

“Organizing the Generating Function of Security Force Institutions: Security and Justice, and their implications for Governance.”

“...Without the restoration of public order through the provision of a common Rule of Law standard, a safe and secure environment will not be achieved, hindering economic development and the distribution of essential services, while eroding the populace’s trust in the government.”

2016 PSOTEW WG 7 – Transitional Public Security

1.0 Introduction

1.1 This paper explores the need for organizing the governance and administrative backbone of the generating function of a security force institution.¹ To simplify, governance occurs at the highest levels of government by way of laws inclusive of a constitution and subordinate national laws that enable governance of a security force.² The notion of administration herein is what occurs within a security force institution primarily within the executive function via policies, regulations, or the equivalent thereof. Once this backbone is in place, the generating function of a security force will have the necessary means via appropriate authorities, structure, and reporting mechanisms needed for it to operate effectively and within the oversight of its government. This paper expands on this concept.

1.2 Typically, the generating function of a security force institution provides the means to produce, field, and sustain capabilities that a security force can then employ to satisfy security needs. The employment of such capabilities normally occurs through the operating function of a security force by way of operational units and executive direction. By design, the generating function also transforms raw inputs such as operating concepts, personnel, material, and funds into capabilities that reside in one or more domains of doctrine, organization, training, materiel, leader development, personnel, facilities, and policy (DOTMLPF-P).³ To illustrate, within DoD the generating function primarily resides within each Service and their respective Departments – where the operating function is mainly a concern of each Combatant Command (CCMD).

1.3 In this proposal, the executive function of a security force equates to the roles and responsibilities that reside within a ministry of defense or interior (MoD or MoI) – much like DoD’s Office of the Secretary of Defense (OSD). The extent to which governing law or regulation bounds (constrains or restrains) the executive function in its role of administering the generating function of a security force is a practical governance problem. For example, governing laws may limit the executive function in its authority to re-organize certain parts of a security force or constrain certain reporting to the generating function like health & readiness reporting that has focus on people or capabilities.

1.3 At its core, the generating function must provide capable security forces that can satisfy the security needs of its government.⁴ In doing so, the generating function can be one of the largest consumers of finite national level resources such as funding, material, and personnel needed for inputs to the generating function. Among other things, these inputs when ungoverned provide political, economic, and security risks for a government. For example, opportunities may exist for fraud, waste, and abuse of national

¹ A “security force institution” includes the people, organizations, rules, norms, values, and behaviors that enable oversight, governance, management, and functioning of the security force enterprise within a partner government. Reference: DoD Directive 5205.82 – Defense Institution Building (DIB), Dated 27 Jan 2016

² The reference to the term “government” is meant to include the national levels offices that have a singular role and sole power to carry out the legislative, judicial, or executive responsibilities of a nation.

³ For the purposes of this white paper, capability development is a function of force management and force development. Force management normally occurs within the executive function whereas force development occurs within the generating function.

⁴ For the purposes of this white paper, capable security forces equates to forces and force structures that are competent, committed, confident, accountable, resourced, and sustainable. See SFA Planner’s Guide: <https://jcisfa.jcs.mil/Members/Portal/viewInsight.aspx?Insight=2631>

resources to occur – creating strategic risks for a partner government. To illustrate, when individuals in a security force misuse resources made available to them for personal gain – populace trust in the security force and the government start to erode.⁵ Further, populace trust in a government may wane when there is non-competitive or inequitable practices in the generating function as it consumes raw inputs (e.g., people, goods, services, etc..) from the industrial economic base or populace. In practice, the generating function often serves as the point of entry (PoE) for any developmental assistance such as training and equipping for further integration within the security force. In all cases, an efficient generating function operating from a strong governance and administrative backbone mitigates risks and strengthens the sustainability and durability of a security force to meet the security needs of its nation.

1.4 Ultimately, when the generating function fails to make available capable security forces - critical security risks start to emerge for a government. In effect, without governance via rule of law (RoL) the capacity of a government to manage transparency, accountability, and oversight (TAO) of its security force and administer justice in the process will be at risk. To illustrate, **Table 1** provides notional benefits that a government gains by organizing its security force based on laws and regulations.

Table 1. Organizing a Security Force and the benefits to Governance Sectors

Sector	*Benefits from Organizing a Security Force via RoL
Security	Clear and accountable roles and responsibilities across security forces (e.g., military, police, etc..), Restrains activities and interests, regulates lexicons, equitable personnel constructs, constrains training & education, controls welfare & readiness, and provides integrity in procurement and acquisition approaches.
Justice	Increased means for transparency, accountability, and oversight (TAO). Reduced politicization or corruption within security forces. Clear roles, responsibilities, and authorities between military justice and civilian justice systems.
Economic	Fair trade and competitive markets and industries that provide products and services to the generating function of a security force. Equitable hiring and recruiting practices that stimulate employment. Basing constructs that fuel economic gain in particular locales.

**Not all-inclusive – however, each benefit provides supporting concepts to Transitional Public Security Tasks in support of JROCM Task 10*

2.0 Governing a Security Force Institution (A Framework of Rule of Law)

2.1 For purposes herein the reference to term “governance” include those activities (e.g. rules, processes, behavior, etc..) a state undertakes to articulate interests, manage resources, and exercise power in a society, including the representative participatory decision-making processes typically guaranteed under inclusive, constitutional authority.⁶ In a practical sense, governance can occur in any organization to support executive decision-making, assign roles and responsibilities, and manage resources. To illustrate, governance of a local police force normally occurs via actions taken by a city council and the respective mayor serving as the executive of the local government.

2.2 As a matter of construction, laws that normally govern a security force institution include a government’s constitution and a framework of national laws (or their equivalents) that enable management and oversight. For example, in addition to the U.S. Constitution, Title 10 United States Code (USC) Armed Forces provides a means for the U.S. Government to organize and direct the armed forces of the United States. Notionally, other governments may operate from a similar governing framework when organizing their security forces or restraining their government executive in the way he/she uses a security force. This is not to suggest that governance should be complex and unyielding; in contrast, a framework of laws enable basic governance of a security force, such a framework normally includes:

⁵ See JCOA Counter and Anti-Corruption (CAC) Study, 2014

⁶ Source Joint Publication 3-24

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- **Constitutional Law:** Generally, a constitution describes the organization and functions of primary government entities that make up the government. For example, primary government entities normally include an executive, judicial, and legislative offices.
- **Administrative Law** (e.g., Military or Police Law): Essentially describes how government entities or agencies will operate, their structure, their functions, and relationships. As suggested earlier, it is within these laws or their equivalents where the primary organization, roles, and responsibilities of a security force reside.
- **Governing Regulations:** Are rules and processes that enable a government to operate inclusive to laws and enforceable by way of law. To illustrate, governing regulations related to the generating function of a security force may define, among other things, those rules and processes for procuring goods and services from industry in order to promote transparency, accountability, and oversight of both the consumer and provider.
- **Presidential Type Directives or Policies:** Instruments that a government's executive (e.g., President or equivalent thereof) uses to further organize and purpose those entities or agencies that operate under his executive authority. In this case, instruments an executive uses to manage and direct the executives within the executive function of a foreign security force.

3.0 Linkages of the Generating Function to Rule of Law

A measure of the efficiency of a security force institution is its ability to program, propose, and advocate change recommendations to governance initiatives that provide it purpose, authority, and funding from which it can use to satisfy the security needs of its government.

Defense Institution Building (DIB) Lessons Learned, DIB CoI WG, 2016

3.1 As alluded earlier, it is from rule of law (RoL) that a security force as an institution gets its authority and purpose to exist. Logically, a government must be able to manage and provide oversight of the core functions of its security force. As mentioned previously, these functions include the executive, generating, and operating (EGO) functions, which provide a purposed-based structure within a security force institution to focus governance efforts.⁷ In the local police example mentioned earlier, the structure of a local police force would notionally include an executive function (e.g., Chief of Police), generating function (functional staff or teams responsible for organizing, training, and equipping the police force), and operating function (e.g., teams of investigators and patrol officers, etc.).

3.2 Structurally, the EGO functions are interdependent where actions within the executive enable the generating and operating functions. In practice, actions within the generating and operating functions inform the executive function. However, there could be instances where each core function has unique authorities and reporting requirements as part of governance to enhance overall TAO of the security force. For example, when a partner government allocates resources to a security force it may mandate, via law, routine reporting requirements from the generating function – in effect, those organizations (e.g., Service equivalents) having a primary role in the generating function would provide perspectives on resources independent to that of the executive or operating function.

3.3 The abilities of the generating function to provide capable security forces for operational employment begins with the extent of its authorities to *organize, train, equip, and build* capable security forces.⁸ Such

⁷ Source: JCISFA SFA Planner's Guide, Jan 2016

⁸ Each authority has a close parallel to the SFA tasks of organize, train, equip, rebuild, and advise (OTERA) – the exception is the advising task that occurs solely as part of SFA when assisting a government and its security force institution in developing their respective generating function.

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authority or the power thereof normally resides within the RoL as part of governance. To illustrate, a government may elect to organize the generating function based on functional components like land, air, and maritime components where each component has a mandate to organize, train, equip, and build security forces for operational use. For example, authority structures for functional components to procure and integrate equipment into a security force originate at the governance level.

3.4 Other governance controls within the generating function may include specific authorities and mandates for *staffing*, *basing*, and *financing* a security force.⁹ Ultimately, the abilities of a government to sustain progress in its security environment becomes a measure of affordability that affects the endurance and adaptability of the generating function.¹⁰

3.5 A government's abilities to organize and hold a security force accountable via RoL is a fundamental governance task. Once codified in law –transfer of structured roles and responsibilities normally does not occur unless the law changes. This provides efficiency and accountability within the overall institutional structure. In practice, the executive function in a security force normally has full authority to transfer any roles and responsibilities in the EGO functions not codified in law. For practical management and administration, an executive function typically exists to some extent in all three domains (i.e., ministry, service components, and operational units) of a security force. Governing law may bound the executive function in order to promote efficiency in the way a security force operates.

3.6 As the executive function achieves efficiency in its abilities to administer the generating function – respective executives will be able to report to and advise government officials as to the health and readiness of the generating function. Likewise, a well-organized generating function enables its executives to promote and advocate for changes in laws or regulations and for advancing equities in the generating function. **Exhibit 1** below provides notional linkages and organizational structure for the governance and administration of a security force institution. For example, the graphic below suggests that management and oversight of a security force begins with a framework of laws. Each institutional function (EGO) within a security force operates within the law and any higher-level administrative constraints. Within the EGO structure, the graphic illustrates common principal functions that provide administrative capacity that extends into the operating function.

3.7 In addition, the graphic below suggests a parallel to like structures that exists within the U.S. Government and DoD that provide capability during Security Sector Assistance (SSA) where the U.S. Government provides developmental assistance to support Security Sector Reform (SSR) initiatives within a given partner nation.¹¹ This like structure or compatibility of “Them” and “Us” plays a central role when assessing and aligning subject matter expertise (SME) as part of SSA.¹²

⁹ Governance controls listed in this paragraph are not all inclusive to governing a security force.

¹⁰ See read ahead Colombia Back From the Brink: From Failed State to Exporter of Security, Juan Carlos Pinzon, page 4, paragraph 1

¹¹ See PPD 23 SSA and current lessons from Iraqi SSR initiatives. Source JCISFA O&R

¹² SSA and SSR can occur exclusively in either Phase 0 (Shaping) or Phase IV (Transition) as part of joint operations

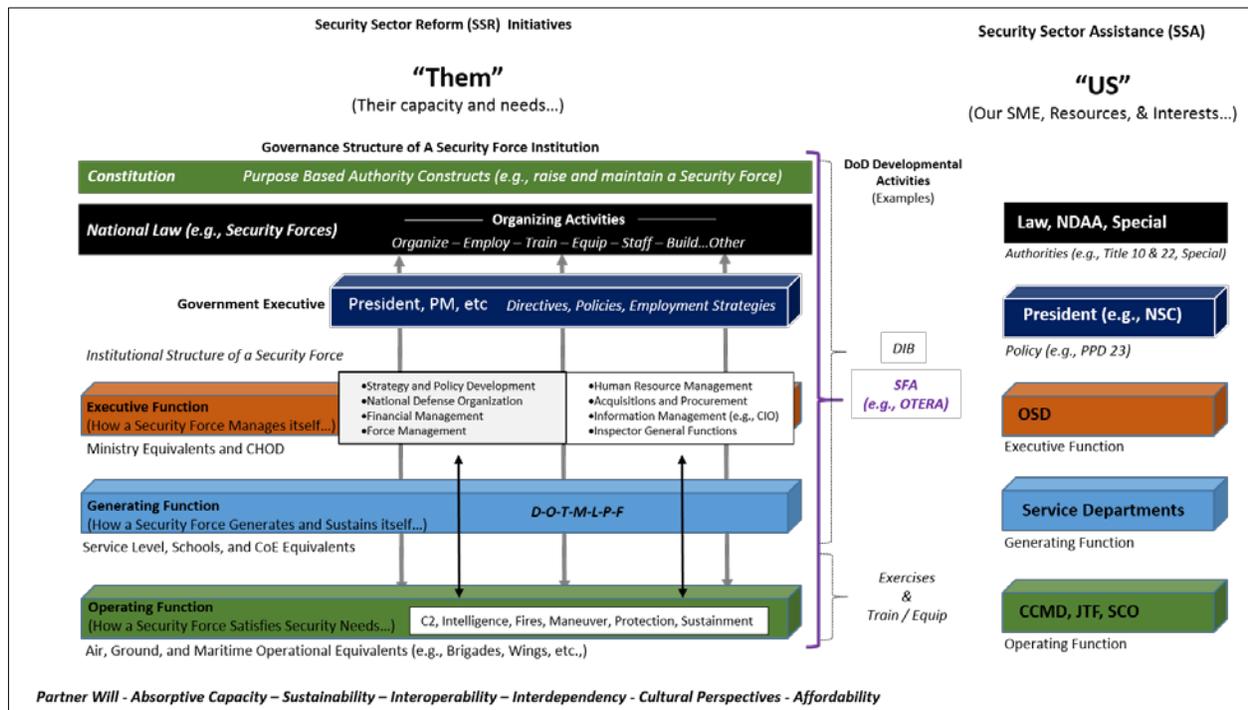


Exhibit 1. Notional Linkages and Structure for Governing a Security Force

4.0 Conditions Based Assessments to support Phase 0 (Shaping) and Phase IV (Transition) Joint Operating Environments.

An efficient and well-organized generating function (e.g., functions, processes, systems, etc.,) mitigates security environment risks such as corruption and provides increased capacity to develop new security capabilities (e.g., counterterrorism) that support U.S. interests.

Defense Institution Building (DIB) Lessons Learned, DIB CoI WG, 2016

4.1 Given the essential role that a generating function has on the long-term sustainment and durability of a security force – governance of the function is paramount. Abilities of a government to codify how it plans to use and hold its security forces accountable in law is one thing – however, a government’s abilities to enforce and practice RoL is another. As such, what are the measurable risks when a security force is left to organize and purpose itself without an effective higher-level governance structure in place? To illustrate, when a government’s RoL does little to constrain or restrain the executive function in a security force – the executives within the function may become a political or secular power-base in and of themselves operating on par with the government or taking measures to overthrow the government all together.¹³ Such a scenario, equates to a dysfunctional or “at risk” governance structure.

4.2 What are the measurable risks when the joint force focuses solely on the development of a security force without regard to the structure of its governance and administrative backbone? This is a unique question for the joint force as it plans, executes, and assesses Security Force Assistance (SFA) activities in Phase 0 (Shaping) and Phase IV (Transition) operating environments. For example, Phase IV requires,

¹³ See “The End of the Military’s Dominance in Turkey?” <http://tribune.com.pk/story/220735/the-end-of-the-militarys-dominance-in-turkey/>

among other things, the joint force to consider transitional public security (TPS) tasks as measures to strengthen the capacity of a partner nation to provide for its own security and justice prior to the joint force transitioning away from developmental advice and assistance that it is providing.¹⁴ What role does the ability of the government to govern the security force play in regards to these tasks? Similarly, in Phase 0 and prior to the joint force providing developmental assistance, an assessment as to the extent of the role of the government in managing and overseeing its security forces can begin with evaluating the framework of governing laws that pertain to the security force.

4.3 In both phases, when gaps critical to the sustainment of the generating function exists in law or procedurally within the function itself – such gaps can serve as conditions to be met prior to any continued or follow-on U.S. developmental assistance. This may take the form of pre-conditions prior to equipping and training or making decisions to transition from other developmental activities.¹⁵ When governance is left unchecked, risks to U.S. investments emerge, as the generating function of the security force is unable to sustain security gains made in either Phase 0 or Phase IV operating environments.¹⁶

4.4 Key questions for the joint force is to determine if the generating function has the appropriate authorities, structure, and resources it needs to develop and sustain security capabilities (e.g., military or police) for use within the operating forces of a security force. To explore the magnitude of this question one must consider the full extent of what a military capability entails. Consider an article written by Thomas W Ross in Joint Force Quarterly (JFA): “*Enhancing Security Cooperation Effectiveness - A Model for Capability Package Planning*,” where he describes a military capability. In the article, he describes a military capability as “an ability to achieve a specific military operational objective that is supported, enabled, and sustained by all relevant defense systems at the institutional, strategic, operational, and tactical levels.”¹⁷ A well-organized generating function will have the capacity to support, enable, and sustain those relevant defense systems that Mr. Ross mentions in his definition of military capability.

Table 2 below provides examples of assessment criteria to gauge governance capacity across the institutional structure of a security force - EGO functions.

Table 2 Conditions Based Assessments to Strengthen SFA Outcomes within a Security Force¹⁸

Military Phases	Government	Security Force Institution		
	RoL (Measure)	Executive Function (Measure)	Generating Function (Measure)	Operating Function (Measure)
Phase 0 (Shaping) & Phase IV (Transition)	<ul style="list-style-type: none"> - Capacity to govern security forces - Collaborative decision-making processes - Clear organizational roles and responsibilities based on institutional structuring - Demonstrative TAO in governance across a security force - Mechanisms to manage resources 	<ul style="list-style-type: none"> - Subordinate to and operates within the RoL - Administers the Executive, Generating, and Operating Functions - Promotes TAO - Sufficient authority and resources to administer justice - Efficient institutional functions (e.g., strategy & policy, force management, etc.) - Equitable hiring and pay practices 	<ul style="list-style-type: none"> - Sufficient power and resources to: <ul style="list-style-type: none"> • Develops/Sustains near & long term capabilities (e.g., DOTMLPF) • Administers justice • Consumes raw inputs (people, material, & funding) • build security forces • Abilities to resource and gauge security 	<ul style="list-style-type: none"> - Clear authority to organize and employ a security force - Clear authority to define operational requirements - Defined linkages to executive and generating functions (e.g., force development)

¹⁴ See Transitional Public Security (TPS) task list as part of JROCM Task 12 to builds capacity within the joint force during transition phases

¹⁵ See JCISFA White Paper: Exploring the Relationship between Defense Institution Building (DIB) and SFA.

¹⁶ Security Assistance (SA) normally occurs by way of DoD’s SC efforts.

¹⁷ JFQ 80, 1 Quarter 2016 (Note: Thomas W Ross serves as the Deputy Assistant to the Secretary of Defense (DASD) for Security Cooperation or DASD-SC).

¹⁸ Examples provided in Table 2 are not all inclusive. Assessments of RoL and the EGO functions require Subject Matter Expertise (SME) that reside in the U.S. Government primarily within DoS and DoD.

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	- Adequate absorptive capacity for developmental assistance	- Integrity in procurement and acquisitions	force health & welfare and readiness	
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5.0 Questions to support discussion within PSOTEW 2016 WG 4 Breakout Sessions

- If governing a security force, by way of RoL, is a practical mandate for partner governments, what are its implications to the joint force as it carries out development as part of SFA?
- What are the essential factors that enable a security force and its supporting institutions to sustain progress over time and maintain the trust from the populace?
- What are the compatibility implications between the EGO functional structure within a security force and that of DoD's EGO functions?
- What are the linkages and commonalities between SFA tasks like OTERA to that of how a government elects to govern the generating function in its security force through RoL?¹⁹
- How should DoD align itself with a partner security force for the purpose of development?
- How can the joint force strengthen its doctrinal concepts, training approaches, and leader development & education as it relates to developing security forces and their supporting institutions?

¹⁹ For the purpose of this paper, developmental activities are inclusive to Defense Institution Building (DIB) and SFA tasks Organize, Train, Equip, Rebuild/Build and Advising (OTERA) to include other activities as appropriate.