

GOVERNANCE: THE MISSING INGREDIENT  
IN SECURITY COOPERATION

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General Studies

by

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## ABSTRACT

GOVERNANCE: THE MISSING INGREDIENT IN SECURITY COOPERATION, by Adam J. Bushey, 128 pages.

This paper proposes three recommendations for how Department of State (DOS) can more systematically incorporate U.S. good governance strategic objectives into the oversight of Department of Defense's (DOD) security cooperation and security assistance (SC/SA) programs. First, DOS should utilize its existing concurrent authorities to create new DOS policy that support this objective. Second, this new policy should withhold DOS's concurrence on SC/SA programs until a rigorous, systems-based assessment of the governance within the defense institutions is completed or a justification for deviation is approved. Third, that the foreign assistance guiding principle of "do-no-harm," should be included in the future DOS guidance. Seven do-no-harm lessons include: (1) norms and behaviors; (2) leader incentives; (3) accountability and reforming military justice; (4) human rights; (5) regional organizations; (6) unified action through conditions; and (7) rigorous SC/SA monitoring and evaluations (M&E) in policy.

This paper addressed five questions that facilitated these recommendations: (1) SC/SA program objectives; (2) U.S. Government's strategic objectives; (3) DOS's actual authority over DOD implemented SC/SA programs; (4) how DOS's oversight works in practice; and (5) trends within the SC/SA context regarding whether SA/SC programs support the foreign assistance principle of "do-no-harm."

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I would like to dedicate this thesis to my older sister, Shay Lynn Bushey, who passed away November 2016. She was always passionate about seeking knowledge. The months since then have been daunting and filled with tears. To honor her life and legacy, I want to memorialize the enormous influence she had on my life. I always felt that she truly understood me more than others could, and I her. We both had more faith in the other than either of us held in ourselves. We never spoke without expressing our love for each other.

Today, little is more important to me than waking up every day and trying to make the world a better place for all, regardless of race, gender, or socioeconomic status. That is in large part because of Shay and the values she inspired in me. Her genuine love and unwavering belief in me is something I will cherish forever. I miss you, Shay.

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## ACRONYMS

AOR	Areas of Responsibility
BPC	Building Partner Capacity
CC	Critical Capabilities
CGSC	Command and General Staff College
CMJ	Code of Military Justice
CPI	Corruption Perception Index
CPPM	Capability Package Planning Model
CRS	Congressional Research Service
DIB	Defense Institution Building
DOD	Department of Defense
DODI	Department of Defense Instructions
DOS	Department of State
DOTMLPF-P	Doctrine, Organization, Training, Materiel, Leadership, Personnel, Facilities, and Policy
DRG	Democracy, Human Rights, and Governance
DSCA	Defense Security Cooperation Agency
E-IMET	Expanded-International Military Education and Training
EU	European Union
FAA	Foreign Assistance Act of 1961
FMF	Foreign Military Financing
FMF	Foreign Military Financing
FY	Fiscal Year
GAO	Government Accounting Office



GCC	Geographic Combatant Commander
GMAG	Grant Military Assistance Guide
ICS	Integrated Country Strategy
IG	Inspector General
IMET	International Military Education and Training
IMS	International Military Students
KPI	Key Performance Indicators
M&E	Monitoring and Evaluations
MAP	Military Assistance Programming
MENA	Middle East and North Africa
MOD	Ministry of Defense
NATO	North Atlantic Treaty Organization
NGO	Nongovernmental Organization
NMS	National Military Strategy
NSCA	National Supply Chain Assessment
NSS	National Security Strategy
OE	Operating Environment
OHDACA	Overseas Humanitarian, Disaster, and Civic Aid
OSD	Office of the Secretary of Defense
PACOM	Pacific Command
PEA	Political Economy Analysis
PEFA	Public Expenditure and Accountability
PFM	Public Financial Management
PFMRAF	Public Financial Management Risk Assessment Framework
PfP	Partnership for Peace

PM	Political-Military
PME	Professional Military Education
PN	Partner Nations
PPD	Presidential Policy Directive
QDDR	Quadrennial Diplomacy and Development Review
QDR	Quadrennial Defense Review
RAFI	Regionally Aligned Force Initiative
ROL	Rule of Law
SC/SA	Security Cooperation and Security Assistance
SCM	Supply Chain Management
SCO	Security Cooperation Officer
SDD-FMF	State Department-Directed Foreign Military Financing
SME	Subject Matter Expert
SOUTHCOM	United States Southern Command
TI	Transparency International
U.S.	United States
USAID	United States Agency for International Development
WI	Warsaw Initiative
WTO	World Trade Organization

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# CHAPTER 1

## INTRODUCTION

We don't have to be stupid or ineffective to fail—just misguided in our approach.<sup>1</sup>

— General Stanley McChrystal

### Overview

With billions of dollars allocated to Security Cooperation and Security Assistance (SC/SA) programs, U.S. policy makers, think tanks, and Congress desire programming with sustainable, long-term effectiveness. The purpose of this thesis is to: (1) identify what influence Department of State (DOS) has over SC/SA programs implemented by the Department of Defense (DOD); and (2) determine whether and how DOS policy makers can ensure that SC/SA programs more systematically bolster the U.S. foreign policy objective of supporting good governance abroad.

SC/SA programs do not occur in a vacuum. If SC/SA programs followed the framework of other U.S. Government foreign assistance initiatives, they would first properly assess the country context by conducting a rigorous assessment in things such as, culture, institutions, political economy, local systems, and power structure to identify the main hindrances to change in the security sector.<sup>2</sup> Second, once the operating

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<sup>1</sup> Michael T. Hall and Stanley A. McChrystal, *ISAF Commander's Counterinsurgency Guidance* (Kabul: International Security Assistance Force, 2009), 3, accessed 26 March 2017, [http://www.nato.int/isaf/docu/official\\_texts/counter\\_insurgency\\_guidance.pdf](http://www.nato.int/isaf/docu/official_texts/counter_insurgency_guidance.pdf).

<sup>2</sup> “The framework methodology draws upon a number of approaches, including (1) political science, which focuses on the interactions of social structure, culture, and

environment (OE) is understood, SC/SA planners would identify a feasible end state that is supported by both the host nation and U.S. Government strategic objectives.<sup>3</sup> Third, planners establish ways of achieving the end state would be established based on best-fit approaches and lessons learned from prior efforts. Finally, the program results would be measured.

A train-and-equip program is often a program component or what is sometimes called sub-objectives. In and of itself, train-and-equip program do not address the root causes of institutional failures within ministries of defense or the broader security sector. Root causes of such failures include lack of checks and balances on power (“the separation or diversity of governmental powers [that] occur vertically among the different levels of government as well as horizontally”), systemic corruption, or a lack of capacity, or norms that adhere to the rule of law (ROL).<sup>4</sup> This research recommends that DOS use its existing authorities to incorporate a systematic planning and assessment process

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political systems; (2) political economy, which is concerned with the relations among actors, their interests, resources, and strategies for maximizing gains; and (3) institutional analysis, which is concerned with the design of political institutions and focuses on institutions as a constraint or resource in different settings.” U.S. Agency for International Development, “Democracy, Human Rights, and Governance Strategic Assessment Framework,” 1-4, accessed 26 March 2017, [https://www.usaid.gov/sites/default/files/documents/1866/Master\\_SAF\\_FINAL%20Fully%20Edited%209-28-15.pdf](https://www.usaid.gov/sites/default/files/documents/1866/Master_SAF_FINAL%20Fully%20Edited%209-28-15.pdf).

<sup>3</sup> The U.S. military uses Joint Operational Planning Process (JOPP) when developing strategic and operational plans through a systematic operational approach. The Military Decision Making Process (MDMP) systems approach is used for tactical operations.

<sup>4</sup> U.S. Agency for International Development (USAID), *Guide to Rule of Law Country Analysis a Guide for USAID Democracy and Governance Officers: The Rule of Law Strategic Framework* (Washington, DC: U.S. Agency for International Development, 2010), 10, accessed 26 March 2017, [http://pdf.usaid.gov/pdf\\_docs/PNADT593.pdf](http://pdf.usaid.gov/pdf_docs/PNADT593.pdf).

regarding SC/SA efforts in order to increase the capacity of allies through more successful, measurable, and sustainable programs. These SC/SA programs should nest under the strategic objectives outlined in the National Security Strategy (NSS) and other foreign policy strategic documents.

### Research Questions

#### Primary Research Question

The “problem” is that most SC/SA programs are not tailored to address the United States’ strategic objectives in good governance and that most SC/SA programs have little to no initiatives to strengthen governance. Further, SC/SA programs have a “reputation for being heavily focused on hardware—equipment and ‘things’” instead of strategic ends or objectives.<sup>5</sup> To determine whether this is a valid critique, the primary research question is can DOS more systematically incorporate U.S. good governance strategic objectives in the oversight of SC/SA programs.

#### Secondary Research Questions

In order to fully address the primary question, several secondary questions will be considered. These questions will serve as a roadmap for this thesis. Throughout chapters 2 through 4, the questions are first addressed individually. The last section of chapter 4 puts all of the pieces together to create a shared understanding of the relationship between

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<sup>5</sup> International Security Advisory Board, *Report on Security Capacity Building: International Security Advisory Board* (Washington, DC: Department of State, 2013), 28, accessed 26 March 2017, <https://www.state.gov/documents/organization/202920.pdf>.

SC/SA programs, national strategy, and good governance. The five secondary research questions are below:

1. What are the objectives of SC/SA programs?
2. What are the U.S. governance strategic objectives?
3. What authority does DOS have over SC/SA programs implemented by DOD?
4. How does DOS oversight of SC/SA programs work in practice?
5. What are the current good governance trends within the SC/SA context and are SA/SC programs supporting long-term sustainability and adhering to the foreign assistance guiding principle of “do no harm?”<sup>6</sup>

#### Thesis Audience

This research will be of interest to think tanks, congressional staffers, DOS decision-makers, SC/SA planners in both DOS and DOD, as well as others interested in the field of military aid. The primary audience is DOS staff in the Political-Military Affairs Bureau at the Department of State.

#### Assumptions, Constraints, Limitations, and Delimitations

With almost two hundred SC/SA program authorities, which are regularly amended, this thesis is limited in scope. The first delimitation is not covering SC/SA programs administered by DOS- or DOD-administered humanitarian assistance programs (e.g., Overseas Humanitarian, Disaster, and Civic Aid (OHDACA)) that are implemented

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<sup>6</sup> DOD, DOS, and USAID, *Security Sector Reform* (Washington, DC: Department of State), 4, accessed 15 April 2017, <https://www.state.gov/documents/organization/115810.pdf>. In 2009, DOD, DOS, and USAID all agreed that “do no harm” was a guiding principle when conducting assistance in the security sector.

in collaboration with the U.S. Agency for International Development (USAID). This delimitation is based on the assumption that these programs already have significant oversight and mandates requiring adherence to U.S. strategic objectives. Another delimitation is the exclusion of SC/SA programs that exclusively address cost sharing associated with joint international military operations focused on the war-torn countries with a significant DOD presence, which include Afghanistan, Syria, Libya, and Pakistan. DOD SC/SA authorizations that do not statutorily require DOS concurrence are excluded as well.

This thesis addresses only the Title 10 or Title 22 SC/SA programs implemented by DOD, but require DOS approval or concurrence prior to initiation of the program (that are not already being coordinated with USAID). According to the Security Cooperation Handbook, there are approximately eighty security cooperation within their statutory language.<sup>7</sup> The forty-five programs that fit within the scope of the thesis are listed in the Annex.

This thesis does not attempt to measure the performance of existing SC/SA programs. The literature review provides a summary of major studies that organizations have conducted regarding SC/SA program strategy, but developing evaluation criteria to determine success or the lack thereof is outside the scope of this paper. Similarly, due to the complexity of, and significant debate about, the topic, devising monitoring and

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<sup>7</sup> Department of Defense, DOD Directive 5105.65, *Defense Security Cooperation Agency (DSCA)* (Washington, DC: Defense Technical Information Center, 2012), accessed 26 March 2017, <http://dtic.mil/whs/directives/corres/pdf/510565p.pdf>; Department of Defense, *Security Cooperation Handbook: Defense Security Cooperation Agency (DSCA)* (Washington, DC: Defense Technical Information Center, 2016).



evaluation indicators, such as measures of performance and measures of effectiveness, for SC/SA is outside the thesis scope.

### Definition of Terms

During World War II (WWII), the U.S. extensively used the Lend Lease Act to export arms to its allies; following the devastation caused by WWII, the U.S. initiated several programs meant to help rebuild allied nations' military capabilities.<sup>8</sup>

Approximately seventy years later, the U.S. continues to provide weapons, lethal and non-lethal training, and military education to allied militaries around the globe.<sup>9</sup>

There is not a single standard definition of security assistance or security cooperation shared between the U.S. Congress, DOD, and the rest of the federal government. Similar terms, such as military assistance, security assistance, security sector reform, security cooperation, defense institution building (DIB), and defense articles and services are additional terms used, in some cases, interchangeably. These terms are used to categorize U.S. efforts to build partner military capacity, train, equip, supply materiel, or any other engagement with foreign ministries of defense.<sup>10</sup> Generally, programs under

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<sup>8</sup> Nicholas R. Simontis, "Security Cooperation: An Old Practice for New Times" (master's thesis, U.S. Army Command and General Staff College, 2013), 5, accessed 26 March 2017, <http://www.dtic.mil/dtic/tr/fulltext/u2/a589722.pdf>. For example, the U.S. provided 37,000 tanks, 43,000 aircraft, 792,000 trucks, and 1.8 million rifles. The value of these supplies was in excess of \$40 billion (in 1940s dollars).

<sup>9</sup> David E. Thaler et al., *From Patchwork to Framework: A Review of Title 10 Authorities for Security Cooperation* (Santa Monica, CA: RAND Corporation, 2016), iii.

<sup>10</sup> Nina Serafino, *Security Assistance and Cooperation: Shared Responsibility of the Departments of State and Defense* (Washington, DC: Congressional Research Service, 2016), 4, accessed 26 March 2017, <https://fas.org/sgp/crs/natsec/R444444.pdf>.

any of these terms are intended to encourage and influence other nations to partner with the United States in ways that support U.S. strategic objectives.

U.S. Code (U.S.C.) 22 Sec. 2304(d)(2) defines security assistance as twelve DOS Title 22 authorities, seven of which are administered by DOD that provide defense equipment, training, and services to foreign countries. However, ambiguities are the norm; in reality identifying which programs constitute SA is less clear. For example, DOD considers “security assistance,” which provides defense training or other related military services through the guise of Title 22 authorities, as a subset of the broader umbrella term “Security Cooperation,” which itself is done to achieve the end state of Building Partner Capacity (BPC) (see figure 1).<sup>11</sup>

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<sup>11</sup> 22 U.S. Code § 2304, Human Rights and Security Assistance.

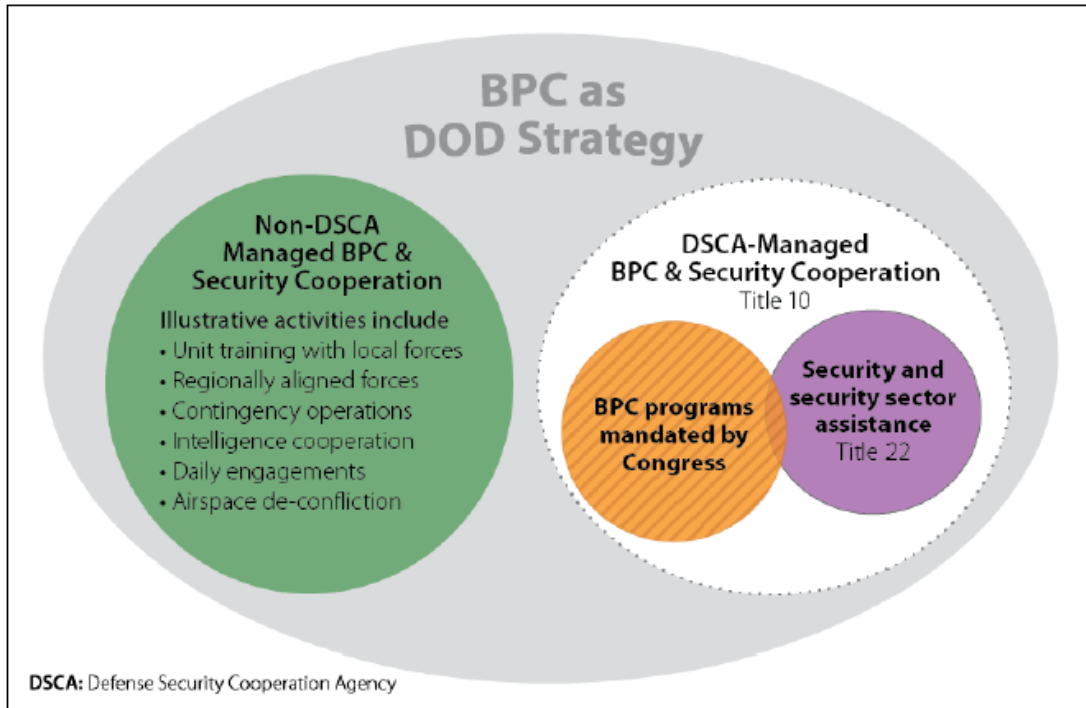


Figure 1. Building Partner Capacity (BPC) as DOD Strategy

*Source:* Kathleen McInnis and Nathan Lucas, “What is ‘Building Partner Capacity?’ Issues for Congress,” Center for Complex Operations, 18 December 2015, 17, accessed 26 March 2017, <http://cco.ndu.edu/activities/Defense-Institution-Building/Publications/Publications-By-Category/Article/719149/what-is-building-partner-capacity-issues-for-congress/>.

DOD differentiates its own Title 10 authorities from DOS Title 22 “security assistance” programs by calling them “security cooperation.” According to DOD dictionary, Joint Publication (JP) 1-02, “security cooperation” is all DOD interactions that “build defense relationships that promote specific US security interests, develop allied and friendly military capabilities for self-defense and multinational operations, and

provide US forces with peacetime and contingency access to a host nation.”<sup>12</sup> For the purposes of this paper, the distinction between SC and SA programs is not significantly relevant other than to note that SA is more limited since it only encompasses DOS most significant funding accounts, while SC includes both DOD and DOS authorities.

BPC, first coined in the third Quadrennial Defense Review (QDR) in 2006, often describes a wide swath of not just SC/SA programs, but also the entire DOD partner strategy.<sup>13</sup> BPC is a phrase used to describe: (1) a subset of SC programs often initiated by the U.S. that provide defense articles and/or services to enhance partner capabilities (labeled as “BPC programs mandated by Congress”); or (2) an overall outcome of interorganizational activities (labeled as “BPC as DOD strategy”). Only the former is addressed in this paper and not the latter, since not all require DOS concurrence.<sup>14</sup>

According to USAID’s Anticorruption Strategy, “corruption” is defined as the “abuse of entrusted authority for private gain.”<sup>15</sup> Within DOS’s Standardized Program

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<sup>12</sup> Joint Chiefs of Staff, *Terms* (Washington, DC: Headquarters, 2016), 210, accessed 26 March 2017, [http://www.dtic.mil/doctrine/new\\_pubs/jp5\\_0.pdf](http://www.dtic.mil/doctrine/new_pubs/jp5_0.pdf).

<sup>13</sup> Kathleen McInnis and Nathan Lucas, “What is ‘Building Partner Capacity?’ Issues for Congress,” Congressional Research Service, 18 December 2015, 1, accessed 26 March 2017, <http://cco.ndu.edu/activities/Defense-Institution-Building/Publications/Publications-By-Category/Article/719149/what-is-building-partner-capacity-issues-for-congress/>.

<sup>14</sup> Dafna H. Rand and Stephen Tankel, *Security Cooperation and Assistance: Rethinking the Return on Investment* (Washington, DC: Center for a New American Security, 2015), 2.

<sup>15</sup> U.S. Agency for International Development. “USAID Anticorruption Strategy”, 1, accessed 26 March 2017, <https://www.usaid.gov/sites/default/files/documents/1868/200mbo.pdf>.

Structure and Definitions, both DOS and USAID have accepted the United Nation’s definition of ROL, under which states “all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and which are consistent with international human rights norms and standards.”<sup>16</sup> Governance is the “exercise of economic, political and administrative authority to manage a country’s affairs at all levels. It involves the process and capacity to formulate, implement, and enforce public policies and deliver services.”<sup>17</sup> Good governance occurs when the ROL and human rights are respected, and the state is responsive, transparent, and accountable to the people without corruption or abuse of power. Finally, it should be noted that ROL and anticorruption initiatives are types of the broader, good governance programming classification.

### Findings and Recommendations

A RAND study found that “at least 184 countries were involved in SC/SA activities between 1999 and 2009.”<sup>18</sup> There are currently over 13,000 active foreign military sales cases. For countries with the appearance of having weak institutions, low

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<sup>16</sup> United Nations, “What is the Rule of Law?,” accessed 16 April 2017, <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>.

<sup>17</sup> USAID, *USAID Strategy on Democracy Human Rights and Governance* (Washington, DC: U.S. Agency for International Development, 2013), 37, accessed 26 March 2017, [http://pdf.usaid.gov/pdf\\_docs/PDACX557.pdf](http://pdf.usaid.gov/pdf_docs/PDACX557.pdf). Hereinafter USAID STRATEGY,

<sup>18</sup> Christopher Paul et al., *What Works Best When Building Partner Capacity and under What Circumstances?* (Santa Monica, CA: RAND Corporation, 2013), 43.

capacity, human rights violations, nepotism, corruption, or a combination of all of these, this thesis recommends a new, systematic approach to assess these threats and challenges in order to chart possible remedies.

The U.S. Government holds the position that corruption and the poor governance structures within other nations that permit it, reduce the impact of both foreign and domestic resources and the partners' long-term capabilities. As further articulated in chapter 4, SC/SA programs should be designed to be more consistent with interagency policies and tailored to incorporate international institution-building, best-fit approaches, and a systems-based model approach to reforming power imbalances or norms and behavior.

First, this thesis recommends that DOS more systematically incorporate the United States' existing strategic objective of supporting good governance into SC/SA programs. The strategic objective of supporting good governance should be achieved through new DOS policy through existing concurrence authorities (the approximate forty-five statutes that specifically require DOD to obtain DOS concurrence prior to implementation).

Second, the DOS Political-Military Affairs Bureau (PM) in Washington should write in the new policy that they will withhold DOS's concurrence on SC/SA programs until a rigorous, systems-based assessment of the governance within the defense institutions (e.g. ministry of defense) is completed or a justification for deviation from this requirement is approved. Third, this thesis recommends that seven lessons learned and best fit approaches of the foreign assistance guiding principle of "do no harm" be included in the future DOS guidance. The seven lessons address: (1) changing norms and

behaviors, (2) changing leader incentives; (3) accountability, ROL, and reforming military justice disciplinary rules; (4) human rights; (5) mandate regional planning and supporting regional organizations; (6) create a basis for unified action through conditions; and (7) include rigorous SC/SA monitoring and evaluations (M&E) in policy.

Designed in this matter, SC/SA programs will strengthen partner nations (PN) and ensure long-term effectiveness. Following the above recommendations, all SC/SA programs would begin to follow a more systems-based, interagency planning process, similar to that of security sector reform programs. Such efforts will help ensure that U.S. foreign policy objectives and foreign assistance experience and expertise are integrated into a ministry of defense (MOD) and security sector context. The full recommendations are found in chapter 5.

## CHAPTER 2

### LITERATURE REVIEW

This paper explores whether DOS can more systematically incorporate U.S. good governance strategic objectives into the oversight of DOD’s SC/SA programs. To thoroughly discuss this question, five secondary areas must be addressed: (1) SC/SA program objectives; (2) the U.S. Government’s strategic objectives; (3) DOS’s actual authority over DOD implemented SC/SA programs; (4) how DOS’s oversight works in practice; and (5) trends within the SC/SA context regarding whether SA/SC programs support the foreign assistance principle of “do no harm.” The first of the five secondary questions is addressed next. In summary, this literature review found that while there are many reports focused on how to make SC/SA efforts more effective or responsive to the actual needs of the partner nation, few focused on how SC/SA programs could be best used to meet U.S. foreign policy strategic objectives.

#### Secondary Research Q1: Overall Objectives and Purposes of SC/SA

##### General Background

SC/SA program funding is estimated to be around \$18 billion annually over the last several years.<sup>19</sup> According to the CRS and others, estimates vary because the exact amount is unknown due to a number of factors, including that some information is

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<sup>19</sup> Security Assistance Monitor, “Data,” accessed 26 March 2017, [http://securityassistance.org/data/country/military/country/2010/2017/is\\_all/Global](http://securityassistance.org/data/country/military/country/2010/2017/is_all/Global).



classified.<sup>20</sup> Further, SC/SA programs are integrated into the full range of military operations. For example, some SC/SA programs are integrated into traditional training programs (e.g., Regionally Aligned Force Initiative), and are paid for through DOD’s virtually all-purpose “operations and maintenance” funds, which are not reported as SC/SA programs.<sup>21</sup> Note that some of the reported \$18 billion SC/SA programming is part of the larger \$40 billion in arms sales that the U.S. defense industry conducts yearly. While most of these sales are not U.S. funded, they often incorporate training and maintenance components as part of the sale.<sup>22</sup>

As stated earlier, given there is no agreed upon definition of SC/SA, it is unsurprising that there is no agreed upon definitive number of SC/SA programs. The RAND Security Cooperation Database outlines 165 authorities within the U.S. Code, and

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<sup>20</sup> Serafino; McInnis and Lucas, 2. “Given the scattershot nature of sources of information available to Congress on Title 10 security cooperation, there is no way to account for DOD spending by country. Public accounting of both State Department and DOD funding flows on a country-by-country basis may enhance congressional oversight of bilateral relations.” Serafino.

<sup>21</sup> McInnis and Lucas, 11.

<sup>22</sup> Thom Shanker, “U.S. Sold \$40 Billion in Weapons in 2015, Topping Global Market,” *New York Times*, 26 December 2016. The U.S. is the seller in approximately half of all arms deals around the world; the global arms trade was estimated at \$80 billion in 2015. The trend continued that developing countries purchased the majority (\$65 of the \$80 billion) of the arms sold in 2015. “The largest buyers of weapons in the developing world in 2015 were Qatar, Egypt, Saudi Arabia, South Korea, Pakistan, Israel, the United Arab Emirates and Iraq.” The largest sellers were United States (\$40B), France (\$15B), Russia (\$11.1B), and China (\$6B).

another twenty-seven recurring SC/SA programs annually authorized appropriation bills—123 of them being DOD Title 10 authorities.<sup>23</sup>

As stated by Major General Patrick White, Commander of the U.S. 1st Armored Division, “We [the U.S. military] are never going to fight [another war] alone ever again.”<sup>24</sup> SC/SA facilitates interconnectedness and the development of relationships through sharing technology and military systems to create common operating pictures and lines of communication between the U.S. and its allies.

The range of military operations in the SC/SA sphere is wide; it includes everything from permitting foreign nations to purchase arms from U.S. companies, to preparing units for combat through training, and expanding military education opportunities. The Obama Administration has argued that the long run benefits of SC/SA programs are a cost savings to taxpayers, reducing the need for U.S. overseas deployments, and thereby decreasing overall defense costs.<sup>25</sup>

According to DOD Instruction (DODI) 5000.68, Security Cooperation programs: “a) Build defense and security relationships that promote specific U.S. security interests, including all international armaments cooperation activities and security assistance

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<sup>23</sup> Jennifer D. P. Moroney, David E. Thaler, and Joe Hogler, *Review of Security Cooperation Mechanisms Combatant Commands Utilize to Build Partner Capacity* (Santa Monica, CA: RAND, 2013), 2. Operations in Afghanistan, Iraq, and Pakistan account for approximately 20 percent of the 165. See also Serafino, 7.

<sup>24</sup> Patrick White, “Leadership Series” (lecture, U.S. Army Command and General Staff College, Fort Leavenworth, KS, 11 October 2016).

<sup>25</sup> Serafino, 1-3. The long-term security of the U.S. depends upon “cultivating foreign governments as allies to counter potential enemies.”

activities; b) Develop allied and friendly military capabilities for self-defense and multinational operations; and c) Provide service members with peacetime and contingency access to host nations.”<sup>26</sup> Examples of such efforts include training, exercises, conferences, combat support engagement teams conducting team activities (e.g., engineers, medics, and chaplains), security assistance, and research and development collaboration opportunities.<sup>27</sup>

It is a U.S. government held position that SC/SA programs reduce the need for U.S. boots on the ground during conflicts.<sup>28</sup> After host nation forces are trained, U.S. partners have greater capacity and independence, which reduces the need for the presence of U.S. soldiers. During the Cold War, there were “over half a million U.S. personnel assigned in the European theater.”<sup>29</sup> Today, the U.S. commitment has been reduced by more than 85 percent.<sup>30</sup> This is, in part, due to the existence of the North Atlantic Treaty Organization (NATO) and the military posture of allied forces in the region, thereby reducing the need for a massive U.S. force. As Congress enacts end-strength reductions

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<sup>26</sup> Department of Defense, DOD Instruction 5000.68, *Security Force Assistance (SFA)* (Washington, DC: Defense Technical Information Center, 2010), 18, accessed 26 March 2017, <http://www.dtic.mil/whs/directives/corres/pdf/500068p.pdf>.

<sup>27</sup> Moroney, Thaler, and Hogler, 1.

<sup>28</sup> Joseph L. Votel, “The Posture of U.S. Central Command,” U.S. Central Command, accessed 26 March 2017, <http://www.centcom.mil/about-us/posture-statement/>.

<sup>29</sup> Philip Breedlove, “U.S. European Command Posture Statement 2016,” EUCOM, accessed 26 March 2017, <http://www.eucom.mil/media-library/article/35164/u-s-european-command-posture-statement-2016>.

<sup>30</sup> Today, there are around 62,000 permanent military personnel.

for all of the services, the goal is to build partner capacity to “operate alongside or instead of U.S. military forces.”<sup>31</sup>

In adherence to Presidential Policy Directive (PPD) 23, the U.S. policy on Security Sector Assistance discussed below, DOS established a framework of fourteen objectives (i.e., lines of effort) that SC programs must attempt to address. The full list of fourteen objectives is:

1. National Territorial Defense;
2. Border Security and Transnational Threats;
3. Maritime Security and Transnational Threats;
4. Strategic Bilateral and Regional Relations;
5. Adherence to Norms of Human Rights;
6. Civilian Control of the Military;
7. Institutional and Security Sector Reform;
8. Military Professionalization;
9. Interoperability with U.S. and Coalition Forces;
10. Response to Humanitarian and Natural or Manmade Disasters;
11. Peacekeeping;
12. Internal Security;

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<sup>31</sup> U.S. Army, *A Statement on the Posture of the United States Army 2016* (Washington, DC: Department of the Army, 2016), 3, accessed 26 March 2017, [https://www.army.mil/e2/rv5\\_downloads/aps/aps\\_2016.pdf](https://www.army.mil/e2/rv5_downloads/aps/aps_2016.pdf); Thaler et al., ix; Department of Defense, *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense* (Washington, DC: Department of Defense, 2012), 3. See also: “Building partnership capacity elsewhere in the world also remains important for sharing the costs and responsibilities of global leadership.” *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense*, 3.

13. Demining / Explosive Ordnance Disposal; and
14. Cyber Security/Defense.

Similar to DOS's Standardized Program Structure for foreign assistance, which is a hierarchy of program categories, areas, and program elements that categorize all DOS and USAID programs, these fourteen objectives help with reporting and identifying priorities.<sup>32</sup> Of the fourteen strategic SA objectives, four (Adherence to Norms of Human Rights, Civilian Control of the Military, Institutional and Security Sector Reform, and, to a lesser extent, Military Professionalization) address the broader theme of this research paper, which is institutional capacity development or reforming institutions ("the rules of the game in a society, or more formally . . . the humanly devised constraints that shape human behavior.") through the change of things such as power structures, norms, incentives, or the rules of the game.<sup>33</sup>

These fourteen objectives help implement existing U.S. foreign policy. Foreign assistance, including SC/SA programs, "has always been a method of investing U.S. funds

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<sup>32</sup> Moroney, Thaler, and Hogler, 21. RAND created a similar list of twenty-three objectives (lines of effort), all with similar purposes. They are: Aviation expertise, border security, coalition operations, counternarcotics, counterterrorism, counterthreat finance, counter WMD, counterinsurgency, cyber, defense institution building, demining, disaster relief, health, humanitarian assistance, intelligence, surveillance, reconnaissance, interoperability, law enforcement, maritime security, missile defense, peacekeeping, port security, research and development, stabilization and reconstruction.

<sup>33</sup> Douglass North, *Institutions, Institutional Change and Economic Performance* (Cambridge, United Kingdom: Cambridge University Press, 1990), 3.

for future peace and security by expanding democratic principles globally.”<sup>34</sup> SC/SA programs have a strategic end state framed under the U.S. foreign policy of supporting democracy.<sup>35</sup>

### Existing Research on SC/SA Program Results

This section provides a historical context regarding the measurement of SC/SA programs, and then summarizes some of the major studies by Congressional Research Service (CRS), RAND, and others. Results from individually researched programs are then addressed before overall trends are provided. This section concludes with the current state of affairs of SC/SA research. In summary, a few retrospective studies have been conducted to study the effectiveness of SC/SA programs; however, literature on how SC/SA programs can meet the third NSS objective of respect for universal values and human rights around the globe is nascent at best.

In 1958, President Eisenhower established the Draper Committee after recognizing that SC/SA programs were not achieving an acceptable level of success. Today, some SC/SA experts share the same concerns, and “many look skeptically at [SC/SA] investments.”<sup>36</sup> Due to the U.S. relying heavily on BPC to achieve its strategic objectives, the CRS conducted a historical review of BPC programs in twenty countries

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<sup>34</sup> Toney Filostrat and Elizabeth A. Medina, *SMART Tools: Integrating Security Cooperation and Foreign Assistance in a Period of Constrained Resources* (Carlisle Barracks, PA: U.S. Army War College, 2012), 2.

<sup>35</sup> Charles R. Larson, “IMET: A Cornerstone of Cooperative Engagement,” *DISAM Journal* (Summer 1993): 96.

<sup>36</sup> Serafino, 15.

in 2015. The CRS study then analyzed how effective SC/SA programs were in achieving tangible results in reference to one of seven distinct U.S. strategic objectives.<sup>37</sup> In several countries, SC/SA programs were conducted to achieve multiple objectives. A summary of the results are depicted in figure 2, which has seven circles arranged on a scale of least to most effective. The figure shows that SC/SA programs with the objective of permitting the U.S. to exit a war (war termination) have been the least effective. In contrast, constructing interpersonal and institutional linkages and alliance building have been the two objectives that SC/SA programs have been most successful at achieving.



Figure 2. Strategic Goals

*Source:* Kathleen McInnis and Nathan Lucas, “What is ‘Building Partner Capacity?’ Issues for Congress,” Congressional Research Service, 18 December 2015, 1, accessed 26 March 2017, <http://cco.ndu.edu/activities/Defense-Institution-Building/Publications/Publications-By-Category/Article/719149/what-is-building-partner-capacity-issues-for-congress/>.

<sup>37</sup> McInnis and Lucas, summary page, 16. While different than the fourteen outlined by DOS, the seven identified CRS objectives match up well to the fourteen outlined by DOS. As seen in figure 2, the seven strategic objectives identified by the Congressional Research Service are victory in war/war termination; managing regional security challenges; indirectly supporting a party to a conflict; conflict mitigation; enhancing coalition participation; building institutional and interpersonal linkages; and alliance building.

A closer look at figure 2 shows that the effectiveness of SC/SA programs depends upon the complexity of the strategic objective. If the objective is relatively easy to achieve (i.e., building relationships and linkages), the CRS retrospective evaluation found the SC/SA programs to be effective. In contrast, SC/SA programs were far less effective the more challenging and multifaceted the objective (e.g., increasing security or war termination). One cause of the lack of effectiveness of the more challenging objectives may be due to the lack of capacity of the host nation to manage and administer a MOD effectively, which is “foundational for other forms of [SC/SA] capacity” foreign assistance to take place.<sup>38</sup> The CRS concluded that in their current state, SC/SA programs have found the greatest success in building relationships. Relationship building can have a strategic objective (in contrast to an operational or tactical objective); in some cases, it can be needed for short-term priorities that may not have long-term and sustainable benefits. However, some relationships are worth more investment than others. For example, establishing an ally has significantly more longevity than securing a temporary coalition partner.

As shown in figure 2, CRS determined that SC/SA program success in war-torn areas has been limited, even though such countries often receive a lion’s share of the assistance (e.g., since 2001, Congress has authorized over \$100 billion for SC/SA programs in Iraq, Afghanistan, and Syria).<sup>39</sup> Since the effectiveness of achieving some of these more challenging and worthy objectives (e.g., war termination, regional security)

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<sup>38</sup> Paul et al., 20.

<sup>39</sup> McInnis and Lucas, 1.



has been low, even with the majority of funding, it “remains unclear whether building the capacity of foreign security forces is an effective way to accomplish U.S. strategic objectives.”<sup>40</sup>

RAND recently conducted a study of which building partner capacity programs were effective. The study examined twenty years of data for twenty-nine countries, and assessed program success on whether capacity was increased, and whether such capacity development met the interests of both the host nation and the U.S.<sup>41</sup> One of the main findings of the report is that the BPC objectives are more likely to be achieved if the host nation has strong accountability and good governance.<sup>42</sup> It stated, “Ministerial capacity (the capability . . . to plan for and manage . . . security forces) is foundational for other forms of capacity.”<sup>43</sup>

Almost universally considered successful by SC/SA experts are the SC/SA programs that immediately followed the end of the Cold War. NATO’s Partnership for Peace (PfP) program and the United States’ Warsaw Initiative (WI) achieved significant success in meeting the strategic objective of rebuilding and realigning NATO and U.S.

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<sup>40</sup> Ibid., 2.

<sup>41</sup> Paul et al., 17.

<sup>42</sup> Ibid., 17. The other major conclusions were that success was more prevalent when: more money was spent; there is consistency in both the funding and implementation; BPC efforts are based on host nation objectives and absorptive capacity; the program includes a sustainment component in the initiatives; and if the host nation: invests its own funds to support or sustain capacity; has sufficient absorptive capacity; has a strong economy; or when they share security interests with the United States.

<sup>43</sup> Ibid., xx.

relations with those of former Warsaw Pact members. There are twenty-nine members of NATO, and twelve of them joined after the end of the Cold War due, in part, to the PfP and WI programs.<sup>44</sup> These two initiatives succeeded in going beyond simple alliance building by establishing legitimate strategic alliances, and all at a time when the Western world was unsure whether these twelve countries would become allies or adversaries.

Another success is in Colombia, where U.S. SC/SA programs focused on training, professionalization, human rights remediation, and improvements to the capacity of critical government security units. Using a whole-of-government approach, security programs were intertwined with programs that worked to increase government legitimacy and accountability while other programs expanded ROL, protected human rights, and reduced corruption. These efforts helped change the norms, behaviors, and beliefs within the Colombian political elites resulting in support for counter violence and anti-terrorism efforts.<sup>45</sup>

Virtually all U.S. officials assert that DOD's five regional centers are key to the advancement of U.S. SC/SA objectives.<sup>46</sup> The regional centers build strong relationships

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<sup>44</sup> McInnis and Lucas, 31.

<sup>45</sup> Elliott B. Burns, "Colombia to Nigeria: Exploring the Possibilities of a Security Cooperation Strategy for Nigeria Based on the Successes Realized through Plan Colombia" (master's thesis, U.S. Army Command and General Staff College, 2016), 82-88, 92-94.

<sup>46</sup> The five regional centers are George C. Marshall European Center for Security Studies (GCMC), Garmisch, Germany, est. 1993; Daniel K. Inouye Asia-Pacific Center for Security Studies (DKI APCSS), Honolulu, Hawaii, est. 1995; William J. Perry Center for Hemispheric Defense Studies (WJPC), Washington, DC, est. 1997; Africa Center for Strategic Studies (ACSS), Washington, DC, est. 1999; Near East-South Asia Center for Strategic Studies (NESAS), Washington, DC, est. 2000.

and enhance partnerships, especially in smaller countries, through seminars, conferences, and other forms of educational outreach and exchange programs to study key regional security sector issues of the day.<sup>47</sup> While they are touted as a success by many and codified into law due to the belief in their success, evidence is still needed to substantiate these claims. Specifically, “neither the centers nor their stakeholders have been able to measure the extent to which” they achieve U.S. strategic SC/SA objectives.<sup>48</sup>

The Title 22 International Military Education and Training (IMET) program is similarly touted as successful for many of the same reasons as the regional centers. Like the regional centers, the IMET program has a significant amount of anecdotal evidence of success. According to the CRS, IMET appears to achieve the goal of promoting institutional and interpersonal connectivity, but this study also notes that those connections can, but do not necessarily, lead to closer bilateral relations.”<sup>49</sup>

Others would disagree about the contribution of programs like the regional centers, both the IMET and Expanded-IMET (E-IMET) program, and other programs like

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<sup>47</sup> Defense Security Cooperation Agency, “DOD Regional Centers (RC),” accessed 26 March 2017, <http://www.dsca.mil/programs/dod-regional-centers>.

<sup>48</sup> Larry Hanauer et al., *Evaluating the Impact of the Department of Defense Regional Centers for Security Studies* (Santa Monica, CA: RAND Corporation, 2014), 11, quoted in Kathleen McInnis and Nathan Lucas, “What is ‘Building Partner Capacity?’ Issues for Congress,” Congressional Research Service, 18 December 2015, accessed 26 March 2017, <http://cco.ndu.edu/ACTIVITIES/Defense-Institution-Building/Publications/Publications-By-Category/Article/719149/what-is-building-partner-capacity-issues-for-congress/>.

<sup>49</sup> McInnis and Lucas, 49.

them.<sup>50</sup> These types of programs are a form of “soft enmeshment,” which is defined as a program that focuses on changing (or educating) individuals rather than institutions. In contrast, a “strong enmeshment” program focuses on changing institutions by adjoining a nation to existing international orders or other institutions, such as the World Trade Organization (WTO), NATO, or the European Union (EU). Strong enmeshment can be effective since their adjoining compels changes to institutional and norms and behavior to support the ROL in order to be a member of the organization, as seen in many Eastern European countries.

In contrast, soft enmeshment can rarely change the norms and behaviors within an organization unless enough people from the same institution are brought into an enmeshment program together. “A softer form of the enmeshment approach socializes elites and professionals through exchange programs. . . . Enmeshment requires that enough individuals with power and influence be reached to create a ripple effect, which is often difficult to achieve with limited resources.”<sup>51</sup>

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<sup>50</sup> Institute of Security Cooperation Studies, *The Management of Security Cooperation* (Washington, DC: Defense Technical Information Center, 2016), 1-4, accessed 26 March 2017, <http://www.iscs.dsca.mil>. According to the Green Book “The focus of such training is on developing professional level management skills, with emphasis on military justice systems, codes of conduct, and the protection of human rights.”

<sup>51</sup> Adam J. Bushey, “Second Generation Rule of Law and Anti-Corruption Programming Abroad Next Generation Reform: Comparing Existing U.S. Government and International Best Practices to Rachel Kleinfeld’s *Advancing the Rule of Law Abroad*,” *Houston Journal of International Law* 37, no. 139 (8 December 2014): 149. See further analysis in Rachel Kleinfeld, *Advancing the Rule of Law Abroad: Next Generation Reform* (Washington, DC: Carnegie Endowment for International Peace, 2012), Chapter 4.

As seen with soft enmeshment programs with military officers from Romania, Indonesia, and other countries, when Professional Military Education (PME) programs only permit a few officers from each country to participate each year, such programs are unlikely to reach the tipping point that is necessary to change the partner nation's (PN) institutional norms.<sup>52</sup> According to John Kotter's research, outlined in his book *Leading Change*, seventy-five percent of leaders and twenty-five percent of the organization's subordinates must support change in order for a significant change to occur.<sup>53</sup> Typical IMET programs that train fifty officers at a time, or other soft enmeshment programs, are unable to reach Kotter's benchmarks for successful reform.

The question of how one measures SC/SA is a challenging one and often controversial. Another RAND study defines effectiveness based on the extent an effort advances a combatant commander's BPC-related objective(s).<sup>54</sup> While this definition measures the effectiveness of the program itself, a measurement more focused on the aid would quantify the partner nation's increased capacity to fulfill its functional duties and meet the needs of its citizenry. Though outside the scope of research, none of these forms of measuring effectiveness, alone, are enough because the U.S. also has a strategic

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<sup>52</sup> Rachel Kleinfeld, *Advancing the Rule of Law Abroad: Next Generation Reform* (Washington, DC: Carnegie Endowment for International Peace, 2012), 134-137, 139-41.

<sup>53</sup> John Kotter, *Leading Change* (Cambridge, MA: Harvard Business Review Press, 1996), 35-48.

<sup>54</sup> Moroney, Thaler, and Hogler, 18.

interest in measuring “how” the unit acted, and whether their actions were in accordance with human rights principles.<sup>55</sup>

In a 2013 *Military Review* article, Michael Hartmayer and John Hansen argue that SC/SA programs are too focused on quantity over quality, and there is a need to “curtail purposeless or episodic activities” focused mainly on training and equipping.

Approximately \$6 billion is annually spent on Foreign Military Financing (FMF), which provides military systems and materiel—“things”—to partner nations through grants.

They argue that current programs should be replaced with programs with greater long-term impact that are better aligned with U.S. strategic objectives.<sup>56</sup> Deputy Assistant Secretary of Defense for Security Cooperation Thomas Ross agreed, writing that part of the issue with SC/SA programs is the misconception that capability simply means providing a weapon, when in actuality, “it is a complex system of mutually reinforcing inputs that combine to enable a military to achieve a necessary function in support of a specific mission.”<sup>57</sup>

Billions have been spent year after year for decades, yet rigorous evaluation of SC/SA programming is still “nascent, at best.”<sup>58</sup> Even the DOS recognizes that

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<sup>55</sup> International Security Advisory Board, 24.

<sup>56</sup> Michael Hartmayer and John Hansen, “Security Cooperation in Support of Theater Strategy,” *Military Review* (January-February 2013): 27.

<sup>57</sup> Thomas W. Ross, *Enhancing Security Cooperation Effectiveness: A Model for Capability Package Planning* (Washington, DC: National Defense University Press, 2016), 26.

<sup>58</sup> McInnis and Lucas, summary page.

comprehensive monitoring and evaluation (M&E) on military assistance is rare, and the establishment of a baseline assessment prior to implementation is even more rare.<sup>59</sup> For example, in the 400-page joint DOD and DOS Foreign Military Training annual report to Congress, one single indicator is used for the entire report—number of people trained.<sup>60</sup> With that said, DOS guidance does exist for SCOs to incorporate SC/SA foreign assistance objectives into DOS’s highest operational country level document, the Integrated Country Strategy (ICS).

Numerous SC/SA experts have written on the subject of how to best reform SC/SA initiatives.<sup>61</sup> The common theme of all reviewed literature is a focus on the need for new legislation. In all of the scholarly writing found on the matter, they relied—and many of them heavily—on reforming SC/SA through more legislative changes.<sup>62</sup> Other

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<sup>59</sup> U.S. Department of State, Bureau of Political-Military Affairs Office of Security Assistance, *Grant Military Assistance Guide* (Washington, DC: U.S. Department of State, May 2016), 45.

<sup>60</sup> Department of Defense and Department of State, *Foreign Military Training Joint Report to Congress: Fiscal Years 2013 and 2014* (Washington, DC: Department of State, n.d.), accessed 26 March 2017, <http://www.state.gov/documents/organization/230192.pdf>. Program by program, country by country, region by region, the 400-page report goes into excruciating detail into how many people were trained in each program (many with no cost and some costing as little as \$63). Approximately 64,000 students were trained in FY 2013 at a cost of approximately \$738.3 million to U.S. taxpayers. The FY 2014 budget was \$815.5 million.

<sup>61</sup> Examples cited in this thesis include DOS-commissioned advisory boards, White House-appointed committees, the American Academy of Diplomacy, Massachusetts Institute of Technology (MIT), the Center for Strategic and International Studies (CSIS) Task Force on Nontraditional Security Assistance, the Center for New American Security, Neptune, and others.

<sup>62</sup> Matthew L. Merighi and Timothy A. Walton, “One Team, One Fight: The Need for Security Assistance Reform,” *Parameters* 42, no. 2 (Summer 2012): 97-107.

than a few bureaucratic changes suggested by Government Accounting Office (GAO) and Inspector General (IG) reports, little space has been spent on outlining what DOS can do differently using its existing authorities to better align and coordinate SC/SA efforts with current U.S. policy objectives.

While DOS-commissioned advisory boards and the Center for New American Security have addressed the “why” SC/SA program objectives should support the third NSS objective of respect for universal values and human rights, there is a need for more strategic direction. Specifically, there is an information gap on “how” that can actually be achieved.

In summary, the program evaluation studies conducted have been retrospective studies; regular systematic evaluations using baseline data to measure SC/SA program effectiveness in achieving strategic national objectives have never been done.<sup>63</sup> Further, there is a significant gap in the research, both in regard to what DOS should be doing with its current authorities as well as how SC/SA could better align its programming under NSS objectives.

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<sup>63</sup> Rand and Tankel, 22.



## CHAPTER 3

### RESEARCH METHODOLOGY

This thesis begins with the collection and analysis of information, an evaluation of all of the material presented, and finally a comparison of the documents that are relevant to the topic. Analysis of the documents includes a determination of the strengths, weaknesses, and probable biases of the authors and his or her sources. Once this is completed, the next step is to synthesize the data in order to reach conclusions. Finally, this thesis finishes with identifying a desired end state.<sup>64</sup>

Chapter 4 describes the current state of affairs, (the operational environment) with regard to SC/SA programming and its adherence (or noncompliance) to U.S. national strategies. Chapter 5 provides recommendations on how SC/SA program “operational environment should look when operations conclude (desired end state).”<sup>65</sup>

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<sup>64</sup> This follows the narrative aspect of “Framing the Operational Environment” approach outlined in ADRP 5-0. “An operational environmental frame consists of two parts—the current state of the operational environment and the desired end state of the operational environment.” U.S. Army, Army Doctrine Reference Publication (ADRP), Field Manual (FM) 3-22, *Army Headquarters* (Washington, DC: Headquarters, Department of the Army, 2012), 2-34, accessed 26 March 2017, [http://www.apd.army.mil/epubs/DR\\_pubs/DR\\_a/pdf/web/adrp5\\_0.pdf](http://www.apd.army.mil/epubs/DR_pubs/DR_a/pdf/web/adrp5_0.pdf). This narrative is also described in Joint Operation Planning Joint Publication 5-0. Jack Kem, *Planning for Action: Campaign Concepts and Tools* (Fort Leavenworth, KS: U.S Army Command and General Staff College, 2013), 40.

<sup>65</sup> Joint Chiefs of Staff. Joint Publication (JP) 5-0, *Joint Operational Planning, Department Headquarters* (Washington, DC: Department of Defense, 2011), III-8, accessed 26 March 2017, [http://www.dtic.mil/doctrine/new\\_pubs/jp5\\_0.pdf](http://www.dtic.mil/doctrine/new_pubs/jp5_0.pdf).

## CHAPTER 4

### ANALYSIS

Building the governance and security capacity of other countries . . . is in many ways the ideological and security challenge of our time.<sup>66</sup>

— Former Secretary of Defense Robert Gates

Again, this paper explores whether DOS can more systematically incorporate U.S. good governance strategic objectives into the oversight of DOD’s SC/SA programs. The second of the five secondary questions (the U.S. government’s strategic objectives) is addressed immediately below. A fundamental finding of the below is that when faced with weaker defense institutions, SC/SA programs should target institution strengthening instead of other more common train-and-equip programs.

#### Secondary Research Q2: National Strategies, Directives, Policies, and Publication

This section outlines U.S. strategies, directives, policies, and publications, and describes how all SC/SA programs further U.S. strategic objectives. Since 9-11, the U.S. has published four National Security Strategies: two under President George W. Bush and two under President Barack Obama.<sup>67</sup> The current NSS outlines four enduring U.S. national interests: (1) security of the U.S. and its allies and partners; (2) a free and open

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<sup>66</sup> Robert M. Gates, “Secretary of Defense Speech” (lecture, The Nixon Center, Washington, DC, 24 February 2010), accessed 26 March 2017, <http://archive.defense.gov/Speeches/Speech.aspx?SpeechID=1425>.

<sup>67</sup> At the time of publication, no strategy has been published by President Trump.

international economic system; (3) respect for universal values and human rights around the globe; and (4) a rules-based international order.<sup>68</sup>

The use of SC/SA programs to achieve the objective of BPC plays a predominate role in the most current NSS. BPC is, in and of itself, one of the eight subsets of the strategy's security end state. For example, the NSS states that the U.S. is "reaffirming [its] security commitments to allies and partners, investing in their capabilities to withstand coercion, imposing costs on those who threaten their neighbors or violate fundamental international norms, and embedding [its] actions within wider regional strategies."<sup>69</sup> This is a significant commitment because as RAND and Tankel assert, building capacity and strengthening institutions requires years of investment, which, through the NSS, has the full support of the White House and the Joint Chiefs of Staff.<sup>70</sup>

BPC is a security end state; it is also a means to achieve other end states. For example, BPC is a means to combat terrorism by building good relations, which brings access. In a counter-terrorism scenario, host nation access is a state's "willingness to offer the U.S. military basing rights, overflight and transit agreements, and permission for U.S. forces to operate in the host nation," which could be a crucial center of gravity (the

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<sup>68</sup> Barak Obama, "National Security Strategy 2015," National Security Strategy Archives, February 2015, 2, accessed 26 March 2017, <http://nssarchive.us/wp-content/uploads/2015/02/2015.pdf>. The 2011 NSS stated that "Successful engagement will depend upon the effective use and integration of different elements of American power." Barak Obama, "National Security Strategy 2010," National Security Strategy Archive, May 2010, accessed 26 March 2017, <http://nssarchive.us/NSSR/2010.pdf>.

<sup>69</sup> *Ibid.*, 10.

<sup>70</sup> Rand and Tankel, 9.

vital source of power that provides the moral or physical strength to act) for any military operation.<sup>71</sup>

According to the White House U.S. Security Sector Assistance Policy Fact Sheet, there are four principal security sector assistance goals of PPD 23: (1) help partner nations build sustainable capacity to address common security challenges; (2) promote partner support for U.S. interests; (3) promote universal values; and (4) strengthen collective security and multinational defense arrangements and organizations. PPD 23 states that the “United States policy on Security Sector Assistance is aimed at strengthening the ability of the United States to help allies and partner nations build their own security capacity, consistent with the principles of good governance and rule of law.” This is all in line with the NSS goals and some people identify adhering to these objectives as the primary challenge for SC/SA programs.

### Military Strategies and Publications

The 2010 NSS, 2011 National Military Strategy (NMS), and 2010 Quadrennial Defense Review (QDR) all incorporate SC/SA to reduce state fragility.<sup>72</sup> The 2014 QDR states, “Building security globally not only assures allies and partners and builds

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<sup>71</sup> Rand and Tankel, 10.

<sup>72</sup> Michael J. McNerney et al., *Assessing Security Cooperation as a Preventive Tool* (Santa Monica, CA: RAND Corporation, 2014), 12, accessed 26 March 2017, [http://www.rand.org/content/dam/rand/pubs/research\\_reports/RR300/RR350/RAND\\_RR350.pdf](http://www.rand.org/content/dam/rand/pubs/research_reports/RR300/RR350/RAND_RR350.pdf).

partnership capacity, but also helps protect the homeland.”<sup>73</sup> Recent military strategies have increasingly emphasized the need to accomplish this through interagency cooperation—the 2015 National Military Strategy mandates it.<sup>74</sup>

Strengthening governance to reduce the likelihood of corruption or state failure has also been part of DOD policy for over a decade. The Army Field Manual 3-07, Stability Operations states that “extensive corruption significantly challenges security sector reform efforts . . . [and] security sector reform should address these challenges.”<sup>75</sup> Following suit, the U.S. Army’s counter insurgency (COIN) Field Manual 3-24, which classifies SC/SA as an effective COIN tool and one that is part of the COIN operation, states in chapter 10 that “enforcing accountability, building transparency into systems, and emplacing effective checks and balances to guard against corruption are important components to any relief, reconstruction, or development program.”<sup>76</sup>

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<sup>73</sup> Department of Defense, *Quadrennial Defense Review 2014 Report* (Washington, DC: Department of Defense, 2014), 29, accessed 26 March 2017, <https://archive.org/details/Quadrennial-Defense-Review-2014>.

<sup>74</sup> Simontis, 2; Joint Chiefs of Staff, *The National Military Strategy of the United States of America, 2015: The United States Military’s Contribution to National Security* (Washington, DC: Joint Chiefs of Staff, 2015), 10. See also: DOD “shall actively partner with other U.S. Government agencies to pursue theater *security* cooperation to increase collective security skills . . .” Joint Chiefs of Staff, *The National Military Strategy of the United States of America, 2011: Redefining America’s Military Leadership* (Washington, DC: Joint Chiefs of Staff, 2011), 15.

<sup>75</sup> U.S. Army, Field Manual (FM) 3-07, *Stability* (Washington, DC: Department of the Army, 2014), 1-14, accessed 26 March 2017, [http://pksoi.army.mil/default/assets/File/fm3\\_07\(1\).pdf](http://pksoi.army.mil/default/assets/File/fm3_07(1).pdf).

<sup>76</sup> U.S. Army, Field Manual (FM) 3-34/MCWP 3-33.5. *Insurgencies and Countering Insurgencies* (Washington, DC: U.S. Army, 2014), 10-1 and 10-14, accessed 26 March 2017, <http://www.apd.army.mil/Search/ePubsSearch/ePubsSearchDownloadPage.aspx?docID=0902c851800123d2>.

## Aid Policies

The foreign assistance community, DOS, and USAID have established policies, declarations, and agreements regarding the conduct of effective assistance programming. The below outlines why these lessons, guides, and policies also apply to SC/SA efforts.

Worldwide forums to strengthen development assistance have concluded with agreements, signed by the U.S. and others, identifying which development assistance practices best address systemic problems. Although SC/SA are not considered development aid and therefore they do not directly apply to SC/SA programs, SC/SA practitioners ought to care about the findings of the worldwide forums. Due to the similarity of program efforts and objectives, the experience of USAID, and the rest of the international aid community, in promoting reform in other countries is applicable to SC/SA programs. Lessons learned in development aid likely support SC/SA efforts as well.

Some of the lessons learned address: (1) political will, to (2) achieve sustainability, by (3) using local systems, which (4) build country ownership, are a few of the fundamental technical principles of successful aid. For that reason, these four principles are emphasized in all of the recent international aid effectiveness agreements (Paris Declaration on Aid Effectiveness (2005), Accra Aid Effectiveness Forum (2008), and Busan Aid Effectiveness Forum (2011)), which were endorsed and supported by the United States.<sup>77</sup> Knowing when to get in and how to get out (an “exit” strategy) can be

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<sup>77</sup> Judge Advocate General’s Legal Center and School, *Rule of Law Handbook, a Practitioner’s Guide for Judge Advocates* (Charlottesville, VA: The Judge Advocate General’s Legal Center and School, 2011), 177-178, accessed 26 March 2017, [http://www.loc.gov/rr/frd/Military\\_Law/pdf/rule-of-law\\_2011.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/rule-of-law_2011.pdf). This entire paragraph is a

complex, so these forums encourage foreign assistance professionals to conduct assessments and use long-term planning that continuously analyze the problem to adapt initiatives to the changing environment. The goal is not to just solve immediate requests or wants, but also address the root, institutional, behavioral or normative problems that circumvent the ROL and cause poor performance in the security (or any) sector.<sup>78</sup>

As the U.S. Government's lead development agency, USAID's current principal policy framework weaves U.S. policies, such as the Obama Presidential Policy Directive on Global Development (PPD-6), together with international agreements, in order to guide decision making throughout the agency.<sup>79</sup> Systematically, USAID follows seven operational principles to achieve international aid effectiveness.<sup>80</sup>

1. Promote gender equality and female empowerment;
2. Apply science, technology, and innovation strategically;
3. Apply selectivity and focus;
4. Measure and evaluate impact;

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slightly modified version of what is found in the Rule of Law Handbook. Adam Bushey was a contributing author of the handbook.

<sup>78</sup> Jonathan Stivers, "FY 2017 Budget Priorities for East Asia: Engagement, Integration, and Democracy," U.S. House of Representatives Document Repository, 19 April 2016, accessed 26 March 2017, <http://docs.house.gov/meetings/FA/FA05/20160419/104816/HHRG-114-FA05-Wstate-StiversJ-20160419.pdf>, 7.

<sup>79</sup> USAID, *ADS Chapter 200 Development Policy*, 2016 (Washington, DC: USAID, 2016), 11, accessed 26 March 2017, <https://www.usaid.gov/sites/default/files/documents/1870/200.pdf>.

<sup>80</sup> USAID, "USAID Policy Framework 2011-2015," accessed 26 March 2017, <https://www.usaid.gov/sites/default/files/documents/1870/USAID%20Policy%20Framework%202011-2015.pdf>, iv.

5. Build in sustainability from the start;
6. Apply integrated approaches to development; and
7. Leverage “solution holders” and partner strategically.<sup>81</sup>

USAID’s Local Systems Policy, another major USAID policy, is a comprehensive outline of how to build sustainable country systems following the mentioned four technical principles and the seven operational principles.<sup>82</sup> A systems-based approach is based on the “reality that achieving and sustaining any development outcome depends on . . . the actors, their interrelationships and the incentives that guide them,” and uses tools to assess the needs and demands of the “interconnected sets of actors—governments, civil society, the private sector, universities, individual citizens and others—that jointly produce a particular development outcome.”<sup>83</sup> For example, professionals in the ROL sector refer to the 3Ps (Police, Prosecutors, Prisons) or the 3Cs (Cops, Courts, Corrections).

The DOS-USAID Quadrennial Diplomacy and Development Review (QDDR) provided a blueprint on how a systems approach could apply American civilian power more effectively to advance U.S. interests. The systems-based foreign assistance theory is rooted in the proposition that the ROL cannot be established in a sustainable way until all three of these components, which all affect the ROL system, are collectively

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<sup>81</sup> USAID, “USAID Policy Framework 2011-2015,” iv.

<sup>82</sup> USAID, *Local Systems: A Framework for Supporting Sustained Development* (Washington, DC: U.S. Agency International Development, 2014), accessed 26 March 2017, <https://www.usaid.gov/sites/default/files/documents/1870/LocalSystemsFramework.pdf>.

<sup>83</sup> *Ibid.*, v, 4.



strengthened. A conclusion of a system-based foreign assistance approach regarding the security sector is that partner ministries of defense will succeed or fail not simply based on their own capabilities, but also the capabilities of the police, justice system, political leaders, and the governance system as a whole.

Due to (1) the directives in PPD-23; (2) USAID's recognized role as the U.S. Government's lead agency for governance aid, and (3) the unique relationship between DOS, USAID, and DOD as the three-legged stool of U.S. international affairs, USAID policies are relevant to DOD's SC/SA foreign assistance. First, as stated in the PPD-23 fact sheet, one of the main purposes of the PPD was to "[f]oster United States Government policy coherence and interagency collaboration. Transparency and coordination across the United States Government are needed to integrate security sector assistance into broader strategies, synchronize agency efforts, reduce redundancies, . . . and identify gaps."<sup>84</sup> USAID has a significant leadership role in the implementation of PPD-23.

Second, USAID is recognized as the "lead agency in implementing U.S. foreign assistance activities around the world."<sup>85</sup> Even in the first published QDDR (2010),

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<sup>84</sup> Barak Obama, "Fact Sheet: U.S. Security Sector Assistance Policy," The White House, Office of the Press Secretary, 5 April 2013, accessed 3 April 2017, <https://obama.whitehouse.archives.gov/the-press-office/2013/04/05/fact-sheet-us-security-sector-assistance-policy>.

<sup>85</sup> USAID, "Foreign Assistance Dashboard Update," 5 June 2013, accessed 3 April 2017, <https://www.usaid.gov/news-information/press-releases/foreign-assistance-dashboard-update>, 1.

USAID was listed as the lead agency for international aid.<sup>86</sup> Simply, USAID has the expertise and does more of it. For example, DOS implements a limited amount of good governance work. However, according to the U.S. government Foreign Assistance Dashboard, which lists all foreign assistance obligations and expenditures conducted by every U.S. government agency, USAID's good governance programs accounted for more than five times DOS's expenditures on similar programs between 2012 and 2016.

Lastly, USAID was elevated to equal status with DOS and DOD in the NSS a decade ago, because it was recognized that "in an interconnected world, we are safer and stronger at home when fewer people face destitution, when our trading partners are flourishing, when nations around the world can withstand crises, and when societies are freer, more democratic, and more inclusive."<sup>87</sup> In fact, the USAID Policy on Cooperation with DOD recognizes that USAID leads the development aid pillar of the national security framework, and states that coordination is "required when USAID and DOD share objectives and must work together to achieve them."<sup>88</sup>

#### Secondary Research Q3: DOS Authority over SC/SA Programs:

Again, this paper explores whether DOS can more systematically incorporate U.S. good governance strategic objectives into the oversight of DOD's SC/SA programs. The

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<sup>86</sup> DOS and USAID, "Leading through Civilian Power: The First Quadrennial Diplomacy and Development Review (QDDR)," accessed date 3 April 2017, <https://www.state.gov/documents/organization/153108.pdf>, ii.

<sup>87</sup> Stivers, 7. See also U.S. Agency for International Development, *Mission, Vision and Values* (Washington, DC: U.S. Agency for International Development, 2016), accessed 26 March 2017, <https://www.usaid.gov/who-we-are/mission-vision-values>.

<sup>88</sup> DOS and USAID, ii.

third (DOS's actual authority over DOD implemented SC/SA programs) of the five secondary questions is addressed next.

DOS has long had oversight over SC/SA programs in order to define, synchronize, and deconflict U.S. strategic objectives. This is because Congress has consistently authorized, expected, and in many cases, mandated DOS to provide this oversight role.

There is an overlap between DOS and DOD when it comes to arms trades, training, and military alliances. Former Secretary of Defense Robert Gates helped popularize the term "shared responsibility" regarding SC/SA as it refers to the joint responsibility between DOD and DOS in supporting U.S. foreign SC/SA programs, relationships overseas, and national security interests.<sup>89</sup> According to ADP 1, the DOD's role is to deter enemies, counter threats, and fight and win the nation's wars. The DOS is responsible for foreign policy and U.S. diplomatic relations. DOS's role in the shared responsibility of SC/SA programs is to calculate and measure associated trade-offs between short-term limited scope program objectives and long-term national interests. Some have described DOS as having veto power over some DOD developed plans, even when they are DOD directed authorities.<sup>90</sup>

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<sup>89</sup> Robert M. Gates, "Helping Others Defend Themselves: The Future of U.S. Security Assistance," *Foreign Affairs* 89, no. 3 (May-June 2010): 4, quoted in Nina Serafino, *Security Assistance and Cooperation: Shared Responsibility of the Departments of State and Defense* (Washington, DC: Congressional Research Service, 2016), 2, accessed 26 March 2017, <https://fas.org/sgp/crs/natsec/R44444.pdf>.

<sup>90</sup> Neptune, "U.S. Security Cooperation Review," February 2016, 28. Accessed 26 April 2017, <http://neptuneasc.com/site/wp-content/uploads/2015/05/Neptune-Whole-of-Government-U.S.-Security-Cooperation-Review-20160208.pdf>.

Again, Secretary Gates's shared responsibility concept is not new. While the legal framework for SC/SA programs has evolved over time, the general roles of responsibility in which DOD implements and administers the security programs, while DOS performs the key oversight functions, has stayed constant. For the fifteen years following WWII, the U.S. Government followed the principle that military assistance necessitated "civilian leadership, influence, and oversight" over military assistance programs under the Mutual Defense Assistance Act (1949).<sup>91</sup>

A decade later in 1958, after recognizing that "serious deficiencies in planning and execution" existed within Military Assistance Programming (MAP), President Eisenhower commissioned an investigation. The investigation concluded that DOS should provide greater foreign policy direction for SC/SA programming. This was based on the recognized need to provide foreign policy direction, avoid U.S. government cross-purposes, and to coordinate the U.S. military and development assistance programs with each other.<sup>92</sup>

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<sup>91</sup> Serafino, 5.

<sup>92</sup> President's Committee to Study the United States Military Assistance Program, *Draper Committee Report* (Monterey, CA: Naval Postgraduate School, 1959), 27, accessed 26 March 2017, <http://edocs.nps.edu/2012/December/pcaaa444.pdf>. "The Committee regards two basic concepts as essential: (1) The strengthening of the position of the State Department on the policy level of military assistance planning and an increased assurance of the conformity of the Military Assistance Program to foreign policy and to related assistance programs. (2) The focusing of responsibility on the Department of Defense for the planning, programming and execution of military assistance within the framework of policy guidance laid down in the National Security Council and by the Department of State." President's Committee, 133.

Partially based on the commission's findings, the Foreign Assistance Act of 1961 (FAA) created new SC/SA authorities based on the commission's findings, and granted significant oversight responsibility to DOS regarding military assistance.<sup>93</sup> These laws show that it was Congress's intent for SC/SA policy formulation to be under the purview of DOS. For the next few decades, funding levels, the DOS led strategy, policy, and programs.<sup>94</sup> DOS has inherent oversight authority over the management of all Title 22 SC/SA funds, regardless of whether the funds are managed by DOD or DOS.<sup>95</sup>

It was not until Ronald Reagan's presidency that Congress began to bolster DOD authorities to conduct its own SC/SA programs through appropriations that went directly to DOD under Title 10 of the U.S. Code (see figure 3).<sup>96</sup> Then, in the name of urgency, due to DOD appeals for revisions or new ad hoc laws following the terrorist attack on 9-11, Congress not only increased the overall funding levels for security assistance, but also increased the amount of SC/SA authorities and funds appropriated directly to the DOD under Title 10. In decades past, using the same authority it holds today, DOS acted as a more forceful player regarding SC/SA implementation than it does now. The scores of

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<sup>93</sup> Serafino 39. In fact, from 1961-1967, DOS delegated its oversight responsibility of military assistance to USAID.

<sup>94</sup> Sharif Calfee et al., "Security Cooperation, Security Assistance, and Building Partner Capacity: Enhancing Interagency Collaboration," *Joint Force Quarterly* no. 61 (2nd quarter 2011): 103.

<sup>95</sup> U.S. Army, FM 3-22.

<sup>96</sup> Serafino, 6, 42. These new authorities included programs for counternarcotic, nonproliferation, and counterterrorism. By 1997, defense reform legislation constituted the agency that eventually devolved into Defense Security Cooperation Agency (DSCA).

new SC/SA authorities (see figure 3) morphed into a patchwork of programs and authorities that not only created unwieldy redundancies and limitations, but also inherently limited DOS’s ability to align initiatives with foreign policy objectives.<sup>97</sup> In essence, a constant reactionary change to evolving needs kept DOD, DOS, and Congress from adopting a strategic approach to SC/SA programs.<sup>98</sup>

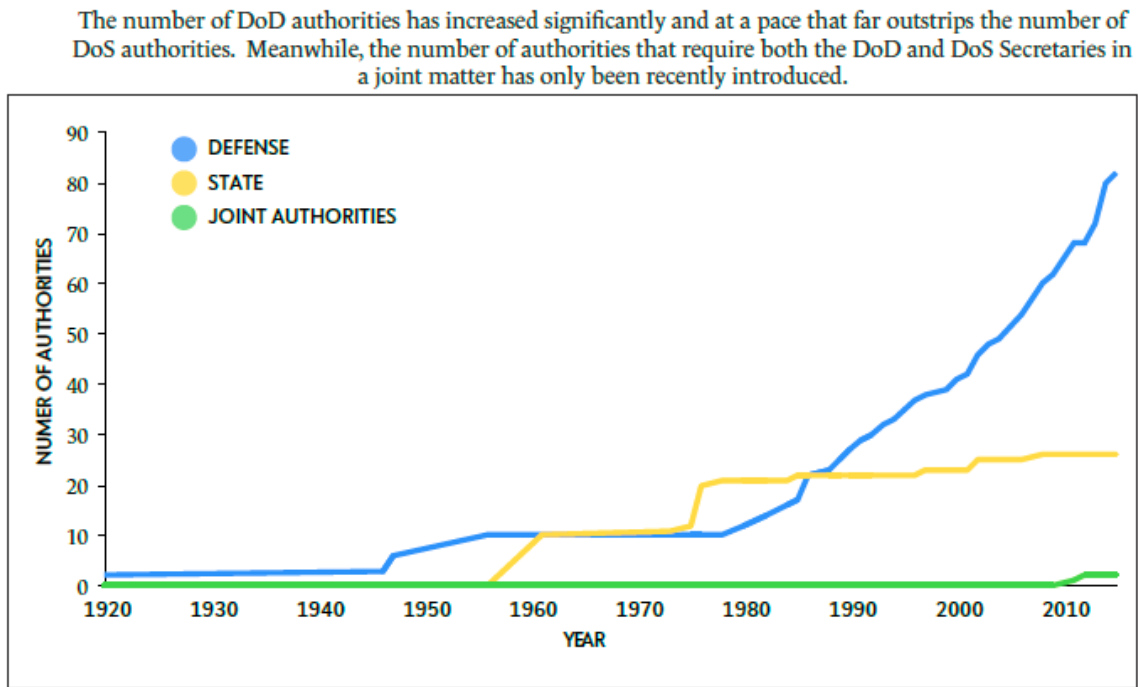


Figure 3. DOD-DOS Authorities

Source: Neptune, “U.S. Security Cooperation Review,” 13 February 2016, accessed 26 April 2017, <http://neptuneasc.com/site/wp-content/uploads/2015/05/Neptune-Whole-of-Government-U.S.-Security-Cooperation-Review-20160208.pdf>.

<sup>97</sup> Thaler et al., iii, 10. New SC/SA resources were directed towards intelligence and counter-insurgency operations.

<sup>98</sup> Ibid., 10.

## Legal Basis for DOS's Coordinating Responsibility

Even though, as stated previously, DOD had new authorities, Congress continued and continues to direct DOS to provide oversight and overall guidance regarding DOD's implementation of SC/SA programs. While the FAA has been amended numerous times since its inception, Section 622(c) was last modified in 1976 (Public Law 94–329; 90 Stat. 733). Section 622(c) is significant because it gives the DOS “oversight responsibility for all military assistance, regardless of the authority or budget under which it is provided.”<sup>99</sup> In its present form, Section 622(c) states:

The Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance . . . to the end that . . . the foreign policy of the United States is best served.<sup>100</sup>

The DOS is responsible for ensuring that U.S. diplomatic, military, and non-military foreign assistance build on each other in a unity of effort to advance interests with prioritized resource allocation to ensure the best use of U.S. resources.<sup>101</sup>

In several places, Congress actually codified the fact that the intent of the SC/SA was to augment current U.S. foreign policy of supporting good governance and human rights. For example, the purpose of 1206 programs is to support nations to “observe and

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<sup>99</sup> Serafino, 39.

<sup>100</sup> Committee on International Relations and Committee on Foreign Relations, *Legislation On Foreign Relations through 2002*, vol. 1-A, *Current Legislation and Related Executive Orders* (Washington, DC: U.S. Government Printing Office, 2003), 1, accessed 26 March 2017, <https://www.usaid.gov/sites/default/files/documents/1868/faa.pdf>.

<sup>101</sup> International Security Board, 2.

respect human rights, fundamental freedoms, and the ‘legitimate civilian authority within that country.’”<sup>102</sup> IMET, the expanded IMET (E-IMET) program, Title 10 Sec. 168, and several of the regional centers have similar language in their codified purpose.<sup>103</sup>

Congress has also codified several SC/SA programs that require joint planning and funding. Although not all collaborative efforts have been successful, most people assert DOS/DOD collaborative efforts as a best practice.<sup>104</sup> For example, the collaborative Section 1206 programs (a.k.a. 2282 programs), have been touted as successful in GAO and IG reports.<sup>105</sup>

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<sup>102</sup> Sharif Calfee et al., 105.

<sup>103</sup> Russell S. Thacker and Paul W. Lambert, “Low Cost, High Returns: Getting More from International Partnerships,” *Joint Force Quarterly* 75 (4th quarter 2014): 72; Ira C. Queen, “The Value of Security Cooperation,” *DISAM Journal* (2006): 1-14.

<sup>104</sup> The GAO and both DOS and DOD Inspector General (IG) offices conducted evaluations of the 1206 funding. All of them issued positive evaluations of the shared responsibility Section 1206 program, including a strong endorsement of the interagency collaboration. Specifically, the joint IG report stated that “Section 1206 leverages the expertise of both Departments of Defense and State. As such, Section 1206 is an excellent tool for providing corollary Benefits.” Sharif Calfee et al., 103. In contrast, the Section 1207 Global Security Contingency Fund program is “perceived to have failed because of unwieldy justification and reporting requirements to eight separate congressional committees,” and infighting between DOS and DOD (Thaler et al., 30.). For the last few years, Section 1207 funding has been reduced to under one-million dollars.

<sup>105</sup> U.S. Government Accountability Office, GAO 10-431. *International Security: DOD and State Need to Improve Sustainment Planning and Monitoring and Evaluation for Section 1206 and 1207 Assistance Programs* (Washington, DC: U.S. Government Accountability Office, 2010), 21, accessed 26 March 2017, <http://www.gao.gov/new.items/d10431.pdf>. “We have identified eight key practices for enhancing interagency collaboration, the first three of which are relevant in this context: 1) defining and articulating a common outcome; 2) establishing mutually reinforcing or joint strategies to achieve the outcome; 3) identifying and addressing needs by leveraging resources; 4) agreeing upon agency roles and responsibilities; 5) establishing compatible policies, procedures, and other means to operate across agency boundaries; 6) developing



## Role of Bureaucratic Process

This paper explores whether DOS can more systematically incorporate U.S. good governance strategic objectives into the oversight of DOD's SC/SA programs. The fourth (a review of how DOS's oversight works in practice) of the five secondary questions is addressed next.

Typically, guides, best practice manuals, and actual policies describe how the organization will address specific challenges through developed and approved programmatic approaches. When done correctly, these approaches reflect state-of-the-art concepts grounded in evidence that provide staff direction in a specific subject matter. Using DOS's SC/SA oversight authority, such reference material could help ensure SC/SA programs are appropriately tailored, based on country context, and implemented effectively in accordance with clearly articulate national strategic or operational level end states for the region and the U.S. as a whole. If done correctly, these policy directives would coordinate and prioritize SC/SA programs (based on allocation of resources) within the ICS and the rest of the interagency.<sup>106</sup> In essence, such material would be a road map with do's and don'ts based upon best fit approaches and lessons learned. According to one RAND study commissioned by the Office of the Secretary of Defense (OSD), "Military planners in the field often have little experience managing security

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mechanisms to monitor, evaluate, and report the results of collaborative efforts; 7) reinforcing agency accountability for collaborative efforts through agency plans and reports; and 8) reinforcing individual accountability for collaborative efforts through agency performance management systems."

<sup>106</sup> International Security Advisory Board, 2.

cooperation and rotate every two to three years.”<sup>107</sup> Since most Security Cooperation Officers (SCO) are new to the field of SC/SA, by the time they understand the position and how power and resources are distributed and contested, they often redeploy. DOD civilians, while more experienced, are too few in number to make up the difference; specific and direct DOS guidance on how to implement SC/SA programs in order to meet strategic country or NSS objectives through tailored and effective SC/SA programming could help.<sup>108</sup>

#### Secondary Research Q4: Existing DOS Guidance and Procedures

##### General Guidance

The DOS has written guidance outlining how to implement SC/SA programs, but it is focused on administrative aspects, rather than substance. As stated previously, the U.S. has fourteen stated objectives for security assistance programs. While meeting these objectives, SC/SA programs are meant to assist in the development of self-sufficient host nation militaries, all the while doing it in such a way as to make future U.S. grant assistance no longer necessary.<sup>109</sup> However, DOS has little guidance on how to achieve

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<sup>107</sup> Thaler et al., 12.

<sup>108</sup> U.S. Government Accountability Office, *Defense Management: Improved Planning, Training, and Interagency Collaboration Could Strengthen DOD's Efforts in Africa* (Washington, DC: U.S. Government Accountability Office, 2010), 24, accessed 26 March 2017, <http://www.gao.gov/products/GAO-10-794>. “Staff face difficulties in applying funding to activities, which can pose challenges in implementing activities and impede long term planning efforts . . . [and] lacked expertise to effectively carry out this task.” See also Thaler et al., 12.

<sup>109</sup> U.S. Department of State, *Grant Military Assistance Guide*, 7, 16. While the vast majority of FMF does go to militaries, a limited amount of FMF funds non-military security sector institutions. The strategic objectives of (1) building self-sufficient

them. After a review of DOS and DOD SC/SA guidance, the Center for a New American Security concluded in their 2015 publication, *Rethinking the Return on Investment*, that:

There is no strategic U.S. approach regarding the . . . goals of U.S. security assistance, which include: urging a partner military or security force to integrate diverse religious, ethnic, and regional communities; promoting standards and norms regarding civil-military relations; encouraging partner forces to fight corruption and to protect minority rights; and, over time, supporting the capabilities of civilian security institutions in a way that improves governance practices writ large.<sup>110</sup>

In *Rethinking the Return on Investment*, authors Dr. Dafna Rand and Dr. Stephen Tankel concluded that the U.S. has SC/SA policies and expectations associated with building institutional defense capacity and instituting institutional, norms and behavioral reform. However, “efforts to achieve these goals remain undeveloped [by the US Government],” which causes weak end state planning among and between DOS, DOD, and the rest of the interagency.<sup>111</sup> This undeveloped strategic planning and guidance has caused significant inefficiencies to exist in all aspects of SC/SA programming.<sup>112</sup>

A temporary DOS advisory board, established to study issues associated with SC/SA implementation, similarly found that there were no clear priorities and no unity of effort for SC/SA programs.<sup>113</sup> In 2013, the DOS advisory board suggested writing a more

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militaries, while (2) working themselves out of a job are complex, difficult desired goals to accomplish.

<sup>110</sup> Rand and Tankel, 12 and 23.

<sup>111</sup> Ibid., 12; Serafino, 1.

<sup>112</sup> Thaler et al., x.

<sup>113</sup> International Security Advisory Board, 1.

detailed national strategic strategy for SC/SA programs around a framework of eight strategic objectives.<sup>114</sup> The board recognized that some of them may compete, at times, with each other, making it all the more important for SC/SA initiatives to specify their overall objectives and desired effects. To address this concern, partially caused by the bottom-up (program recommendations coming from SCO and PN) nature of the current process approach, Congress required DOD to develop a SC strategic framework (in the FY16 annual National Defense Authorization Act).

In 2016, DOS published a fifty-page guide, entitled “*Grant Military Assistance Guide*” (*GMAG*), on how SCOs and the Defense Security Cooperation Agency (DSCA) must implement FMF programs. The guide outlines the procedural steps necessary to complete a SC/SA transaction and lists permissible and impermissible expenditures.<sup>115</sup>

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<sup>114</sup> Ibid., 16-18. Eight Suggested SC/SA National Strategic Objectives: (1) Building “high end” military capabilities of allies and partners for conventional conflicts; (2) Building links with foreign militaries (e.g., Interoperability of equipment, dependency on U.S. industrial base); (3) Fostering good relations (e.g., securing access and influence with partner nation); (4) Influencing the balance of power in a region; (5) Providing financial, training, and materiel support to countries assisting in an ongoing U.S. operation (e.g., OIF, OEF); (6) Building partners capabilities in specific “functional” areas of importance to the US; (7) Assisting a country with an internal threat; and (8) Security and Justice Sector Reform (e.g., increasing accountability and transparency in security institutions; establishing ROL, protecting human rights and minority rights).

<sup>115</sup> U.S. Department of State, *Grant Military Assistance Guide*, 31. Using DOS’s fourteen standard objectives framework stated earlier, DOS’s SA process begins with the SCO identifying each country’s security assistance objectives for the upcoming year. The GMAG then describes how the one-year objectives are then meant to be wrapped-up into a three-to-five year FMF capability development plan with measurable development objectives/intermediate results that get incorporated into the ICS. After that, all of the proposals put together by the SCOs at each embassy are consolidated and are vetted through DOS’s annual roundtable process that typically takes place in April.

While some hail the guide as a success, others complain that FMF is slow, inflexible, and not prioritized according to DOD objectives.<sup>116</sup>

The guide is not a practitioner’s guide based on best-fit approaches and lessons learned. For example, the guide devotes numerous pages to the legal parameters associated with the sale or financing of internal security (law enforcement) equipment, while there is an absence of analysis of past program performance or differences that has led some programs to succeed where others faltered. This lack of instructional policy illustrates why some argue that DOS has a weak monitoring and evaluation culture to sufficiently oversee DOD’s implementation of SC/SA programs.<sup>117</sup> Others argue, especially compared to the personnel and the resources of DOD, that DOS is simply overmatched with too few personnel.<sup>118</sup>

The DOS’s State Department-Directed Foreign Military Financing (SDD-FMF) policy allows DOS to condition grants on the implementation of reforms.<sup>119</sup> However, DOS’s internal guidance permits SDD-FMF initiatives “only in exceptional circumstances.”<sup>120</sup> This policy is not helpful and should be changed.

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<sup>116</sup> Moroney, Thaler, and Hogler, 19.

<sup>117</sup> Serafino, 3.

<sup>118</sup> Rand and Tankel, 3, 25.

<sup>119</sup> SDD-FMFs can be set up on a regional basis as well.

<sup>120</sup> U.S. Department of State, *Grant Military Assistance Guide*, 25.

## Assessment Guidance

Regarding procedures, the DOS and DOD, at least minimally, conduct a few different types of country-based assessments for SC/SA programs. The first is an assessment conducted through a capability planning review where DOD and DOS categorize countries based on their financial and human capabilities. Specifically, the procedure “assesses, develops, and documents discrete, achievable capability goals based upon the country’s security assistance objectives and identified security capability gaps.”<sup>121</sup> This is not an in-country assessment. These assessments are often short and rudimentary in comparison to other foreign assistance assessments.

For the SC/SA programs that fall within the parameters of the PPD-23, an interagency assessment is a mandatory first step prior to implementation.<sup>122</sup> While the DOD- and DOS-approved, and the USAID-published “Interagency Security Sector Assessment Framework” was used as reference, it is a short document, and does not provide the detailed, systematic step-by-step process of other assessment frameworks, such as USAID’s Conflict Assessment Framework 2.0 or its Rule of Law Country Analysis. While these assessments have both a desk study and in-country assessment that attempt to “ascertain the symptoms and the causes of the issues identified through the

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<sup>121</sup> Ibid., 30. The four categories are: full U.S. sustainment, cooperative sustainment, cost-sharing, and phase out.

<sup>122</sup> Jefferson Marquis et al., *Developing an Assessment, Monitoring, and Evaluation Framework for U.S. Department of Defense Security Cooperation* (Santa Monica, CA: RAND Corporation, 2016), 55.

desk study,” only a handful have been conducted and they have been plagued with interagency squabbling.<sup>123</sup>

Briefly, both OSD and DSCA have their own assessment guidance, which they call a Section 1206/2282 counter-terrorism assessment and a “Security Assistance Survey Team” respectively. Of the two, the 1206/2282 is most similar to other foreign assistance assessments in that it follows a handbook, and is conducted by a contracted team of outside experts. However, these assessments are limited in focus in that they do not assess programs conducted under the vast majority of the existing 165 SC/SA authorities. It is not a systems-based assessment, but it is one of DOD’s more in-depth monitoring and evaluation tools.<sup>124</sup> The DSCA Security Assistance Survey Team conducts rare, ad hoc assessments, and they are focused on the viability and appropriateness of arms sales of “requested equipment or services” based on existing systems and capabilities.<sup>125</sup>

There is no indication that any of these assessments are completed in the same systematic fashion each time, which is a defining principle of assessments conducted in many other foreign assistance sectors.<sup>126</sup> The purposes of systematic assessment are to

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<sup>123</sup> U.S. Agency for International Development, *Interagency Security Sector Assessment Framework* (Washington, DC: U.S. Agency for International Development, 2010), 4, accessed 26 March 2017, <http://www.usaid.gov/node/33416>.

<sup>124</sup> Marquis et al., 40-41.

<sup>125</sup> Defense Institute of Security Assistance Management, *Security Assistance Management Manual (E-SAMM)*, (Wright-Patterson Air Force Base, OH: Defense Security Cooperation Agency), C2, F1, accessed 26 March 2017. <http://www.samm.dscamil/>.

<sup>126</sup> Rojan Bolling, “List of Frameworks for Conflict Analysis,” *The Broker: Connecting Worlds of Knowledge*, 21 January 2015, accessed 30 April 2017, <http://www.thebrokeronline.eu/Articles/List-of-Frameworks-for-Conflict-Analysis>.

increase impartiality, reduce possible biasness, increase the professional skills of the assessment team, and help ensure critical areas are not overlooked or simply skipped due to preconceived perceptions. Comprehensive and in-depth assessments identify needs, align mutual interests, gauge political will, and manage risks and unintended consequences.<sup>127</sup> Since the turnover rate for SCOs is high, and because they are often replaced with less experienced staff who are not experts on the partner nation, the PN military, or how the PN equips itself for its future force, it is ever more important for a full and exhaustive assessment to be conducted of the defense institution (i.e., MOD) to give newcomers an accurate framing of the environment.<sup>128</sup>

It has been said that “[p]ersonnel who work or have worked in BPC planning or execution have an intuitive sense of what works and what does not.”<sup>129</sup> Others would say that due to non-expert foreign assistance planning, complex structures, and significant inefficiencies, SC/SA practitioners are “always gaming, guessing [on which SC/SA to conduct].”<sup>130</sup> By using a systematic approach to assessing a PN’s security sector with a team of experts with different perspectives, assessments replace intuition or “gaming” with analysis and knowledge. As USAID has found over the last sixty-years of

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Assessments that are continuously conducted in the same systematic fashion include ROL assessments, democracy, human rights, and governance assessments, and health logistics management assessments to name a few. The broker provides an exhaustive list of conflict assessments.

<sup>127</sup> International Security Advisory Board, 23.

<sup>128</sup> Moroney, Thaler, and Hogler, 2.

<sup>129</sup> Paul et al., 31.

<sup>130</sup> Thaler et al., 3, 18.



programming, while a program may make intuitive sense from a Western practitioner mindset, it may not be transferrable to other environments.

#### Secondary Question 5A: Good Governance Trends in the SC/SA Context

This paper explores whether DOS can more systematically incorporate U.S. good governance strategic objectives into the oversight of DOD's SC/SA programs. Both elements of the fifth secondary questions (existing trends within the SC/SA context and whether SA/SC programs support the foreign assistance principle of "do no harm.") are below.

Although the transparency of whether good governance exists has increased due to a proliferation in measurement indices, the presence of good governance around the world is declining. The Freedom of the World report, published in 1973, was one of the first of more than fifty different indices that measure the effectiveness of government institutions.<sup>131</sup> Since 2006, for the ninth consecutive year, the index reported that the world has seen an overall decline in political rights and civil liberties. It states that the good governance is under great threat.<sup>132</sup>

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<sup>131</sup> USAID, *Practitioner's Guide to Anticorruption Programming* (Washington, DC: U.S. Agency for International Development, January 2015), Annex F, accessed 26 April 2017, [http://pdf.usaid.gov/pdf\\_docs/PA00K7PG.pdf](http://pdf.usaid.gov/pdf_docs/PA00K7PG.pdf).

<sup>132</sup> Arch Puddington, "Discarding Democracy: A Return to the Iron Fist," Freedom House, 2015, accessed 26 March 2017, <https://freedomhouse.org/report/freedom-world-2015/discarding-democracy-return-iron-fist>. See also 2015 NSS. "The report's findings show that nearly twice as many countries suffered declines as registered gains, 61 to 33, with the number of gains hitting its lowest point since the nine-year erosion began."

Again, good governance occurs when the ROL and human rights are respected, and the state is responsive, transparent, and accountable to the people without corruption or abuse of power. Both Great Britain and the U.S. hold the position that good governance is fundamental to peace and security, and “is the foundation on which a society is built.”<sup>133</sup> According to an anticorruption guide commissioned by USAID, good governance is a prerequisite to sustainable international aid.<sup>134</sup> The NSS and others hold the position that authoritarian abuse is often a prime cause of crises (e.g., Syria, South Sudan).<sup>135</sup> The country context in which the U.S. operates is of critical importance.

By definition, good governance incorporates human rights; the “support for universal rights is both fundamental to American leadership and a source of our strength in the world.”<sup>136</sup> In 2009, DoD co-published an interagency guideline that stated that their “implementation of current foreign assistance approaches to security and development [including] traditional security assistance . . . equipment and training”

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<sup>133</sup> Germany Federal Ministry for Economic Cooperation and Development, BMZ Information Brochure 4, 32012e, “Good Governance in Practice: Approaches and Examples from Development Practice,” accessed 26 April 2017, [https://www.bmz.de/en/publications/archiv/topics/good\\_governance/Materialie220\\_Information\\_Brochure\\_4\\_2012.pdf](https://www.bmz.de/en/publications/archiv/topics/good_governance/Materialie220_Information_Brochure_4_2012.pdf).

<sup>134</sup> Management Systems International, *A Practical Guide: Measuring Corruption and the Impact of Anti-Corruption Interventions* (Washington, DC: U.S. Agency for International Development, 2002), accessed 26 March 2017, [http://pdf.usaid.gov/pdf\\_docs/PA00K1R3.pdf](http://pdf.usaid.gov/pdf_docs/PA00K1R3.pdf).

<sup>135</sup> Puddington, 19.

<sup>136</sup> U.S. Department of State, *Grant Military Assistance Guide*, 19.

programs should incorporate the “do no harm” guiding principle.<sup>137</sup> In adherence to the basic “do no harm” assistance principle, SC/SA programs should ensure that they protect, or at least do not disproportionately harm the fifth of fourteen DOS strategic SC/SA objectives: 5) Adherence to Norms of Human Rights.<sup>138</sup>

The establishment of the ROL is a necessary component of good governance. According to USAID’s *Guide to Rule of Law Country Analysis*, “The underlying malady [of weak ROL institutions] is the power of entrenched political and economic elites who benefit” from the status quo.<sup>139</sup> Throughout the guide, it is emphasized that “ROL reform must establish a respected and fair relationship between the state and society through balanced powers, proper oversight, checks and balances, and a cultural norm that supports ROL.”<sup>140</sup> USAID has done significant work in reducing corruption in scores of

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<sup>137</sup> DOD, DOS, and USAID, 7.

<sup>138</sup> “Protection” is broadly defined and operationalized through three key areas: (1) Environment building focuses on strengthening the normative frameworks (laws and policies), institutions, and actors that help safeguard against violations; (2) Response efforts mitigate the impact of violations regardless of our ability to end them; and (3) Remedy includes judicial and non-judicial measures to provide redress and deter future violations. USAID has extensive experience in the field of human rights. For example, USAID created Anti-Corruption Advocacy and Legal Aid Centers (ALACs) in Azerbaijan, Armenia, and the Dominican Republic with toll-free hotlines that provide citizens with initial advice and, where evidence of corruption exists, referral for further legal counseling. USAID also supported human rights advocates in Zimbabwe. A joint DOD/USAID Victims of Torture Program (VOT) program could provide support to victims of violence, torture, state harassment, or arrest carried out by foreign militaries.

<sup>139</sup> *Guide to Rule of Law Country Analysis*, 11, accessed 26 March 2017, [http://pdf.usaid.gov/pdf\\_docs/PNADT593.pdf](http://pdf.usaid.gov/pdf_docs/PNADT593.pdf).

<sup>140</sup> Bushey, 146. Comparison to existing U.S. government and international best practices to Rachel Kleinfeld’s *Advancing the Rule of Law Abroad: Next Generation Reform*, 37 *Houston Journal of International Law*, 139 (2014).

countries around the globe, some of which is outlined in the “Guide for Legal Empowerment of the Poor.” The guide highlights that changing legal text is not enough to establish good governance. In order to change behavior to build the ROL to support good governance, there must also be a change in enforcement and incentives through appeal processes, audits, and limiting discretion, to name a few examples.<sup>141</sup>

As indicated previously, SC/SA programs are often most successful when they are conducted in permissive environments where there is an established ROL, and the recipient government is legitimate and is trusted by its people and has a relatively effective form of governance.<sup>142</sup> Unfortunately, many of the countries the U.S. is assisting have extremely low levels of transparency, oversight, accountability, adherence to the ROL, and checks and balances. In 65 percent of the countries Transparency International (TI) studied in Asia, public trust in the military’s ability and will to address internal corruption was very low.<sup>143</sup> Citizens are rightfully concerned. According to TI’s Government Defense Anticorruption Index, all states in the Middle East and North Africa (MENA) are at high risk of corruption in the defense sector. The U.S. supports the UN position that the lack of trust and risk of corruption both pose a grave threat to regional

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<sup>141</sup> U.S. Agency for International Development, *Legal Empowerment of the Poor: From Concepts to Assessment* (Washington, DC: U.S. Agency for International Development, 2007), accessed 26 March 2017, [http://pdf.usaid.gov/pdf\\_docs/PNADM500.pdf](http://pdf.usaid.gov/pdf_docs/PNADM500.pdf).

<sup>142</sup> McInnis and Lucas, 4.

<sup>143</sup> Transparency International, “The Government Defence Anti-Corruption Index, Regional Results Asia,” 2015, 1, accessed 26 March 2017, <http://government.defenceindex.org/downloads/docs/GI-Asia-Regional-Results-web.pdf>.

security and stability by giving fodder to extremist groups, who use citizen dissatisfaction as a means to question a government's legitimacy.<sup>144</sup>

A large percentage of the SC/SA recipients score in the bottom tier of the World Justice Project's Rule of Law Index.<sup>145</sup> For example, using expert surveys, of fifteen countries studied in Asia, only Japan and South Korea have parliamentary defense committees that can influence defense ministry decisions and budgets. According to USAID's "Methodological and Substantive Analysis of USAID Legislative Strengthening Evaluations, 2003-2015," parliaments are an "essential" oversight mechanism to help prevent misconduct, abuse, or the exploitation of power by the military.<sup>146</sup> In Myanmar, the military funds a significant part of its operations through the "selling of state resources, the large-scale cultivation and sale of opium poppies, [and] uncontrolled exploitation of natural resources."<sup>147</sup> Yemen's military participates in

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<sup>144</sup> Gary Quinlan, "Letter Dated 13 November 2014 from the Chair of the Security Council Committee Pursuant to Resolutions 1267 (1999) and 1989 (2011) Concerning Al-Qaida and Associated Individuals and Entities Addressed to the President of the Security Council," United Nations, 6, accessed 26 March 2017, [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2014\\_815.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_815.pdf); Letter from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council.

<sup>145</sup> World Justice Project, *World Justice Project Rule of Law Index 2016* (Washington, DC: World Justice Project, n.d.), 5, accessed 26 March 2017, <http://worldjusticeproject.org/rule-of-law-index>. It includes a measurement on order and security.

<sup>146</sup> USAID, *Legislative Strengthening Evaluations and Their Implications for Future Programs Methodological and Substantive Analysis of USAID Legislative Strengthening Evaluations, 2003-2015* September 2015, 13.

<sup>147</sup> Transparency International, "Regional Results Asia," 3.

organized crime that smuggles oil and drugs, illegally trades arms, and engages in human trafficking.<sup>148</sup>

Governance experts, such as TI, Perry Cammack and Yezid Sayigh with the Carnegie Endowment, contend that the security of the MENA region and the world depend upon using the military as an instrument of national power in a way that upholds “accountability to citizens and basic transparency through which effective independent oversight of policy, budgets, and military behavior can be exercised.”<sup>149</sup> When a single MOD cannot control its personnel or account for its materiel, the world is less safe. For example, a United Nation Security Council report found that ISIS seized conventional military assets including vehicles, weapons, and ammunition, sufficient to arm and equip three divisions—including new and unused surplus materiel.<sup>150</sup> Further, in the MENA region, military materiel acquisition is procured on an ad hoc basis with desires of certain individuals overriding technical security needs.<sup>151</sup> Placating the desires of powerful and potentially corrupt generals can leave gaps unfilled in the security apparatus, potentially

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<sup>148</sup> Ibid., 2.

<sup>149</sup> Ibid., “Regional Results Asia,” 6.

<sup>150</sup> Conflict Armament Research, *Analysis of Small-Calibre Ammunition Recovered from Islamic State Forces in Iraq and Syria* (London: Conflict Armament Research, 2014), accessed 26 March 2017, [http://www.conflictarm.com/wp-content/uploads/2014/10/Dispatch\\_IS\\_Iraq\\_Syria\\_Ammunition.pdf](http://www.conflictarm.com/wp-content/uploads/2014/10/Dispatch_IS_Iraq_Syria_Ammunition.pdf); Amnesty International, “Taking Stock: The Arming of Islamic State,” accessed 26 March 2017, <https://www.amnestyusa.org/sites/default/files/taking-stock-the-arming-of-is.pdf>. See also Transparency International, “The Government Defence Anti-Corruption Index: Regional Results MENA,” 2015, 14, accessed 26 March 2017, <https://government.defenceindex.org/downloads/docs/GI-MENA-Regional-Results-web.pdf>.

<sup>151</sup> Transparency International, “Regional Results MENA,” 14.

creating critical vulnerabilities within the Critical Capabilities (CC) (a means that is considered a crucial and essential to the accomplishment of a specified objective) or enablers that are necessary to accomplish long-term U.S. objectives.

#### Extent of Corruption in Partner Militaries and Its Effect on U.S. Security

Unethical behavior quickly destroys organizational morale and cohesion—it undermines the trust and confidence essential to teamwork and mission accomplishment.<sup>152</sup>

U.S. strategic policy identifies the existence of corruption and poor governance in other nations to be destabilizing and a threat to U.S. national security. Case studies in and out of military institutions have found that corruption and a lack of checks and balances will “significantly inhibit” SC/SA effectiveness, and that corruption is a “pervasive threat” to military operations.<sup>153</sup> The need to combat corruption or its corrosive effects on U.S. strategic objectives is mentioned a dozen times in the twenty-eight page *2015 National Security Strategy*. Mitigating corruption can support mission operations to reduce violent extremism, as well as increase government legitimacy and citizen confidence.

Corruption damages any DOD mission’s operational effectiveness and “erodes the legitimacy and efficacy of an international mission.”<sup>154</sup> Corruption can be a source of

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<sup>152</sup> U.S. Army, Army Doctrine Reference Publication (ADRP) 6-22, *Army Leadership*, Washington, DC: Headquarters, Department of the Army, 2012.

<sup>153</sup> McInnis and Lucas, 4; JCOA Study 14-16.

<sup>154</sup> Transparency International Defence and Security, *Corruption Threats and International Missions: Practical Guidance for Leaders* (London, UK: Transparency

conflict; twelve of the fifteen lowest ranked countries on Transparency International's (TI) Corruption Perception Index (CPI) have issues with insurgents or international security.<sup>155</sup> For example, in Indonesia, it is estimated that 30 percent of the military procurement costs are pilfered through corruption.<sup>156</sup> Generally, if corruption is used to create stability in the short-term (e.g., using bribes to buy loyalty), it can create a system of impunity that lacks respect for the rules of law, which inherently undermines mission command, the mutual trust, understanding, and disciplined initiative that balances authority, control, and flexibility that is necessary in order to gain and maintain decisive action.

Many officers in DOD believe that corruption is simply part of some countries' cultures, where citizens have attitudes of resignation to corruption, and, therefore, nothing can be done to address it.<sup>157</sup> However, citizens know that corruption undermines service delivery, decreases economic opportunity, and increases inequality. This is why ISIS propaganda in Iraq and Syria refutes the government as illegitimate, due in part to its corruption, in order to gain sympathizers for their cause to overthrow the government.<sup>158</sup>

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International, 2014), 1, accessed 26 April 2017, <http://ti-defence.org/wp-content/uploads/2016/03/140930-Corruption-Threats-International-Missions.pdf>. Herein after (TI CTIM)

<sup>155</sup> No statistical study or regression analysis was found regarding correlation or causation regarding these findings. Transparency International, TI CTIM, 9.

<sup>156</sup> Transparency International, "Regional Results Asia," 14.

<sup>157</sup> Based on nine years of conversations the author has had with DOD officers.

<sup>158</sup> Quinlan, 6. Letter from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council.



The status quo does not have to be the end state. In fact, many anticorruption programs, which focus on changing the rules of the game, incentives, or illegal behaviors that undermine the ROL, have found significant success when effective in-depth assessments help develop programs that are tailored to specific objectives within a sector where political will exists.<sup>159</sup>

#### Secondary Question 5B: Do No Harm

Well-intentioned SC/SA programming can harm partner nations in four ways. First, the U.S. could negatively affect the rights and protections of citizens within a country if there is a lack of transparency and checks and balances in the defense institutions.<sup>160</sup> For example, when DOD has ignored host nation corruption in the past, which has had detrimental results. As written in 2016 by Lieutenant General H. R. McMaster, current U.S. National Security Advisor, “Paradoxically, avoiding state

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<sup>159</sup> U.S. Agency for International Development, *Practitioner’s Guide for Anticorruption Programming* (Washington, DC: U.S. Agency for International Development, 2015), 14-17, 41, accessed 26 March 2017, [https://www.usaid.gov/open-gov/developer/datasets/Practitioner’s\\_Guide\\_for\\_Anticorruption\\_Programming\\_2015.pdf](https://www.usaid.gov/open-gov/developer/datasets/Practitioner’s_Guide_for_Anticorruption_Programming_2015.pdf). Successful anticorruption programs include the Philippines’ enforcement of forest and logging program, the needs based procurement process program within the Palestine’s ministry of health, and the program that improved business registration and reduced tax corruption in Albania.

<sup>160</sup> Recent reports have identified about fifty foreign officers over the last twenty-five years who attended Pentagon schools, and later committed rape, murder, genocide, and coups against the government they swore to protect. However, when DOD is training approximately 7,500 International Military Students (IMS) a year for the last twenty-five years, the actions of 200,000 students from other nations cannot be completely controlled. Lauren Chadwick, “Military Trainees at Defense Universities Later Committed Serious Human Rights Abuses,” The Center for Public Integrity, 17 January 2017, accessed 26 March 2017, <https://www.publicintegrity.org/2017/01/17/20591/military-trainees-defense-universities-later-committed-serious-human-rights-abuses>.

building or sidestepping the political causes of state weakness in the hope of avoiding costly or protracted commitments often increases costs and extends efforts in time.”<sup>161</sup> In fragile states, the government often does not have a monopoly on the legitimate use of force. Therefore, the default in fragile states is often self-protection forces and other powerbrokers providing security, distributing aid, delivering justice, and supplying jobs in lieu of government intervention. They operate along ethnic, religious, or tribal lines and are frequently under political protection.

While U.S. assistance to self-protection forces may secure short-term gains, such as in Afghanistan, these forces over the long run often exploit weaknesses in the political and economic systems, and “have a tendency to evolve into predatory groups, attacking external enemies while extorting or preying upon their own community.”<sup>162</sup> Such extortion and corruption actually reinforce ethnic, religious, and other divisions that fuel cycles of violence, thereby making peace more difficult and prolonging the need for international forces. Instead, foreign assistance should be used to support the government in displacing these groups. While this thesis does not address conflict countries, it should be noted that in 2014, DOD concluded that the United States’ initial support of warlords in Afghanistan created an environment that exacerbated criminal patronage networks and

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<sup>161</sup> Michelle Hughes and Michael Miklaucic, *IMPUNITY Countering Illicit Power in War and Transition* (Washington, DC: Center for Complex Operations, 2016), vi.

<sup>162</sup> TI CTIM, 88.

fostered corruption, which ultimately had significant unintended consequences for U.S. strategy.<sup>163</sup>

Second, harm can be done by empowering a military that already has undue influence in a country without also strengthening oversight institutions. Unmatched military assistance to an already militarized society may tip the scales of power and permit the military to act as a tool to “suppress democratic opposition or movements.”<sup>164</sup> In fact, “a coup or attempted coup occurred once every four months in Latin America (1945-1972), once every seven months in Asia (1947-1972), [and] once every three months in the Middle East (1949-1972).”<sup>165</sup> There have been forty-four coups in West Africa alone over the last fifty years.<sup>166</sup> Not all of these coups were antidemocratic, not all were successful, and not all of them were even against democratically elected regimes. Nonetheless, the point remains that if SC/SA programs followed the framework of other U.S. Government foreign assistance initiatives, security sector programs would be part of a multidimensional effort, and would incorporate systematic assessments and

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<sup>163</sup> Joint and Coalition Operational Analysis, *Operationalizing Counter/Anticorruption Study* (Washington, DC: Joint and Coalition Operational Analysis, 2014), 9, accessed 26 March 2017, <https://www.hsdl.org/?view&did=756004>. Hereinafter labeled as JCOA Study.

<sup>164</sup> Sarifino, 4; Based on governance index indicators.

<sup>165</sup> Gary K. Bertsch, Robert P. Clark, and David M. Wood, *Comparing Political Systems: Power and Policy in Three Worlds*, 4th ed. (New York: Wiley, 1978), quoted in Kokou Oyome Kemence, “Understanding the Root Causes of Military Coups and Governmental Instability in West Africa” (master’s thesis, U.S. Army Command and General Staff College, 2013), 1.

<sup>166</sup> Kemence, 3.

simultaneously address weak government policies, inadequate laws, or poorly functioning legislatures to counterbalance any assistance given to a military with a misbalance of power. It is USAID's position that when legislative committee and bill drafter capacity is increased, additional checks and balances on overly powerful executives or corrupt ministries of defense can be established as an additional oversight body to safeguard against power-grabs.<sup>167</sup>

The importance of establishing oversight mechanisms is repeated forty-nine times in USAID's *Practitioner's Guide for Anticorruption Programming*, yet many of the United States' partners often do not have these mechanisms in place. In the MENA region, for example, only two of seventeen countries studied, conduct external audits on the ministries of defense.<sup>168</sup> The USAID Democracy, Human Rights and Governance (DRG) Strategy identifies Public Financial Management (PFM) strengthening interventions as a proven method of promoting a culture of lawfulness. PFM programs increase auditing and transparency in accounting, recording, and reporting processes. This USAID position is partly based on the recent meta-analysis evidence-based study of impact evaluations by the U4 Anti-Corruption Resource Center, one of the preeminent research institutions on corruption that receives substantial funding from multiple G7

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<sup>167</sup> U.S. Agency for International Development, *Handbook on Legislative Strengthening* (Washington, DC: U.S. Agency for International Development, 2000), 47-50, 56, accessed 26 March 2017, <https://www.usaid.gov/sites/default/files/documents/2496/200sbb.pdf>. Based on this experience, the author believes USAID is in good position to provide capacity building technical assistance to armed forces' parliamentary committees.

<sup>168</sup> Transparency International, "Regional Results MENA," 14.

countries, that also found that existing studies of PFM programs show that the program had a strong impact on reducing corruption and fraud by changing incentives and the rules of the game.<sup>169</sup>

Yemen is a good example of the failure to counterbalances to an overly powerful executive in relation to the other branches of government. According to a recent article in *Foreign Affairs*, former President Ali Abdullah Saleh used the military to consolidate power through a patronage-based system for his allies. Specifically, the article states, “eight years of Western training not only failed to build a military that could defend the state, but led to a myopic focus on counterterrorism that accelerated its implosion. The mistakes made in Yemen—where military trainers were deployed without consideration for local political dynamics—provide a clear demonstration of the unintended consequences of a military-centric approach” instead of one that is systems-based and multidimensional.<sup>170</sup> According to International IDEA, although capable, for the last two years, the Yemen military has been unable to control the civil war, mostly because the loyalty of the elite military units is to their politically entrenched commanders, many of whom are supporting coup efforts.<sup>171</sup> That same year, the Combating Terrorism Center at

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<sup>169</sup> Jesper Johnsen, Nils Taxell, and Dominik Zaum, “Mapping Evidence Gaps in Anti-Corruption: Assessing the State of the Operationally Relevant Evidence on Donors’ Actions and Approaches to Reducing Corruption,” *U4 Anti-Corruption Resource Centre* 201, no. 7 (October 2012): 1-78, accessed 26 March 2017, <http://www.u4.no/publications/mapping-evidence-gaps-in-anti-corruption-assessing-the-state-of-the-operationally-relevant-evidence-on-donors-actions-and-approaches-to-reducing-corruption/>.

<sup>170</sup> Jack Watling and Namir Shabibi, “How the War on Terror Failed Yemen,” *Foreign Policy*, May 18, 2016, 1.

<sup>171</sup> Helen Lackner, *Yemen’s ‘Peaceful’ Transition from Autocracy: Could it have succeeded?* (Stockholm, Sweden: International Institute for Democracy and Electoral

West Point Sentinel published that “Saudi airstrikes, which are supported by U.S. intelligence, have destroyed much of the country’s infrastructure and decimated Yemen’s military and security services, including millions of dollars in equipment provided by the United States itself[,] . . . As a result, the constant warfare has opened up significant space for al-Qa`ida” and ISIS.<sup>172</sup>

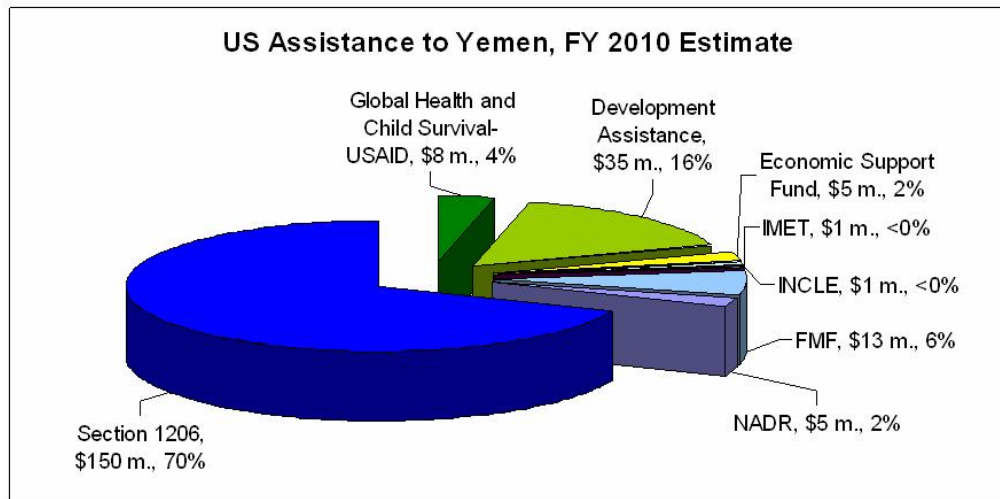


Figure 4. U.S. Assistance to Yemen, FY 2010 Estimate

*Source:* Rebecca Williams, “US Funds the Short-Term in Yemen,” Stimson Center on National Security Spending (Budget Insight), 4 March 2010, accessed 15 April 2017, <https://budgetinsight.wordpress.com/tag/yemen/>.

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Assistance (International IDEA), 2016), 9, accessed 15 April 2017, <http://www.idea.int/sites/default/files/publications/yemens-peaceful-transition-from-autocracy.pdf>.

<sup>172</sup> Greg Johnsen, “Al-Qa`ida and the Islamic State Benefit as Yemen War Drags On,” *Combating Terrorism Center at West Point* 9, no. 1 (January 2016): 14.

This myopic focus was evident in the budget. As seen in figure 4, military assistance made up more than 75 percent of the U.S. assistance to Yemen (\$150 million in Section 1206 funding and \$13 million in FMF).<sup>173</sup> Yet, according to CRS, such disproportionate funding was given to the military even though the “Yemeni government, economy, and tribal and military elites are intertwined in a patronage system that makes reform efforts difficult.”<sup>174</sup> According to a CNN report in 2010, “Officials at the White House and State Department [were] concerned that increasing the size of military assistance might be counterproductive and not absolutely necessary [and] that Yemen President Ali Abdullah Saleh [would] use U.S. weapons against his political enemies and further destabilize the country.” However, the military assistance was approved anyway because the Yemeni government “reaffirmed its commitment to fighting militants.”<sup>175</sup>

Effective foreign assistance uses a systems-based approach that balances both governance and security because long term stability requires both. The counterterrorism assistance dwarfed humanitarian assistance, in a country that was: a) ranked 167 of 177 countries in Transparency International’s 2013 corruption perception index; and b) ranked 154 out of 187 countries in the United Nations 2014 Human Development Index,

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<sup>173</sup> Daniel Benjamin, “U.S. Counterterrorism Strategy in Yemen” (lecture, U.S. Institute of Peace, Washington, DC, 8 September 2010), accessed 15 April 2017, <https://2009-2017.state.gov/j/ct/rls/rm/2010/147296.htm>.

<sup>174</sup> Jeremy Sharp, “Yemen: Background and U.S. Relations,” Congressional Research Service, 11 February 2015, 24, accessed 26 March 2017, <https://fas.org/sgp/crs/mideast/RL34170.pdf>.

<sup>175</sup> Jill Dougherty and Elise Labott, “In wake of cargo plot, U.S. weighs options on Yemen,” *CNN*, November 1, 2010, accessed May 4, 2017, <http://www.cnn.com/2010/US/11/01/yemen.options/>.

in this case partly due to the extreme water shortages in the country, and the fact that the country is dependent on food imports for up to 90 percent of basic staples.<sup>176</sup> Had some of the U.S. military assistance been realigned to address issues of good governance and ROL starting in FY 2010, it is conceivable that the Houthi rebellion, which was provoked due to issues of perceived unfairness, may not have occurred or at least could have been withstood.<sup>177</sup> The security assistance may have failed due to the lack of counter-balancing governance assistance.

Third, if arms sales are made without good strategic planning or a well-functioning force management system, haphazard arms deals can undermine the recipients' security. This could occur by procuring equipment that is unsuitable to their needs that they cannot properly utilize, or by acquiring platforms that are too advanced for their needs or too similar to systems they already possess.<sup>178</sup> This lack of sustainability occurs when SCO's focus on getting the partner nation what they request instead of what they need.<sup>179</sup> Inevitably, many countries have acquired overly technical and complex systems for their needs, or purchased "unaffordable fighter jets and built a pool of pilots when that is not appropriate for the security environment the partner nation

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<sup>176</sup> Sharp, 1.

<sup>177</sup> Lackner, 11-12, 17.

<sup>178</sup> Transparency International, "Regional Results Asia," 14.

<sup>179</sup> Some of USAID's ill structured bottom-up programs do little to build the government's capacity since the program is too focused on providing materials (e.g., clinics, wells). Similarly, SC/SA programs are often tailored around the distribution of materiel instead of building the partner nation's capacity.



faces or its budget.” These are questionable results for the U.S. to permit to occur to a partnered ally through a U.S. government controlled foreign military sales system.<sup>180</sup>

For the last sixty-five years, claims have been made that U.S. military assistance has, at times, given modern weapons merely to placate the political feelings of the recipient, not because such weapons are deemed essential to the success of a regional security plan. Saudi Arabia’s arsenal includes the Typhoon jet and the F-15 fighter jet, which are duplicative systems, as well as duplicative tactical troop-carrying vehicles from Canada, Serbia, and Germany.<sup>181</sup> If SC/SA programs were conducted similarly to other foreign assistance programs, they would be required to adhere to a rigorous sustainable aid model. For example, sustainable assistance mandates in USAID’s agriculture programs require the integration of environmental health, economic viability, and social equity to ensure long-term productivity and not cause subsequent problems, such as water scarcity.<sup>182</sup>

Fourth, poorly synchronized SC/SA programs could harm a PN by wasting funds that could have been more responsibly allocated in a way that benefited the PN’s citizenry. Quoting DOD SC/SA professionals, RAND made the point that many of the existing train-and-equip SC/SA programs are often “episodic and generally not

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<sup>180</sup> International Security Advisory Board, 25.

<sup>181</sup> Transparency International, “Regional Results MENA,” 6.

<sup>182</sup> U.S. Agency for International Development, *Investing in Agriculture* (Washington, DC: U.S. Agency for International Development, 2016), accessed 26 March 2017, <https://www.usaid.gov/what-we-do/agriculture-and-food-security/investing-sustainable-agriculture>.

sustainable.”<sup>183</sup> If SC/SA practitioners conducted SC/SA programs similar to other foreign assistance programs, they would familiarize themselves with the breadth of funds spent on military and non-military purposes to ensure that U.S. SC/SA programs are not weakening other U.S. strategic goals for the country.<sup>184</sup> While budget tradeoffs are inevitable, it is better to have these discussions and make informed decisions rather than to unknowingly be making decisions because an option was never discussed. Over the last ten years, India has increased its military spending by 147 percent, Bangladesh by 202 percent, Thailand by 207 percent, and Cambodia by 311 percent.<sup>185</sup> Over the same time period, military spending as a percentage of GDP in dropped by almost 25% in Turkey (from 2.8 to 2.1) Singapore (4.4 to 3.2), and Chile (2.5 to 1.9).<sup>186</sup>

No U.S. government data could be found regarding the government’s position on whether this was too high, too low, or just right. However, if SC/SA practitioners

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<sup>183</sup> Thaler et al., 18.

<sup>184</sup> *Practitioner’s Guide to Anticorruption*, 44. For example, as outlined in the *Practitioner’s Guide to Anticorruption*, several international donors assisted Liberia through the Governance and Economic Management Assistance Program (GEMAP), which established sound fiscal and budgetary management throughout the government. USAID launched assisted Liberia develop financial and asset management policies and procedures in several ministries.

<sup>185</sup> Transparency International, “Results Asia,” 7.

<sup>186</sup> The World Bank, “Military expenditure (% of GDP),” accessed May 15, 2017, [http://data.worldbank.org/indicator/MS.MIL.XPND.GD.ZS?end=2015&start=2004&year\\_high\\_desc=true](http://data.worldbank.org/indicator/MS.MIL.XPND.GD.ZS?end=2015&start=2004&year_high_desc=true). The rise in defense spending by G20 nations averaged 55.7 percent increase over the same period. Note that the G20 increase in spending was heavily buoyed by China’s 441 percent increase in military spending. Transparency International, “The Government Defence Anti-Corruption Index: Results G20,” 2015, 1, accessed 26 March 2017, <http://government.defenceindex.org/downloads/docs/GI-G20-Results-web.pdf>.

conducted SC/SA programs similar to other foreign assistance programs, part of the SCO's responsibility would be to understand the international and regional spending average for the security sector, as well as an objective assessment of the PN's security needs, in order to help shape national budgetary decisions to align the nation's spending to the citizen's need for each of the different types of government services if the PN's spending was severely misaligned with its own needs. While each PN rightfully has sovereignty to dictate its own budget, it is common practice in the foreign assistance community to influence what percentage of a PN's national budget is allocated to other sectors (e.g. health and education) and the same could be done with the security sector. From a foreign assistance perspective, the issue is not necessarily how much military spending went up or down, but whether foreign assistance practitioners are having the discussion about budget priorities with their PN counterparts.

### Putting It All Together

This paper explores whether DOS can more systematically incorporate U.S. good governance strategic objectives into the oversight of DOD's SC/SA programs. To thoroughly discuss this question, five secondary questions were individually analyzed above. This section attempts to take those individual analyses and tie them together under sub-components of good governance: (1) accountability, ROL, and reforming military justice disciplinary rules; and (2) human rights protections.

In 2010, then Secretary of Defense Robert Gates unabashedly expressed that “[b]uilding the governance and security capacity of other countries was a critical element of our strategy in the Cold War. But it is even more urgent in a global security environment where, unlike the Cold War, the most likely and lethal threats . . . will likely

emanate from fractured or failing states, rather than aggressor states.”<sup>187</sup> However, building institutional capacity and supporting governance is a long, arduous process that takes time. DOD’s current SC/SA system of personnel assignment creates rapid turnover that lacks continuity and supports tactical level targets in lieu of creating a unified effort through a longer-term operational or strategic approach.<sup>188</sup> Guidance is needed.

As stated previously, CRS research found that regardless of the strategic objective sought, the programs implemented in fragile or failing states were almost universally the least successful programs.<sup>189</sup> Likewise, they also found the opposite to be true—the higher the degree of good governance and legitimacy in a partner nation’s institutions, the greater the likelihood of a successful SC/SA program.<sup>190</sup> Therefore, if SC/SA efforts focused on strengthening defense institutions, power structures, incentives, the rules of the game, and norms and behaviors, long-term U.S. SC/SA objectives could be more effectively achieved with a PN with a more legitimate and accountable defense institution.

It is DOS’s position that “partner capacity can only be sustained over the long term” when the nation has an institutional values that support order and the rule of law; the 2016 DOS directive goes on to emphasizes that “all effective militaries require

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<sup>187</sup> Gates, “Secretary of Defense Speech.”

<sup>188</sup> International Security Advisory Board, 29.

<sup>189</sup> McInnis and Lucas, 57.

<sup>190</sup> *Ibid.*, 4.

[strong] institutional foundations.”<sup>191</sup> Therefore, if the more successful SC/SA programs were done in countries that had legitimate institutions, and the least successful SC/SA programs were most often found in countries with failing or failed institutions, then when faced with weaker defense institutions, SC/SA programs should target institution strengthening instead of other more common train-and-equip programs.<sup>192</sup>

However, a joint DOD and DOS report to Congress on Foreign Military Training, which admittedly omits numerous SC/SA Title 10 and Title 22 programs, shows that only thirty-six of the 152 SC/SA recipient countries received any type of assistance related to “institutional and security sector reform.”<sup>193</sup> Many of the countries that rank poorly on the previously referenced ROL or defense institution indexes are part of the majority that did not receive any security sector institution assistance.<sup>194</sup>

Yet, according to RAND, incorporating institution-building, good governance, protection of human rights, the mitigation of corruption, or other NSS-aligned efforts into existing SC/SA efforts should not be a challenge (at least from an authority perspective)

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<sup>191</sup> U.S. Department of State, *Grant Military Assistance Guide*, 7.

<sup>192</sup> “Partner capacity can only be sustained over the long-term when recipient governments have the political will, resources, skills, and institutions to independently sustain U.S. investments.” U.S. Department of State, *Grant Military Assistance Guide*, 34.

<sup>193</sup> Department of Defense and Department of State, *Foreign Military Training Joint Report to Congress: Fiscal Years 2014 and 2015*. There was no indication in the report how much was spent on this strategic objective per country or overall worldwide compared to the other fourteen objectives.

<sup>194</sup> Based on data collected and analyzed by the author. A partial showing of the data is found in Annex B.

since sixty-five of the 165 codified programs permit Defense Institution Building (DIB).<sup>195</sup> RAND further concluded that the DIB authorities were sufficiently distributed across military-to-military, training, and cooperative activities, making them viable options in most contexts. DOD may not have enough personnel to conduct full-scale operations to build partner capacity, but it has the authority and significant resources, which gives it the option to contract out some of the capacity development work as done by DOS and USAID.

Changes need to be made. For countries with weak defense institutions, institutional and security sector reform objectives (e.g., reducing corruption, establishment of checks and balances, protection of human rights, norms and behaviors that supports the rule of law) should not only be targeted, but in some cases, should become a predominant focus of the military-to-military engagements.<sup>196</sup> SC/SA practitioners are in need of more direction and oversight from DOS in order to assess and incorporate proven best-fit approaches tailored to the achievement of U.S strategic objectives. The below addresses two subsets of good governance.

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<sup>195</sup> Note that some of these DIB authorities do not require DOS concurrence, such as nine different DIB efforts under Section 1051, SC Mechanisms Combatant Commands Utilize to BPC. Moroney, Thaler, and Hogler, 21-23. Mil-to-Mil (Defense and military contacts, Conferences or workshops, Personnel exchanges); Training (Needs or capability assessments, Training, Education, Exercises); Cooperation (Research, design, test, and evaluation, Experimentation, Information exchanges) and the fourth category, which did not apply, is Equipping (Equipment, Supplies, Construction, Airlift, or sealift).

<sup>196</sup> Similarly, only thirty-five countries had programs covering the Adherence to Norms of Human Rights

## Accountability, ROL, and Reforming Military Justice Disciplinary Rules

Due to regular news reports of abuses of power by foreign militaries, it is clear that updating a partner's code of military justice in a way that protects human rights and permits punishment for those who violate the law is needed. One way to achieve this is through the creation or strengthening of a military code of conduct that gives ample authority to prosecute those who do not comply. USAID has helped write and facilitate the implementation of a vast number of codes of conduct. For example, to strengthen the professional skills of Russian judges and lawyers, USAID's Rule of Law Partnership Project promoted continuing legal education, professional self-governance, and ethics regulation.

However, USAID programs that just updated justice rules or the codes of conduct were less than successful. If SC/SA practitioners conducted SC/SA programs similar to other foreign assistance programs, SC/SA programs would focus on changing poor institutional behavior by, for example, helping to create independent military judicial schools that promote ethics for military judges, where it becomes part of the professional values of military judges that, by definition, they are beyond reproach of corrupt acts because of the values and norms of judges prohibit it. The 2009 USAID program brief, *Reducing Corruption in the Judiciary*, stated that reducing corruption and increasing integrity was important, particularly in the judiciary, because "adherence to high standards of judicial independence and impartiality, integrity, accountability, and transparency not only diminish corruption. Respect for these values also makes the judiciary accessible, credible, efficient, and effective in protecting rights, guarding

against predation, and helping to assure an environment in which participatory democratic societies can flourish.”<sup>197</sup>

Similarly, traditional SC/SA programs should not just focus on selling equipment; they should also strengthen universal norms. Quoting “Army doctrine reference publication (ADRP) 1, *The Army Profession*”, General David Perkins spoke about the utmost importance of keeping a professional military culture that supports law and order, stating that the “Army profession is defined by its essential characteristics: Trust, Honorable Service, Military Expertise, Stewardship, and Esprit de Corps.”<sup>198</sup> He told the story about a conversation he had with another general from a PN that he did not mention by name. General Perkins talked about how this unnamed general told him about his jealous regard for the trust and stewardship of the military profession within the U.S. military. This unnamed general felt that nothing happened if he was not present, and told General Perkins, “We have your tanks and High Mobility Multipurpose Wheeled Vehicles (HMMWV), but we are still not strong because you did not sell us professionalism—just . . . equipment.” General Perkins went on to state that the essence of the U.S. military are the norms, values, and behaviors that permit commanders to

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<sup>197</sup> James Michel, *Reducing Corruption in the Judiciary: Office of Democracy and Governance USAID Program Brief* (Washington, DC: U.S. Agency for International Development, 2009), 19, accessed 26 March 2017, [http://pdf.usaid.gov/pdf\\_docs/PNADQ106.pdf](http://pdf.usaid.gov/pdf_docs/PNADQ106.pdf).

<sup>198</sup> David Perkins, “Leadership” (lecture, U.S. Army Command and General Staff College, Fort Leavenworth, KS, 13 October 2016).



command by trusting the professionalism of his or her subordinates. It is the adherence to the belief of “trust and honorable service that makes the difference.”<sup>199</sup>

Strengthening accountability and the ROL often requires reform. The 2013 USAID *Strategy on Democracy, Human Rights and Governance* states, “USAID will support accountability to shift the *incentives* of the ruling elite so they will support meaningful reforms and more inclusive and accountable modes of political and economic governance.”<sup>200</sup> This U.S. strategy’s focus on incentives was reinforced by the DFID publication, *The Effectiveness of Anti-Corruption Policy*, a systematic review of the evidence on the effectiveness of anti-corruption programs. The empirical study found that impact evaluation studies of anti-corruption programs consistently found that corruption was reduced when political actors were effectively incentivized to give up control and allow for a change in cultural norms.<sup>201</sup>

The word “incentive” is used more than two hundred times in the 121-page review. The review makes it clear that impact evaluation research on anti-corruption programs has proven that simply creating a monitoring system is ineffective without a simultaneous incentive (and/or consequence) program (note incentive programs can also be “ineffective if the incentive [and/or consequence] is not large enough”). In other words, checks and balances are not effective in curtailing anti-corruption without corresponding punishments, financial rewards, nonfinancial rewards, or media oversight.<sup>202</sup>

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<sup>199</sup> Perkins.

<sup>200</sup> USAID, USAID Strategy, 53.

<sup>201</sup> Rema Hanna, Sarah Bishop, and Sara Nadel, *The Effectiveness of Anti-Corruption Policy: What Has Worked, What Hasn’t, and What We Don’t Know: a Systematic Review Protocol* (London: Social Science Research Unit, 2011), 2-3. Focus on the effect of incentive-based interventions.

<sup>202</sup> Bushey, 146.

## Human Rights Protections

As stated above, protecting and supporting the spread of universally accepted human rights is one of the four pillars of the U.S. National Security Strategy. If SC/SA practitioners conducted SC/SA programs similar to other foreign assistance programs, they would protect host nation reformers or whistleblowers by, for example, supporting the passage of human rights law or the creation of anticorruption hotlines as it relates to PN security sector employees based on best-fit approaches. In support of the UN human rights convention on the elimination of all forms of discrimination against women (CEDAW), in 2015, USAID published a lesson-learned guide and several toolkits on working with men to end gender based violence.<sup>203</sup> For example, USAID has conducted a successful gender-based violence prevention campaign entitled in several African countries: *What Does It Mean to Be a Man?*<sup>204</sup>

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<sup>203</sup> U.S. Agency for International Development, *Working with Men and Boys to End Violence Against Women and Girls: Approaches, Challenges, and Lessons* (Washington, DC: U.S. Agency for International Development, 2015), accessed 26 March 2017, [https://www.usaid.gov/sites/default/files/documents/1865/Men\\_VAW\\_report\\_Feb2015\\_Final.pdf](https://www.usaid.gov/sites/default/files/documents/1865/Men_VAW_report_Feb2015_Final.pdf); U.S. Agency for International Development, *Equal Rights, Equal Access: Toolkit for Addressing Gender-Based Violence through Rule of Law Projects* (Washington, DC: U.S. Agency for International Development, 2014).

<sup>204</sup> Here are four links to modules on engaging men on the issue of preventing gender violence: <http://men-care.org/wp-content/uploads/sites/3/2015/05/Program-P-English-web.pdf>; <http://promundoglobal.org/resources/program-h-working-with-young-men/>; <http://gender.care2share.wikispaces.net/file/view/VSLManualFinal.pdf/351415986/VSLManualFinal.pdf>; and [http://www.acquireproject.org/archive/files/7.0\\_engage\\_men\\_as\\_partners/7.2\\_resources/7.2.3\\_tools/Community\\_Engagement\\_Manual\\_final.pdf](http://www.acquireproject.org/archive/files/7.0_engage_men_as_partners/7.2_resources/7.2.3_tools/Community_Engagement_Manual_final.pdf).

To contrast that with DOD SC/SA programming, it is estimated that only 12 percent of IMET students in 2014 took courses on ROL or human rights.<sup>205</sup> Shannon Green, a former senior director for global engagement at the National Security Council, stated that the fear of even the possibility of disrupting relations with a partner often conflicts with the protection of human rights. Others have agreed, arguing that the U.S. has a “propensity to allow relationship maintenance with foreign partners to become an end in itself, as opposed to a means to achieve various . . . security objectives.”<sup>206</sup>

Gender focused-programs within the security sector have been successful, and should not be the anomaly. For example, one gender program focused on building PN senior leader consensus on greater gender inclusion in the security sector has been so successful in Pacific Command that it will soon add the program to Pacific Command (PACOM) theater engagement plans.<sup>207</sup> Further, in some areas of responsibility (AOR), such as Southern Command (SOUTHCOM), senior U.S. leaders have said that their AOR appears to have “maxed out” on IMET students eligible for slots, mainly because of available supply of slots.<sup>208</sup> If DOS required DOD to put greater emphasis on PNs selecting women to participate in IMET or E-IMET programs, the pool of candidates would be increased while simultaneously supporting the NSS end state objectives. Since,

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<sup>205</sup> Chadwick.

<sup>206</sup> Rand and Tankel, 3, 13. See US-Bahraini relations, after Arab Spring where merely keeping a positive relationship was a key security objective in and of itself.

<sup>207</sup> Defense Security Cooperation Agency, *Budget Estimates: Defense Security Cooperation Agency (DSCA)* (Washington, DC: Department of Defense, 2015), accessed 26 March 2017, [http://securityassistance.org/sites/default/files/DSCA\\_PB-FY16.pdf](http://securityassistance.org/sites/default/files/DSCA_PB-FY16.pdf).

<sup>208</sup> Moroney, Thaler, and Hogler, 185.

in many countries, women are not considered as viable candidates. Promoting equal opportunity for women to serve in PN militaries furthers the NSS's objective of protecting human rights. Albeit, one example, there are only two known women to have participated as International Military Students (IMS) at the Army Command and General Staff College (CGSC) for the decades prior to 9-11. Since 9-11, there have been an additional 973 IMS students at the CGSC and less than 1 percent of them have been women.<sup>209</sup> Many USAID and DOS programs have quotas for female participation of twenty, thirty, or even fifty percent. No documentation could be found on how many IMET programs used a gender quota to support female participation.

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<sup>209</sup> James F. Fain, e-mail to author, 21 February 2017.

## CHAPTER 5

### RECOMMENDATIONS AND CONCLUSION

Forces enhanced through traditional security assistance comprised of equipment and training can better carry out their responsibilities if the institutional and governance frameworks necessary to sustain them are equally well-developed.<sup>210</sup>

— Joint USAID, DOS, DOD Security Sector Reform Guide, February 2009

#### Recommendations

First, this thesis recommends that DOS more systematically incorporate the United States' existing strategic objective of supporting good governance into SC/SA programs. This strategic objective of supporting good governance should be achieved through new DOS policy that requires DOD to complete certain milestones before DOS concurrence is provided.

Personnel in Geographic Combatant Commanders' (GCC) planning cells, and DOD staff working on SC/SA more generally, significantly outnumber those of the DOS.<sup>211</sup> In fact, DOS does not have an operational planning organization equivalent to DOD's GCC, which makes coordination at this operational level "irregular and ad hoc in

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<sup>210</sup> Department of Defense, Department of State, and U.S. Agency for International Development, 1.

<sup>211</sup> Rand and Tankel, 22; Simontis, 7. See also: "DOD has, by a significant margin, the preponderance of personnel and organizational structure that comprise the security cooperation infrastructure."

nature,” which is important “since a significant portion of DOD security cooperation plans are developed at the GCC level.”<sup>212</sup>

Second, this thesis recommends that the imbalance between DOS and DOD should be rebalanced through DOS’s existing concurrence authorities (the approximate forty-five statutes that specifically require DOD to obtain DOS concurrence prior to implementation). Specifically, the DOS Political-Military Affairs Bureau (PM) should establish a policy that withholds DOS’s concurrence on SC/SA programs until a rigorous assessment of the governance within the defense institutions (e.g. ministry of defense) is completed or a justification for deviation from this requirement is approved. Whether this is simply an interim policy or a long-term alternative approach, DOS should use its existing authorities—specifically its required concurrence—to make SC/SA efforts more “consistent with democratic norms, human rights standards, and rule of law . . . [in the name of] U.S. long term interests in peace and stability.”<sup>213</sup>

Third, this thesis recommends that the new DOS policy should support the “do no harm” foreign assistance principle and include SC/SA lessons learned and best fit approaches. Incorporating this guiding principle into policy would simultaneously provide staff well-developed and approved programmatic approaches that reflect state-of-the-art concepts grounded in evidence.

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<sup>212</sup> Simontis, 9.

<sup>213</sup> International Security Advisory Board, 2; DOD, DOS, and USAID, 5. See also how the Joint Security Sector reform calls for mainstreaming accountability, transparency, public participation, respect for human rights, and legitimacy.

This suggested policy oversight recommendation does not burden DOS with additional duties, it helps SC/SA better meet NSS objectives, and it continues to give DOD autonomy for its SC/SA but with clearer strategic guidance and direction. The military has a “can-do culture” and is known for getting results.<sup>214</sup> This suggested policy is not meant to change that; it simply alters existing military targets to be more focused on the third NSS objective of respect for universal values and human rights.

Based on the above, the remaining recommendations portion of this chapter is broken down into two parts: (1) requiring rigorous and in-depth assessment of the governance of defense institutions; and (2) an outline of seven lessons learned and best fit approaches to simultaneously incorporate into the new mandatory, systematic, and rigorous assessment policy to support the foreign assistance guiding principle of “do no harm,” which DOD has already publicly declared it will follow through an interagency forum and publication.<sup>215</sup>

#### Requiring Rigorous and In-Depth Institution Assessments

It is acceptable and anticipated that an assessment of needs will diverge significantly from one of wants, which is often what is currently being provided.<sup>216</sup> An in-depth assessment of the governance of defense institutions would identify if and where

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<sup>214</sup> William Rapp, “Toward Strategic Solvency: Ensuring Effective Military Voice,” *Parameters* 46, no. 4 (Winter 2016-2017): 19, accessed May 15, 2017, [https://ssi.armywarcollege.edu/pubs/parameters/issues/Winter\\_2016-17/5\\_Rapp.pdf](https://ssi.armywarcollege.edu/pubs/parameters/issues/Winter_2016-17/5_Rapp.pdf).

<sup>215</sup> DOD, DOS, and USAID, 7.

<sup>216</sup> Rand and Tankel, 27.

accountability gaps exist in order to reshape the power structures, systems, behaviors, norms, and sub-institutions within the partner nation's ministry of defense to support oversight, accountability, command and control, and the laws of armed conflict. The goal is to find an intersection between the PN objectives, the PN needs, and the United States' objectives. The assessment should include a baseline of the partner's capabilities.<sup>217</sup>

The purpose of completing an assessment is to create a detailed understanding of the structures, players, incentives, rules of the game, norms, behaviors, constraints, and opportunities within a system or institution. Assessments are normally conducted by hiring local experts who know the local contexts to assist with the process. DOS should withhold concurrence until DOD has assigned lawyers, political scientists, anthropologists, sociologists, and host nation subject matter experts (SMEs) who have a true understanding of the laws, power, incentives, and norms to conduct the assessment, and if possible, continue to advise during the implementation of each partner nation's security action plan. In-country and out-of-country experts should be hired; embassy staff are simply unable to take on the extra duty of another full-time job of conducting an in-depth and rigorous assessment. Embassy staff are part of and must guide the assessment process, but best practice is that the assessment team is devoted to the assessment and nothing else for duration of the research.<sup>218</sup>

This new DOS-mandated assessment should be different than the existing OSD 1206/2282 authorities, DSCA Security Assistance Survey Teams, DOS's Washington-

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<sup>217</sup> Paul et al., 20.

<sup>218</sup> Based on the author's experience, in-depth, rigorous assessments usually take a few months.



based desk study, and the PPD-23 interagency assessment because it would cover a wider breadth of SC/SA programs; be longer in duration and more exhaustive; include a rigorous assessment of the governance of defense institutions; be conducted by a diverse team of contracted SMEs; and be done to inform the development of a SC/SA country strategy that advances U.S. strategic objectives and helps inform integrated international aid. Without it, DIB has been “drops in the bucket in relation to what is needed at all (not just top) levels of partner security institutions;” current SC/SA efforts “excessively favor” traditional train-and-equip programs over an organizational, behavioral or systems-based approach, even though potential for long-term effectiveness is higher with the latter.<sup>219</sup>

When initiating an assessment of the governance of defense institutions, the Interagency Security Assistance Framework should be considered more as a reference rather than a guide. This is because, as stated before, it is a short document; it covers more of the reason to conduct an assessment; and it has led to some interagency infighting because of its lack of standardization on how to conduct the assessment.<sup>220</sup> For that reason, USAID’s assessment, *Guide to Rule of Law Country Analysis*, is a more useful starting point. It is a sixty-plus page guide that outlines four steps: (1) consideration of political and historical context; (2) understanding of political economy; (3) identification of ROL champions and spoilers; and (4) measurement and evaluation.<sup>221</sup> DOS should contract a team of SMEs with diverse backgrounds to write a guide for the assessment of

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<sup>219</sup> Thaler et al., 25; International Security Advisory Board, 27, 30.

<sup>220</sup> This is based on personal knowledge of the author.

<sup>221</sup> USAID, *Guide to Rule of Law Country Analysis*, 3.

the governance of defense institutions that uses the ROL Country Analysis as a base, but also molds together four different foreign assistance assessment frameworks imbedded within it: (1) corruption political economy analysis (PEA), (2) financial management, (3) sustainment; and (4) the Capability Package Planning Model (CPPM).

1. Corruption PEA: DOS must integrate transparency, accountability, and corruption assessments into its SC/SA policy and reporting requirements. Prior to the International Conference on Afghanistan in 2010, corruption was an erroneously overlooked factor in military planning.<sup>222</sup> While there are many, the corruption PEA tool that is recommended for the security sector is the *Anticorruption Assessment Handbook*.<sup>223</sup> Like others, this corruption PEA tool reviews the interests, resources, and strategies of key actors to ascertain whether a critical mass of reformists and resources exist, or whether it could be organized, in order to champion specific reforms. This corruption PEA tool is unique in its ability to identify windows of opportunity using a process focused on solutions consistent with peoples' desires and incentives. This can

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<sup>222</sup> JCOA Study, 6.

<sup>223</sup> U.S. Agency for International Development. *Anticorruption Assessment Handbook*. Washington, DC: U.S. Agency for International Development, 2009, accessed 26 March 2017, <http://www.usaid.gov/node/33416>. USAID published its first PEA assessment guide in 2016. A civil service integrity assessment tool is the World Bank Human Resource Management (HRM) Actionable Governance Assessment. This analysis identifies weaknesses and vulnerabilities in civil service systems for which appropriate reforms can be implemented, thereby reducing inefficiencies and improprieties.

help uncover what the priority issues are in light of the political feasibility of resolving or mitigating identified weaknesses within the security sector.<sup>224</sup>

2. Financial Management: USAID’s Public Financial Management Risk Assessment Framework (PFMRAF) and the World Bank Public Expenditure and Accountability (PEFA) framework both assess a country’s ability to provide for fiscal discipline, strategic resource allocation, and efficient use of resources. These financial assessment tools help identify, mitigate, and manage vulnerabilities and excess spending in order to strengthen a country’s financial management, governance, and public accountability and are built to assess a single sector or system, such as the strengths and vulnerabilities within the security sector management systems.<sup>225</sup>

3. Sustainment: RAND said that sustainment and logistics are “one of the most-commonly stated gaps” in PN’s defense institutions.<sup>226</sup> USAID’s National Supply Chain Assessment (NSCA) conducts a diagnostic on Supply Chain Management (SCM) systems in the health sector that could be tailored to fit DOD’s needs. The assessment consists of key performance indicators as well as questions in five functional areas (forecasting process, procurement maturity, product selection, transportation, and warehousing).<sup>227</sup>

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<sup>224</sup> USAID’s Center of Excellence on Democracy, Human Rights and Governance (DRG Center) has an entire division that is dedicated to supporting PEA assessments as well assessments on Democracy, Human Rights and Governance.

<sup>225</sup> Personal experience of author as an international development expert.

<sup>226</sup> Thaler et al., 26.

<sup>227</sup> The assessment can be conducted at the national, ministry, or local (Brigade) level. USAID also has a Logistics Indicator Assessment Tool (LIAT) SCM tool.

4. CPPM: This assessment model is not a step-by-step guide like the ones previously mentioned. Instead, it describes how the assessment guide can mold assessment efforts into a modified doctrine, organization, training, materiel, leadership and education, personnel, facilities, and policy (DOTMLPF-P) force management model. The first step of the CPPM helps planners “assess *which* capability should be built, and step two examines *what* comprises that capability. Step three suggests a framework for planning *how* to build the selected capability.”<sup>228</sup>

Once the new assessment of the governance of defense institutions has incorporated the elements identified, its first draft version will be complete. Thereafter, the rollout should follow the same practice as the ROL Country Analysis; after its initial draft was written, it was piloted in five countries, and carefully tweaked once again before it was published. Both the writing of the assessment guide and the pilot testing could be completed under a single contract.

#### Seven “Do No Harm” Lessons Learned for the New Assessment Policy

U.S. strategic good governance objectives would be supported if the new SC/SA assessment guide included lessons learned on the following: (1) changing norms and behaviors, (2) changing leader incentives; (3) supporting accountability, ROL, and reforming military justice disciplinary rules; (4) protecting human rights; (5) participating in regional planning and supporting regional organizations; (6) creating a basis for

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<sup>228</sup> Ross, 30.

unified action through conditions; and (7) including rigorous SC/SA monitoring and evaluations (M&E) in policy.

#### Changing Norms and Behaviors

Many DOD SC/SA practitioners are often reluctant to suggest reform to their counterparts in fear of upsetting their bilateral relationship. If the norms and behaviors within the PN military institution reinforce corruption, or violate internationally recognized human rights, such as abridging women's basic rights, then, in accordance with the U.S. strategic policy, it is a U.S. strategic interest to act and encourage reform.

#### Changing Leader Incentives

SC/SA practitioners, like all other international foreign assistance practitioners, face substantial hurdles to reforming the status quo. In order to influence leaders and generate the political will necessary for reform, PN decision makers often must feel incentivized (e.g., through financial rewards, nonfinancial rewards, media oversight, punishments) to give up power and change norms and behaviors that violate the ROL.<sup>229</sup> By giving up some power and control, such as permitting internal audits or parliamentary oversight, leaders can create needed checks and balances. While the sharing and distribution of power through the process of checks and balances may "slow reform," it should also limit subjectivity and government overreach.

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<sup>229</sup> Bushey, 145. ROL initiatives support a culture of lawfulness through checks and balances on power and through changes in social norms.

PNs will not “act against their own perceived core interests” because the U.S. asked them nicely.<sup>230</sup> Instead, the new policy should recommend that incentives for reform be framed around: (1) increasing government efficiency and decreasing waste; (2) adhering to UN Conventions to which they are already a signatory; (3) ensuring PN existing de jure national laws (what is written) are also the de facto law (what is followed); (4) tying foreign military sales or war college attendance to increasing checks and balances; (5) articulating economic benefits of meeting international norms and standards; (6) eligibility for membership in an international organization; (7) building the capacity of oversight institutions to provide adequate checks and balances; or (8) ambassador level diplomacy. When all elements of U.S. national power are buttressed by each other, through a systems-based approach (organized complexity), SC/SA programs can better alter power and popular (soldier) and professional (officer clubs and associations) behaviors and norms to affect change.<sup>231</sup>

#### Supporting Accountability, ROL, and Reforming Military Justice Disciplinary Rules

Providing SC/SA funds to ministries of defense without providing simultaneous funds for accountability to oversight bodies, such as parliamentarians or inspector general offices, may sacrifice other strategic long-term interests (e.g. meeting the third NSS objective of respect for universal values and human rights) the U.S. has for the partner

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<sup>230</sup> Rand and Tankel, 17. “In short, even the best U.S. partners rarely do favors.”

<sup>231</sup> Bushey, 142.

nation for short-term tactical gains.<sup>232</sup> Such an initiative could be contracted to a business or nongovernmental organization (NGO) governance or legislative strengthening expert through DOD's existing BPC authorities or a transfer of funds to another federal agency (e.g., USAID). DOD has recognized the importance of having a "total package approach" for its materiel sales; it similarly needs one for programs that have a BPC objective.

Experience has shown that the more successful and advanced accountability, ROL, and military justice programs do not end after a two-week training course. Instead, these efforts should themselves be defense institution building end states with long-term assistance in order to support the PN update their laws or Code of Military Justice (CMJ) and then continues to provide assistance through the rollout and implementation of the new order.<sup>233</sup> SC/SA programs that focus on legal reform, accountability mechanisms, and the ROL should be long-term programs embedded and intertwined within the current initiatives outlined in each Country Security Cooperation Strategy.

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<sup>232</sup> International Security Advisory Board, 24, 26; U.S. Agency for International Development, "Conflict Mitigation," 1, accessed 26 March 2017, <https://www.usaid.gov/what-we-do/working-crises-and-conflict/conflict-mitigation-and-prevention>. While short-term gains may be won by conducting counter-terrorism SC/SA programs, the long-term goal of creating an environment that is inhospitable to terrorism may not be achievable until government injustice grievances (e.g., lack of protections to minority groups) are addressed. Whether the juice is worth the squeeze for such a trade-off is statutorily a DOS decision.

<sup>233</sup> For example, the code of military justice in many countries may cover ethical standards and codes of conduct, but laws may need to be updated to make them punitively enforceable through disciplinary or criminal legal action. Teaching a short course on military justice, such as the mobile Defense Institute of International Legal Studies (DIILS) trainings, is not enough to strengthen accountability or build the ROL.

## Protecting Human Rights

Nominal or superficial human rights programs do not prevent human rights abuses against PN citizens. DOS's SC/SA assessment policy should: "a) proactively encourage strong human rights standards and accountability among partner forces and b) specifically develop and execute remediation."<sup>234</sup> Such efforts would align PNs to their existing commitments since most are already UN CEDAW Signatories.<sup>235</sup> USAID has a number of successful gender-based violence initiatives that could be tailored to the defense ministry and incorporated into the SC/SA policy.<sup>236</sup>

## Participating in Regional Planning and Supporting Regional Organizations

Through the GCCs, DOD conducts an immense amount of regional planning without much DOS involvement since DOS does not have an equivalent to the GCC. However, countries often judge their level of support from the U.S. by comparing what they receive to what their regional neighbors receive. Mandating that GCC regional plans be reviewed by DOS Washington would enable policy -makers to better identify conflicting strategic objectives, mitigate risks, and weigh trade-offs.<sup>237</sup> Further, it may even eliminate programs that have surpassed their period of real need.<sup>238</sup>

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<sup>234</sup> Rand and Tankel, 26.

<sup>235</sup> Convention on the elimination of all forms of discrimination against women.

<sup>236</sup> For example, USAID/Bangladesh is working to reduce the high prevalence of human rights violations (e.g., sexual harassment, child marriage, and domestic abuse).

<sup>237</sup> Rand and Tankel, 25.

<sup>238</sup> *Ibid.*, 25; President's Committee, 22.



Additionally, DOS policy should further encourage DOD to provide even more support to regional organizations like the Gulf Cooperation Council, the Community of Latin American and Caribbean States, Organization of American States, the Association of Southeast Asian Nations (ASEAN), Defense Industry Collaboration (ADIC), and the ASEAN's network of Peacekeeping Centers. Regional organizations have been shown to help the U.S. lift the weakest countries (in terms of norms that support the ROL, fight corruption, support checks and balances, and support human rights) up to the level of their regional peers.<sup>239</sup>

#### Creating a Basis for Unified Action through Conditions

In a few countries, agreements already exist between DOD and USAID on how the two agencies will coordinate future programs at the country level.<sup>240</sup> However, the policy should dictate that this should be the norm and not the exception.

Further, U.S. agency partnership is not enough. In situations where the circumstances require, DOS policy must be willing to make SC/SA conditional based on corruption reform benchmarks. It was not until the Tokyo Mutual Accountability

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<sup>239</sup> USAID has had success both in supporting regional organizations and from transplanting successful practices from higher functioning countries into reform initiatives for their less developed regional neighbors. USAID, *Guide to Rule of Law Country Analysis*, 6.

<sup>240</sup> U.S. Agency for International Development Mission, National Guard of the State of Kansas, and U.S. Embassy Office of Defense Cooperation, "Memorandum of Understanding among The U.S. Agency for International Development Mission in Armenia, The National Guard of the State of Kansas, and The U.S. Embassy Office of Defense Cooperation", accessed 26 April 2017, <https://drive.google.com/file/d/0B9L6xJ9To4YpaVEwdGVqWE1wSEU/view>.

Framework Conference in July 2012 that the Afghan government had to meet hard conditions regarding reductions in corruption to receive U.S. military and other aid.<sup>241</sup> Political conditions for assistance need to be tailored to a specific, identified reform and done in coordination with the interagency (and other donors if possible) if it is going to be effective and not have unintended consequences.<sup>242</sup> Diplomatic methods for creating conditions include sanctions, embargoes, conditional aid, and domestic legislation with international scope and reach.

Some critics contend that conditionality does not work. Others contend that even if it does not work, it sends a message, both to the host nation and to other nations around the world, that the U.S. is serious about its commitments to universally recognized rights for all people, such as those outlined in the United Nations' Universal Declaration of Human Rights.<sup>243</sup> Regardless, it is already in practice. Both USAID and Millennium Challenge Cooperation have conditions for recipients to receive government-to-government assistance.<sup>244</sup>

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<sup>241</sup> JCOA Study, 6.

<sup>242</sup> Bushey, 149. See Rachel Kleinfeld, *Advancing the Rule of Law Abroad: Next Generation Reform* (2012), 133.

<sup>243</sup> Rand and Tankel, 20.

<sup>244</sup> In adherence to Section 7031 of the Foreign Assistance appropriation bill, USAID's policy chapter ADS 220 requires all government-to-government assistance recipients to have policies and systems in place that demonstrate sufficient financial management capacity and public accountability checks and balances to reduce fraud and provide effective monitoring and evaluation on spending.

## Including Rigorous SC/SA Monitoring and Evaluations (M&E) in Policy

The DOS policy should include a more systematic structure for developing and tracking quantitative and qualitative indicators of effectiveness and efficiency prior to program approval.<sup>245</sup> Practitioners have struggled to establish indicators beyond basic quantitative number counting to determine which of multiple U.S. objectives should be measured.<sup>246</sup> It was only in November 2015 that the DOS Political-Military Affairs Bureau started an M&E program on FMF and IMET programs.<sup>247</sup>

It is recommended that the policy endorse the use of the most rigorous evaluation that is possible for the intervention, which will almost always include a baseline assessment. RAND completed an impressive amount of research on this in 2016.<sup>248</sup> Such efforts could include the use of basket indicators, which are a collection or grouping of two to nine indicators; using baskets to measure success in an area of foreign assistance has become a respected trend in the field..<sup>249</sup> Baskets permit practitioners to measure the

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<sup>245</sup> “Most assessments conducted to date are merely tallies of outputs: dollars spent [or] aircraft delivered.” Simontis, 10.

<sup>246</sup> Paul et al., iii.

<sup>247</sup> U.S. Department of State, *Grant Military Assistance Guide*, 45. The new M&E structure examines how individual SC/SA programs contribute to the goals and objectives of the Integrated Country Strategy (ICS) and the fourteen objectives outlined above for FMF and IMET programs.

<sup>248</sup> Marquis et al.

<sup>249</sup> Department of Peacekeeping Operations and Office of the High Commissioner for Human Rights, *Rule of Law Indicators: Implementation Guide and Project Tools* (Washington, DC: United Nations, 2011), 3, accessed 26 March 2017, [http://www.un.org/en/peacekeeping/publications/un\\_rule\\_of\\_law\\_indicators.pdf](http://www.un.org/en/peacekeeping/publications/un_rule_of_law_indicators.pdf); Jim Parsons et al., *Rule of Law Indicator Instruments a Report to the Steering Committee of the United Nations*

same thing from multiple angles in order to get a fuller picture of the situation.<sup>250</sup> Due to the multiplicity of strategic level goals that SC/SA programs are intended to achieve, it may be beneficial to have one basket of indicators for each strategic objective.

SC/SA programs would further be benefited by conducting impact evaluations on a small group (~ 5 percent) of SC/SA programs where impact evaluations are possible. USAID's 2011 Evaluation Policy states that, "impact evaluations measure the change in a development outcome that is attributable to a defined intervention; impact evaluations are based on models of cause and effect and require a credible and rigorously defined counterfactual to control for factors other than the intervention that might account for the observed change,"<sup>251</sup> In contrast, performance evaluations are more output-oriented."<sup>252</sup>

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*Rule of Law Indicators Project: A Literature Review* (Vera Institute of Justice, 2008), 2, accessed 26 March 2017, <http://www.vera.org/files/rule-law-indicators-literature-review.pdf>. Examples of indexes that use indicators to measure corruption include UN Vera-Altus Justice Indicators, World Governance Indicator, Failed State Index, World Justice Project ROL Indicators, Transparency International's Corruption Perception Index.

<sup>250</sup> For example, when measuring the integrity, transparency and accountability of the police, the existence and accessibility of a complaint system is an important accountability indicator (Department of Peacekeeping Operations, *supra* note 72, 3). However, as stated by the UN, "it may be irrelevant if there are no effective procedures for alleged incidents of police misconduct or corruption to be investigated." Bushey, 146.

<sup>251</sup> U.S. Agency for International Development. "USAID Evaluation Policy", 2, accessed 26 March 2017, <https://www.usaid.gov/sites/default/files/documents/2151/USAIDEvaluationPolicy.pdf>.

<sup>252</sup> Bushey.145.

## Conclusion

The lack of good governance and the existence of corruption are major impediments to sustainable economic growth, stability operations, security cooperation, and the establishment of the rule of law. Corruption's impact on military operations and the need to mitigate corruption cannot be overstated, for "[h]igh levels of corruption can incentivize frustrated citizens to join terrorist organizations."<sup>253</sup> U.S. military assistance programs must ensure that they are designed to meet U.S. strategic objectives of good governance while adhering to the foreign assistance principle of "do no harm."<sup>254</sup> This thesis outlined an approach that can be acted upon immediately, with existing authorities, to not only strengthen governance within the defense sector of partner nations, but also to do it in a systematic and rigorous way.

## Further Research

There are numerous areas in need of further study. First, no cost effectiveness study was found that compared a success to cost ratio of one type of SC/SA program against a success to cost ratio of other SC/SA programs. With billions of dollars being spent in SC/SA initiatives annually, further research is needed to determine whether the U.S. could save money and achieve the same level of success in alliance building,

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<sup>253</sup> Transparency International's Defense and Security Program: Corruption Threats and International Missions: Practical guidance for leaders (TI CTIM) 2014, 7.

<sup>254</sup> Rand and Tankel, 27. This approach is not without risk, as some partner nations may simply seek their defense materials from other nations. A similar argument has been made regarding development aid from China, which often does not require good governance or human rights reform. However, after reviewing all of the evidence, the author believes it is a calculated risk worth taking.

interpersonal linkages, or conflict mitigation by devoting money to another program.<sup>255</sup>

Second, what one measures to determine success in SC/SA can be controversial and is in need of further study.<sup>256</sup>

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<sup>255</sup> Jesper Johnsen, “Cost-Effectiveness and Cost-Benefit Analysis of Governance and Anti-Corruption Activities,” *Chr. Michelsen Institute* 201, no. 10 (2014): 6, accessed 26 March 2017, <http://www.u4.no/publications/cost-effectiveness-and-cost-benefit-analysis-of-governance-and-anti-corruption-activities>.

<sup>256</sup> Moroney, Thaler, and Hogler, 18; International Security Advisory Board, 24. For example, when determining success, how much weight should be given to whether the program advances a Combatant Commander’s BPC-related objective(s) increases capacity of a partner nation’s ability to fulfill its functional duties, or “how” the unit acted and whether it was in accordance with human right principles?

APPENDIX A

SC/SA Authorities Covered in Thesis

<b>Authority</b>	<b>DSCA Role?</b>	<b>DOS Concurrency Required</b>	<b>Joint Program</b>
Build Partner Capacity 10 U.S.C. 2282	Yes	Yes	Yes
Cooperative Threat Reduction (1)	No (managed by DTRA)	Yes (in certain circumstances)	
Ministry of Defense Advisors (MODA) Section 1081, P.L. 112-81 (3)	Yes	Yes	
Wales (formerly Warsaw) Initiative Fund (Activities conducted under 10 U.S.C. 168) (3)	Yes	Yes	
Bilateral and Multilateral Combined Exercises 10 U.S.C. 2010 (3)	No	Yes	
National Guard State Partnership Program, FY2014 NDAA, Section 1205 (32 U.S.C. 107 note) (3)	No	Yes	
Global Security Contingency Fund (GSCF) “1207”	Yes	Yes	Yes
International Military Education and Training IMET	Yes	Yes	
Peacekeeping Operations (including GPOI) PKO	Yes	Yes	
Special Authorities	Yes	Yes	
Foreign Military Financing FMF	Yes	Yes	
Special Defense Acquisition Fund (subset of FMF) SDAF	Yes	Yes	
Excess Defense Articles EDA	Yes	Yes	
Leases of Equipment	Yes	Yes	
Foreign Military Sales FMS	Yes	Yes	
“1208” Support of Foreign Forces Participating in Operations to Disarm the Lord’s Resistance Army	Yes	Yes	
“1203” Enhance the Capacity of the National Security Forces	Yes	Yes	
“1208” Support of Special Operations to Combat Terrorism	Yes	Yes	
Non-Conventional Assisted Recovery Capabilities (NCARC) Assistance	Yes	Yes	
Assistance to the Government of Jordan for Border Security Operations	Yes	Yes	
“1226” Support to the Government of Jordan and Lebanon for Border Security Operations	Yes	Yes	
“1204” Activities to Enhance the Capability of Foreign Countries to Respond to WMD	Yes	Yes	
Trainings:	Yes	Yes	
Regional Defense Combating Terrorism Fellowship Program (CTFP)	Yes	Yes	
Defense Institution Legal Authority Capacity Building (DILLS, Section 1206, P.L. 113-291)(3)	Yes	Yes	
Regional Centers for Security Studies (RCSS)	Yes	Yes	
Attendance at Military Academies	Yes	Yes	
Military Academy Exchange Program	Yes	Yes	

<b>Authority</b>	<b>DSCA Role?</b>	<b>DOS Concurrence Required</b>	<b>Joint Program</b>
Attendance at the USCG Academy	Yes	Yes	
Inter-European Air Forces Academy	Yes	Yes	
Electronic Distribution of Training Material	Yes	Yes	
Aviation Leadership Program (ALP)	Yes	Yes	
LATAM Cooperation	Yes	Yes	
African Cooperation	Yes	Yes	
Distinguished Visitor Orientation Tours (DVOT)	Yes	Yes	
Reciprocal, No-charge Professional Military Education (PME) Student Exchanges	Yes	Yes	
Reciprocal, No-charge Flight Training School	Yes	Yes	
Flying and Tactical Leadership Training and Integrated Air and Missile Defense Training in SW Asia	Yes	Yes	
Reciprocal, No-charge Unit Exchanges	Yes	Yes	
Joint Exercise Program	Yes	Yes	
Defense Personnel Exchange Program	Yes	Yes	
U.S. Participation in Headquarters Eurocorps	Yes	Yes	
Defense Institution Reform Initiative (DIRI) for Defense Institution Building	Yes	Yes	
Center for Complex Operations	Yes	Yes	
Multilateral Military Centers of Excellence	Yes	Yes	
Humanitarian Assistance and Health Programs (OHDACA, HCA, and other HA programs are not covered in this report)			

Source: Department of Defense, *Security Cooperation Handbook: Defense Security Cooperation Agency (DSCA)* (Washington, DC: Defense Technical Information Center, 2016).



## APPENDIX B

### SC/SA Funding by Country Compared to Corruption Perception Index Score

Country	CPI Score	CPI Ranking 1 (best) – 178 (worst)	Total SC/SA funding since 2010	SC/SA Ranking
Afghanistan	15	169	\$54,800,986,418	1
Israel		Top 100 Country	\$27,569,336,828	2
Pakistan	32	116	\$12,666,616,055	3
Egypt	34	108	\$10,395,263,611	4
Iraq	17	166	\$8,785,584,151	5
Jordan		Top 100 Country	\$3,778,919,479	6
Colombia		Top 100 Country	\$2,177,950,656	7
Mexico	30	123	\$1,675,099,844	8
Somalia	10	176	\$1,332,444,937	9
Syria	13	173	\$1,330,602,464	10
Lebanon	28	136	\$1,026,513,132	11
Ukraine	29	131	\$910,135,806	12

*Source:* Security Assistance Monitor, “Data,” Center for International Policy, accessed 26 March 2017, [http://securityassistance.org/data/country/military/country/2010/2017/is\\_all/](http://securityassistance.org/data/country/military/country/2010/2017/is_all/); Global and Transparency International, “Corruption Perceptions Index 2016,” accessed 15 April 2017, [http://www.transparency.org/news/feature/corruption\\_perceptions\\_index\\_2016](http://www.transparency.org/news/feature/corruption_perceptions_index_2016).

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