnational actors with malicious intent operate in gray areas outside the legal reach

an enduring security cooperation program partnered with a frontline state. The failure of Congress to pass the National Defense Authorization Act before the end of FY12 was an additional inhibiting factor, as the interim Continuing Resolution did not provide the authorities needed for OSC-I to continue its security cooperation mission. This reflects another limitation to the reliance on special congressional authorities, which require annual congressional debate and renewal. Furthermore, both DOD and State have expressed a reluctance to bring the special authorities argument to Congress year after year. If the debate and approval process is accomplished in a seamless and timely manner, it does not hamper security cooperation or security assistance activities and may even be beneficial; however, if they are not completed in an expeditious manner, security assistance programs could suffer breaks in service and security cooperation missions could be fragmented. Either effect could signal a wavering commitment to our partners, reducing mutual trust.

Blurred Title 10 and Title 22 Distinction

The third problem with today's security cooperation support is the misconception that the Foreign Military Sales program, under the auspice of the Title 22 security assistance mission, can continue to serve as the cornerstone of our allied partnerships. That was true for our support of Cold War allies who already had functioning governments and military forces, but no longer. Today, the United States finds itself engaged with failed and fragile frontline states that lack established government institutions and robust military capabilities. Such states require the full weight of a security cooperation program encompassing both Title 10 and Title 22 provisions to generate forces and build military institutions that embody a professional ethos and are imbued with democratic values, are respectful of indi-



U.S. Navy (Nathan Potter)

Liberian coast guardsman discusses operations with U.S. Navy officer during exercise Saharan Express 2012 at counternarcotics and maritime security interagency operations center in Praia, Cape Verde

vidual and human rights, follow the rule of law, and are subordinate to civilian authorities. Until that conversation occurs between military and civilian decisionmakers, the laws will remain inflexible and will needlessly constrain SCOs. Current statutes must be amended to permit SCOs to adjust to the situation on the ground, implementing a mixture of Title 10 and 22 programs in conjunction with their government partners as they work to build partner capacity in fragile or failed states.

If the dynamic nature of the contemporary environment and the flexibility required to operate within that environment are not acknowledged, SCOs will be plagued by differing visions of their roles and responsibilities, which will lead to ineffective planning and resourcing. OSC-I suffered because of these varied opinions as it accepted the mantle from United States Forces–Iraq (USF-I).

During the construction of OSC-I in 2011, a fundamental planning assumption went uncorrected even when proved false. USF-I planners originally assumed that

negotiations with Iraq for a Title 10 follow-on force would be successful and structured the organization to direct up to 10,000 soldiers. When that planning factor withered away, due primarily to the inability to conclude a status of forces agreement guaranteeing legal immunity to the follow-on force, planners had no guidelines to readjust the organization's structure to perform the required command and staff functions or the authority to redefine its endstate objectives commensurate to the structure it possessed. Critical functions such as transportation planning, movement coordination, and communications architecture development were orphaned when USF-I support staff departed. Instead of managing its primary security cooperation and assistance functions, OSC-I was forced to pull personnel from its Title 22 security assistance and cooperation missions to perform its internal Title 10 enabling capabilities.

The blurred Title 10 and Title 22 distinction was even convoluted between U.S. Central Command's component commanders. Army Central did not believe it had the

authority to provide Title 10 administrative support to OSC-I in such areas as cashing checks, direct exchanging of worn military uniforms, or even providing fixed-wing distinguished visitor support despite the fact that 75 percent of the organization was present under Title 10 authorities conducting Title 10 security cooperation tasks. Yet U.S. Air Forces Central believed it had the legal authority and sent a finance team to support OSC-I for 6 months at a time along with flying a C-130 ring route mission to Iraq two to three times a week.

As the organization's structural shortcomings were revealed during execution, continued disagreements over OSC-I's security cooperation responsibilities inhibited the resourcing of potential organizational solutions. With Kurd-Arab tensions increasing in Iraq, the U.S. Mission Iraq recognized that the combined security mechanisms (CSM) could serve as a confidence-building measure, acting as an avenue for security forces to cooperate and discuss pertinent issues. Ambassador James Jeffrey and the USF-I commander, General Lloyd Austin III

(USA), proposed a joint manning document for OSC-I that included positions intended for those important military-to-military discussions. The Kurds and Arabs both leverage their relationships with the U.S. military to seek military advice and communicate with one another. The Kurds trust the U.S. military, while the Arabs use the military

SCOs, particularly for organizations such as OSC-I, operating in nonpermissive environments and transitioning from a decade of armed conflict. Furthermore, after a decade of operating under special authorities and unprecedented interagency cooperation that saw DOD conducting a police training program (a function normally executed by

needs, it must build the security capacities of its partners. Current challenges to security and stability necessitate changes in America's system of providing that capacity. Our SCOs face those new challenges daily as they strive to conduct security cooperation activities to build partner capacity in support of developing strategic partnerships. Even in a nonpermissive environment, all of those challenges can be met with updated, relevant statutes properly aligned with doctrine. Every governmental agency involved in developing and stabilizing fragile or failed states, particularly transitioning after war termination, should consider OSC-I's experiences as a basis to verify that its doctrinally sound, government-sanctioned support capabilities match the support requirements of the 21st century. By having effective authorities that support the breadth of an SCO's doctrinal tasks of training, advising and assisting, or supporting a State Department diplomatic request, we will get the partners we want. Without them, we will get the partners we deserve. **JFQ**

Congress should recognize that effective security cooperation requires the resources of both DOD and the State Department

to indirectly communicate with the Kurds without legitimizing the Kurdistan Regional Government. Viewing this engagement as a diplomatic mission, DOD's General Counsel concluded that OSC-I lacked legal authority for Title 10 support to the CSM, believing that the responsibility resided at the U.S. Embassy's Political-Military Section. Unfortunately, the State Department would not resource the task, and when the Kurd-Arab conflict erupted, the new Ambassador directed OSC-I support to enable the military-to-military discussions, which created an unscheduled personnel requirement that had to be resourced internally.

The lack of clarity regarding OSC-I status and the ability of DOD to provide Title 10 support to OSC-I arose when the State Department directed transfer of all OSC-I training sites to the government of Iraq and the transition of all base life support and security functions to the Foreign Military Sales contractors. OSC-I had previously closed the Kirkuk training site in September 2012. For that mission, U.S. Central Command provided logistical support through an exception to policy under Operation *New Dawn* authorities, which continued through FY12, even though USF-I was deactivated in December 2011. However, the Office of the Secretary of Defense terminated Operation *New Dawn* authorities at the end of FY12, which prevented DOD and U.S. Central Command from providing the same logistical support to the subsequent site transfers despite the fact that almost everything to be disposed of was legacy USF-I equipment and DOD was issuing disposition instructions for the remaining equipment at the sites.

This example illustrates that current budgetary and funding rules unnecessarily restrict logistical support to traditional

the State Department) and Foreign Service officers serving on Provincial Reconstruction Teams alongside Active-duty Servicemembers (a postconflict stability operation traditionally executed by DOD), the abrupt postconflict return to a traditional Title 10 and Title 22 divide is a significant step backward for both agencies. Congress should recognize that effective security cooperation requires the resources of both DOD and the State Department and allows greater use of DOD resources to support organizations such as OSC-I, particularly in a postconflict transition paradigm.

We must achieve that flexibility. During a speech that former secretary of Defense Robert Gates gave to the assembled body of future military leaders at West Point on February 25, 2011, he warned, "Any future defense secretary who advises the president to again send a big American land army into Asia or into the Middle East or Africa 'should have his head examined.'"¹¹ The implication for us is to think of how to fight wars differently—specifically how to address the strategic dilemma of defeating an adversary who resides within a country with which we are not at war. One answer to this challenge is mentioned in DOD's latest strategic guidance, *Sustaining U.S. Global Leadership*, which states, "Whenever possible, we will develop innovative, low cost, and small-footprint approaches to achieve our security objectives, relying on exercises, rotational presence, and advisory capabilities."¹² These small footprint capabilities exist within our SCOs today, but we have to ensure they have the right doctrine, are organized for their missions, are resourced to accomplish their objectives, and have the proper authorities to enable those resources.

If America truly wants to forge a new global architecture to provide for its security

NOTES

¹ United Nations Security Council Resolution S/Res/1373, September 28, 2001, 2.

² *National Security Strategy* (Washington, DC: The White House, May 2010), 19.

³ *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense* (Washington, DC: Department of Defense, 2012), preface.

⁴ *Ibid.*, 3.

⁵ Department of State and U.S. Agency for International Development, *Strategic Plan: Fiscal Years 2007–2012, Transformational Diplomacy* (Washington, DC: Department of State, revised May 7, 2007), available at <www.state.gov/s/d/rm/rls/dosstrat/2007/>.

⁶ DOD Directive 5132.03, "DOD Policy and Responsibilities Relating to Security Cooperation," available at <www.dtic.mil/whs/directives/corres/pdf/513203p.pdf>. Emphasis added.

⁷ Joint Publication (JP) 1-02, *Department of Defense Dictionary of Military and Associated Terms* (Washington, DC: The Joint Staff, November 8, 2010), 287. Emphasis added.

⁸ Jeffrey S. Grafton, ed., *The Management of Security Cooperation*, 31st ed. (Wright Patterson AFB, OH: Defense Institute of Security Assistance Management, February 2012), 4-3.

⁹ JP 3-22, *Foreign Internal Defense* (Washington, DC: The Joint Staff, 2007), I-11.

¹⁰ *National Strategy for Counterterrorism* (Washington, DC: The White House, June 2011), 6.

¹¹ Robert M. Gates, speech, West Point, NY, February 25, 2011.

¹² *Sustaining U.S. Global Leadership*.