

Partnering to End Corruption

through Security Cooperation and Defense Institution Building

by Adam J. Bushey

Corruption is the existential, strategic threat to Afghanistan.

— ISAF Commander General Allen

Corruption Affects the Battlefield

Corruption damages a mission's operational effectiveness and credibility and is "a key inhibitor of stability... is often a key cause of conflict... and erodes the legitimacy and efficacy of an international mission."¹ The United States Agency for International Development (USAID) has the expertise and capabilities to assist the Department of Defense (DoD) to tackle corruption, support mission operations, reduce violent extremism, and increase government legitimacy and citizen confidence.

Do No Harm

Ignoring corruption, even within "friendly groups," has had detrimental results. Current U.S. National Security Advisor, Lieutenant General H. R. McMaster states, "Paradoxically, avoiding state 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."² In fragile states, self-protection forces and other powerbrokers often provide security, distribute aid, deliver justice, and supply jobs in lieu of government intervention. While U.S. assistance to these forces may secure short-term gains, if not done carefully, these self-protection forces "have a tendency to evolve into predatory groups, attacking external enemies while extorting or preying upon their own community."³ Such extortion and corruption reinforces ethnic, religious, and other divisions that fuel cycles of

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violence; this makes peace more difficult and prolongs the need for international forces. In 2014, DoD concluded that initial support of warlords in Afghanistan created an environment that exacerbated criminal patronage networks and fostered corruption, which ultimately had significant unintended consequences for U.S. strategy.⁴

Harm can also result from empowering a military or an executive branch through its military that already has undue influence in a country without also strengthening oversight institutions that can stem corruption. When inspector general, ombudsman, or legislative committees' capacities are increased, the oversight bodies can safeguard against power-grabs and illegal activities.⁵ Further, 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."⁶ Yemen and its current crisis is an example of where the U.S. government failed to counterbalance security cooperation programming to a corrupt executive with assistance programs to other branches of government that had oversight authorities over the executive.⁷

Can Anything be Done about Corruption?

Twelve of the fifteen lowest ranked countries on Transparency International's Corruption Perception Index (CPI) have issues with insurgents or international security.⁸ 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.⁹ However, citizens want medicine in their clinics and books in their classrooms, and they do not want to be shaken down at police checkpoints. This is why the Islamic State of Iraq and Syria (ISIS) uses propaganda to paint the governments as illegitimate, due in part to their corruption,

in order to gain sympathizers for their cause to overthrow the government.¹⁰

Corruption as the status quo does not have to be the end state. In fact, many anticorruption programs that focus on changing the rules of the game, incentives, or illegal behaviors that undermine the rule of law (ROL) have found significant success. These programs start with an in-depth assessment that is used to develop programs tailored to specific objectives within a sector where political will exists.¹¹

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For example, the USAID Democracy, Human Rights, and Governance (DRG) Strategy identifies public financial management (PFM) strengthening interventions as a proven method of promoting norms 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. U4, which receives substantial funding from multiple G7 countries, found that studies have consistently shown that PFM programs have reduced corruption and fraud by changing incentives and the rules of the game.¹²

Ten DoD Lines of Effort Ripe for Collaboration with USAID

Once established, corruption, is "hard to reduce; ideally it should be taken into account from the planning stages of any crisis response

operation.”¹³ The steps below from Transparency International’s book, *Defense and Security Program: Corruption Threats and International Missions: Practical Guidance for Leaders* (TI CTIM), as well as other recently-published literature, outline how DoD can partner with USAID to address corruption at different levels of command.

1. Prepare early.

The military should integrate transparency, accountability, and anti-corruption (TAAC) measures into doctrine, organization, training, materiel, leadership and education, personnel, facilities, and policy (DOTMLPF-P) associated with security cooperation. Specifically, combatant command (COCOM) theater campaign plans, as well as region and country plans, should more thoroughly address TAAC. For example, the force structure and personnel may need to be adjusted to account for an increased emphasis on supporting anti-corruption efforts.¹⁴

a) USAID already has an anti-corruption strategy, personnel trainings on anti-corruption programming, best practice guides, and other material that could be used as a starting point for a COCOM interested in initiating an anti-corruption DOTMLPF-P process for its area of responsibility.

b) In Afghanistan, it was not until 2011 that revisions were made to operation plans and fragmentary orders that elevated anticorruption efforts to a distinct line of operation within the mission campaign plans.

2. Incorporate TAAC analysis into Ministry of Defense country-strategy problem-framing through scoping assessment tools.

A corruption analysis should be required every few years during security cooperation or defense-institution building programs. A corruption political economy analysis (PEA) examines the actors and institutions that support

or oppose democratic reform. The corruption PEA also reviews the interests, resources, and strategies of key actors to ascertain whether a critical mass of reformists and resources exist, or if they could be organized to exist, to champion specific reforms. In other words, a corruption PEA helps determine what corruption mitigations strategies should be made a priority, based in part on need and the political feasibility of reform.

a) USAID can assist with a security-sector corruption PEA. USAID’s Center of Excellence on DRG has an entire division dedicated to supporting PEA assessments, as well broader assessments, such as the democracy, human rights, and governance assessment. Conducting a thorough scoping institution or corruption assessment is the most critical missing ingredient to effective security cooperation and security assistance.

b) USAID and its international partners have toolkits on TAAC. One such toolkit is the *Anticorruption Assessment Handbook* (2009).¹⁵ Like the corruption PEA, these tools can help security cooperation professionals determine how and in what ways they can support TAAC initiatives, even when there are other competing U.S. interests and agendas. Other TAAC tools include:

- Human resource management (HRM): The World Bank assesses civil service integrity through the 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, including corruption. This assessment tool has been completed in 12 countries.¹⁶
- Financial management: PFM reforms within a Ministry of Defense can

substantially reduce corruption. USAID's Public Financial Management Risk Assessment Framework and the World Bank Public Expenditure and Financial Accountability (PEFA) framework¹⁷ both assess forecasting capabilities, fiscal discipline, strategic resource allocation, and efficient use of resources. These financial assessment tools can be used at the Ministry of Defense level and provide a partner nation's decision-makers with reliable information on its public financial management system, processes, and vulnerabilities, which allows it to focus on effective reform efforts. PFM assistance could be a powerful defense institution building line of effort.

c) If any DoD staff wishes to have a deeper understanding of the governance systems, political dynamics, or country context of its area of responsibility, USAID has completed governance assessments in about 80 countries, half of which have been completed in the last five years. While many are sensitive but unclassified, USAID can share any of them with DoD staff upon request.

3. Create a basis for unified action.

There should be as much alignment as possible between security and development agendas. For example, DoD could create a memorandum of understanding (MOU) with USAID to pay for the costs of civilian agency staff to work on DoD TAAC lines of effort pre-deployment during mobilization. An MOU for similar purposes already exists between the Department of State and DoD.¹⁸ Alternatively, once in country, DoD and USAID could use an MOU to coordinate future programs at the country-level, such as the agreement signed in Armenia.¹⁹

4. Supply chain management (SCM) assessment.

USAID's National Supply Chain Assessment (NSCA) conducts a diagnostic on SCM systems in the health sector that could be tailored to fit DoD's needs.²⁰ The footnoted link outlines the Key Performance Indicators as well as the assessment questions used for the NSCA review of the five-supply chain functional areas (forecasting process, procurement maturity, product selection, transportation, and warehousing). USAID has used the NSCA to assess SCM systems in dozens of countries and at the national, state (division), and local (brigade/company) functional levels.

Having security cooperation professionals use USAID's NSCA within Ministries of Defense is likely one of the most straightforward and achievable recommendations. If DoD logistical experts were interested in using NSCA, a DoD unit could buy-into USAID's existing NSCA efforts and USAID's implementing partners could help tailor NSCA to fit the needs of Ministries of Defense. USAID and its partners could work hand in hand with DoD to ensure that the NSCA reflects the unique characteristics of SCM within a Ministry of Defense.

5. Promote accountability.

Providing security cooperation 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 National Security Strategy (NSS) objective of respect for universal values and human rights) the U.S. has for the partner nation for short-term, tactical gains.²¹ To remedy this, security cooperation programs could provide support to security-related investigative, oversight, and adjudicative bodies within the legislature or security ministries. For example, security cooperation programs could support the

Internal Affairs Department within a Ministry of Defense with contracted experts who help train and build the capacity of the department to prevent corruption and opportunistic collection of payments by soldiers.

DoD must, when appropriate, be willing to make security cooperation conditional based on corruption reform benchmarks.

Security cooperation, like other forms of development, is a multidimensional effort and may be limited by weak or poorly-functioning legislative bodies. By increasing the capacity of legislative committees and bill drafters in the security sector, needed reforms can begin to take shape, which will lead to a stronger security sector and a more rigorous parliamentary- oversight capacity. Such a result can lead to greater host-country ownership and sustainability and increase a partner's ability to make informed security budgetary decisions, while also strengthening checks and balances against the potential of corruption within Ministries of Defense.

According to an index developed by Transparency International that measures the quality of legislative oversight of defense ministries across over 80 countries, two-thirds of countries are at high risk of corruption due to poor legislative controls over defense security.²² USAID has completed over 50 legislative strengthening programs over the past 10 years and is in good position to assist the U.S. military in providing capacity-building technical assistance to armed forces' legislator or parliamentary committees.

This assistance could be programmed in many ways. For example, supporting defense institution oversight bodies could be contracted to a USAID-suggested, nongovernmental organization (NGO) or contractor through

DoD's existing building partner capacity (BPC) authorities or alternatively, by DoD directly transferring funds to USAID. DoD has recognized the importance of having a "total package approach" for its materiel sales; it similarly needs a total package approach for BPC programs, which should include supporting oversight bodies.

6. Condition assistance on political reform.

DoD must, when appropriate, be willing to make security cooperation conditional based on corruption reform benchmarks. It was not until the Tokyo Mutual Accountability 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.²³ However, such conditionality for assistance should 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.²⁴ 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.²⁵

Regardless, USAID and the Millennium Challenge Cooperation have requirements for recipients of government-to-government assistance. 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 to reduce fraud and corruption through effective PFM. USAID has a process to ensure host nation financial checks and balances exist before providing on-budget assistance to ministries. As appropriate, DoD could condition security cooperation to PFM assessments and reforms within Ministries of defense based on USAID lessons learned.

7. Changing norms, behaviors and leader's incentives.

Many DoD security cooperation practitioners are often reluctant to suggest reform to their counterparts in fear of upsetting their bilateral relationship. However, if the norms and behaviors within the partner-nation military institution reinforce corruption or violate internationally-recognized human rights, such as abridging women's basic rights, then, in accordance with the current U.S. NSS, it is a U.S. strategic interest for the defense attaché office to act and encourage reform.

To influence leaders and generate the political will necessary for reform, partner-nation decision makers often must be incentivized (e.g., through financial rewards, nonfinancial rewards, media oversight, and punishments) to give-up power and change norms and behaviors that violate the rule of law.²⁶ 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 also limits government overreach. These horizontal and vertical checks and balances on power are essential because they limit the subjectivity of future leaders who may not be so reform minded.

a) USAID has experience changing leader's incentives. Recent USAID programming initiatives focused on USAID's DRG Strategy Development Goal #2²⁷ are framed similarly to the United Kingdom's

Department for International Development (DFID) efforts, which is eloquently explained as supporting "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."²⁸

b) Further, security cooperation programs could support anti-corruption efforts by using existing incentives framed around:

- Increasing government efficiency and decreasing waste;
- Adhering to UN Conventions to which they are already a signatory;
- Ensuring partner nation existing de jure national laws (what is written) are also the de facto law (what is followed);
- Tying foreign military sales or War College attendance to increasing checks and balances;
- Articulating economic benefits of meeting international norms and standards;
- Facilitating eligibility for membership in an international organization;
- Building the capacity of oversight institutions to provide adequate checks and balances; or
- Promoting ambassador-level diplomacy. When all elements of U.S. national power are buttressed by each other, through a systems-based approach (organized complexity), security cooperation programs can better alter power and popular (soldier) and professional (officer clubs and associations) behaviors and norms to affect change.²⁹

8. Protect human rights.

Nominal or superficial human rights programs do not prevent human rights abuses against partner-nation citizens. After conducting an assessment on gaps, U.S. DoD security cooperation programs should: “a) proactively encourage strong human rights standards and accountability among partner forces and b) specifically develop and execute remediation.”³⁰ For example, DoD could protect host-nation reformers or whistleblowers by supporting the passage of human rights law or the creation of corruption hotlines as it relates to host nation DoD employees based on best practices.

a) The military could work with USAID on gender rights; just as DoD has internal suicide and sexual assault prevention programs, DIB could run campaigns similar to the USAID-supported, *What does it mean to be a man?*³¹ campaign. Such efforts would align partner nations to their existing commitments, since most are already UN Convention on the Elimination of all Forms of Discrimination Against Women signatories.

b) In 2015, USAID published a lessoned learned guide³² and several toolkits³³ on working with men to end gender-based violence.³⁴ USAID/Bangladesh is working to reduce the high prevalence of domestic violence in Bangladesh and other related human rights violations (e.g., sexual harassment, child marriage, and other root causes of domestic abuse). USAID has programs and initiatives that DoD could modify to assist foreign militaries to provide training and capacity building to oppose domestic violence and gender-based violence conducted by military members.

c) USAID could also assist DoD with its obligations under the Leahy Law, by helping to identify human right violations and necessary reform initiatives.³⁵ USAID human

rights protection programming 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 the ability to end them; and 3) remedy efforts include judicial and non-judicial measures to provide redress and deter future violations.

9. Reforming the code of military justice disciplinary measures and military law.

The most successful ROL and military justice programs do not end after a two-week training.³⁶ In order to be most effective, security-cooperation programs that focus on legal reform and the ROL should be long-term initiatives focused on change management that not only help develop and shepherd the new rules through the approval process, but also assist partner nations with the roll-out and implementation of the new policies.³⁷ For example, does the host nation military have a code of military justice capable of dealing with human rights violations when they occur? If not, a multi-year ROL program would help the partner nation (with input from civil society) consider what ethical standards and codes of conduct are appropriate, draft regulations or codes for the security forces that are legally binding, and finally, roll-out, train on, and implement the new rules.

USAID has helped write and facilitate the implementation of a vast number of codes of conduct and the reform of thousands of laws. 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. As outlined in the 2015 Practitioner’s Guide to Anticorruption, the Palestine PACE program used a Centers of Excellence (COE) framework, where members

of six ministries implemented 100 government reform initiatives.³⁸ Similar results were made in the Paraguay Fight Against Corruption and Impunity program focused on ethics and codes of conduct.³⁹ USAID could provide guidance and partners to help DoD conduct long-term, change-management ROL programs as DoD assists Ministries of Defense reform their code of military justice or code of conduct.

10. Including rigorous monitoring and evaluations (M&E).

Security cooperation efforts have struggled to establish indicators beyond basic quantitative number counting to determine which of the multiple U.S. objectives should be measured.⁴⁰

USAID could assist DoD with creating a more systematic structure for developing and tracking quantitative and qualitative indicators of effectiveness and efficiency prior to program approval.⁴¹ This would almost always include a baseline assessment immediately prior to the initiation of a BPC security cooperation program. RAND completed an impressive amount of research on this in 2016.⁴² 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.⁴³ Baskets permit practitioners to measure the same thing from multiple angles in order to get a fuller picture of the situation.⁴⁴ Due to the multiplicity of strategic-level goals that security cooperation programs are intended to achieve, it may be beneficial to have one basket of indicators for each strategic objective. USAID trains its field staff to use varied baskets of measures that adhere to data integrity standards.

Military Strategies and Publications

The 2010 NSS, 2010 Quadrennial Defense Review (QDR), 2011 National Military Strategy (NMS), and 2015 NSS all promote security cooperation as a line of effort to reduce state

fragility.⁴⁵ The 2014 QDR states, “Building security globally not only assures allies and partners and builds partnership capacity, but also helps protect the homeland.”⁴⁶ Recent military strategies have increasingly emphasized the need to accomplish this through interagency cooperation—the 2015 National Military Strategy mandates it.⁴⁷

Strengthening governance to reduce the likelihood of corruption or state failure has also been part of DoD policy for over a decade.

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.”⁴⁸ Following suit, the U.S. Army’s counterinsurgency (COIN) Field Manual 3-24, which classifies security cooperation as an effective COIN tool, 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.”⁴⁹

Summary

Corruption is a major impediment to military operations and the establishment of the ROL. Between 2007 and 2013, USAID sponsored more than 330 projects worldwide that included anticorruption activities with a total funding of about \$6.7 billion. USAID has the experience, expertise, and ability to assist DoD in preparing for and fighting against corruption to support mission operations to reduce violent extremism, as well as increase government legitimacy and

citizen confidence of local security forces. **IAJ**

The opinions and conclusions expressed herein are those of the student author and do not necessarily represent the views of the U.S. Army or any other governmental agency. Specifically, they do not necessarily reflect the opinions of the U.S. Agency for International Development (USAID) and USAID is not responsible for the accuracy of any information supplied herein.

NOTES

- 1 Transparency International, Defense and Security Program, “Corruption Threats and International Missions: Practical Guidance for Leaders,” 2014, pp. 7 and 22, <<http://www.ti-defence.org/publications/dsp-pubs/307-corruption-threats-and-international-missions.html>>, accessed on January 9, 2018.
- 2 Michelle Hughes and Michael Miklaucic (eds.), *Impunity: Countering Illicit Power in War and Transition*, National Defense University, Center for Technology and National Security Policy, Center for Complex Operations, Washington, DC, 2016, p. vi.
- 3 Transparency International, Defense and Security Program, p. 88.
- 4 Joint and Coalition Operational Analysis, “Operationalizing Counter/Anticorruption Study,” Washington, DC, 2014, p. 9, <<https://www.hsdl.org/?view&did=756004>>, accessed on March 26, 2017.
- 5 U.S. Agency for International Development, *Handbook on Legislative Strengthening*, Washington, DC, 2000, pp. 47–50 and 56, <<https://www.usaid.gov/sites/default/files/documents/2496/200sbb.pdf>>, accessed on March 26, 2017. The importance of establishing oversight mechanisms is repeated 49 times in USAID’s “Practitioner’s Guide for Anticorruption Programming.”
- 6 Nina Serafino, *Security Assistance and Cooperation: Shared Responsibility of the Departments of State and Defense*, Congressional Research Service, Washington, DC, 2016, p. 4, <<https://fas.org/sgp/crs/natsec/R44444.pdf>>, accessed on March 26, 2017; based on governance index indicators.
- 7 Adam Bushey, “Governance: The Missing Ingredient in Security Cooperation,” Command and General Staff College, MMA thesis, <<http://cgsc.contentdm.oclc.org/cdm/ref/collection/p4013coll2/id/3597>>, accessed on January 9, 2018.
- 8 Transparency International, Defense and Security Program, p. 9.
- 9 Based on nine years of conversations the author has had with DoD officers.
- 10 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, November 14, 2014, <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_815.pdf>, accessed on March 26, 2017.
- 11 U.S. Agency for International Development, “Practitioner’s Guide for Anticorruption Programming,” Washington, DC, 2015, pp. 14–17 and 41, <https://www.usaid.gov/opengov/developer/datasets/Practitioner’s_Guide_for_Anticorruption_Programming_2015.pdf>, accessed on March 26, 2017. Successful anticorruption programs include the enforcement of forest and logging program in the Philippines, the needs-based procurement process program within Palestine’s ministry of health, and the program that improved business registration and reduced tax corruption in Albania.

- 12 Jesper Johnsen et al., “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*, Vol. 201, No. 7, October 2012, pp. 1–78, <<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/>>, accessed on March 26, 2017.
- 13 Transparency International, Defense and Security Program, p. 61.
- 14 Manpower that DoD may need to contract include: European political specialists, intelligence officers, organized crime experts, contract specialists, UN police, civil engineers, auditors, banking specialists, military police, prosecutors, fraud investigators.
- 15 U.S. Agency for International Development, “Technical Publications on Democracy, Human Rights and Governance,” <<http://www.usaid.gov/node/33416>>, accessed on January 9, 2018.
- 16 The World Bank, “Governance and Public Sector Management,” <<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:22559299~pagePK:210058~piPK:210062~theSitePK:286305,00.html>>, accessed on January 9, 2018.
- 17 PEFA, “Assessment Pipeline,” <<https://pefa.org/assessments/listing>>, accessed on January 9, 2018.
- 18 “Memorandum of Understanding Between the Department of Defense and the Department of State Regarding Non-Reimbursable Exchange of Personnel,” <<https://drive.google.com/file/d/0B9L6xJ9To4YpWEFvb1ISbi01Y1k/view>>, accessed on January 9, 2018.
- 19 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,” <<https://drive.google.com/file/d/0B9L6xJ9To4YpaVEwdGVqWE1wSEU/view>>, accessed on April 26, 2017.
- 20 Supply Chain Management Assessment Tools, <<https://drive.google.com/drive/folders/0B9L6xJ9To4YpQ3AxR3NJJa21RTWc?usp=sharing>>.
- 21 International Security Advisory Board, *Report on Security Capacity Building: International Security Advisory Board*, Department of State, Washington, DC, 2013, pp. 24 and 26, <<https://www.state.gov/documents/organization/202920.pdf>>, accessed on March 26, 2017; U.S. Agency for International Development, “Conflict Mitigation,” <<https://www.usaid.gov/what-we-do/working-crises-and-conflict/conflict-mitigation-and-prevention>>, accessed on March 26, 2017. While short-term gains may be won by conducting counterterrorism security cooperation 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 Department of State decision.
- 22 Transparency International, Government Defense Anti-Corruption Index, “Analysis,” <<http://government.defenceindex.org/parliaments>>, accessed on March 26, 2017. Eighty-five percent of countries lack effective legislative scrutiny of defense policy.
- 23 Joint and Coalition Operational Analysis, p. 6.
- 24 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*, Vol. 37, No. 139, December 8, 2014, p. 149. See Rachel Kleinfeld, *Advancing the Rule of Law Abroad: Next Generation Reform*, Carnegie Endowment for International Peace, 2012, Washington, DC, p. 133.

- 25 Dafna H. Rand and Stephen Tankel, *Security Cooperation and Assistance: Rethinking the Return on Investment*, Center for a New American Security, Washington, DC, 2015, p. 20.
- 26 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,” p. 145. ROL initiatives support a culture of lawfulness through checks and balances on power and through changes in social norms.
- 27 “USAID Strategy on Democracy, Human Rights, and Governance,” June 2013, <http://pdf.usaid.gov/pdf_docs/PDACX557.pdf>, accessed on January 9, 2018. Foster greater accountability of institutions and leaders to citizens and to the law; “USAID Guide to Legal Empowerment of the Poor,” <http://pdf.usaid.gov/pdf_docs/PNADM500.pdf>, accessed on January 9, 2018.
- 28 In Department for International Development’s, “The Effectiveness of Anti-Corruption Policy,” an incredible focus is put on the need for incentivizing political actors to give up control and allow for a change in cultural norms. Popular and professional norms that impede the growth of rule of law in countries where there is a substantive deficit can range from graft and kickbacks, to gender and human rights violations. The word “incentive” is used more than 200 times in the 115-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.
- 29 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,” p. 142.
- 30 Rand and Tankel, p. 26.
- 31 Here are 4 links to modules on engaging men on the issue of preventing gender violence: <<https://men-care.org/wp-content/uploads/sites/3/2015/05/Program-P-English-web.pdf>>; <<https://promundoglobal.org/resources/program-h-working-with-young-men/>>; <<http://gender.care2share.wikispaces.net/file/view/VSLManualFinal.pdf/351415986/VSLManualFinal.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>, accessed on January 8, 2018.
- 32 U.S. Agency for International Development, “Working with Men and Boys to End Violence Against Women and Girls,” <https://www.usaid.gov/sites/default/files/documents/1865/Men_VAW_report_Feb2015_Final.pdf>, accessed on January 8, 2018.
- 33 U.S. Agency for International Development, “Gender-Based Violence Toolkits,” <<https://www.usaid.gov/gbv/gbv-toolkits>>, accessed on January 8, 2018.
- 34 U.S. Agency for International Development, “Working with Men and Boys to End Violence Against Women and Girls,” and U.S. Agency for International Development, “Toolkit for Addressing Gender-based Violence through Rule of Law Projects,” September 2014, <<https://www.usaid.gov/documents/1865/toolkit-addressing-gender-based-violence-through-rule-law-projects>>, accessed on January 8, 2018.
- 35 The U.S. Agency for International Development 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 could provide support to victims of violence, torture, state harassment, or arrest carried out by foreign militaries.

- 36 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 training, is not enough to strengthen accountability or build the rule of law.
- 37 These new policies should be implemented under the auspices of each Country Development Cooperation Strategy.
- 38 U.S. Agency for International Development, “Palestinian Authority Capacity Enhancement,” 2013, <http://pdf.usaid.gov/pdf_docs/PDACY026.pdf>, accessed on January 8, 2018.
- 39 U.S. Agency for International Development, “Paraguay Threshold Country Program Fight Against Corruption and Impunity, final technical report, October 2009, <http://pdf.usaid.gov/pdf_docs/PDACQ482.pdf>, accessed on January 8, 2018.
- 40 Christopher Paul et al., *What Works Best When Building Partner Capacity and Under What Circumstances?* RAND Corporation, Santa Monica, CA, 2013, p. iii.
- 41 “Most assessments conducted to date are merely tallies of outputs: dollars spent [or] aircraft delivered.” Nicholas R. Simontis, “Security Cooperation: An Old Practice for New Times.” Master’s thesis, U.S. Army Command and General Staff College, 2013, p. 10, <<http://www.dtic.mil/dtic/tr/fulltext/u2/a589722.pdf>>, accessed on March 26, 2017.
- 42 Jefferson Marquis et al., *Developing an Assessment, Monitoring, and Evaluation Framework for U.S. Department of Defense Security Cooperation*, RAND Corporation, Santa Monica, CA, 2016.
- 43 Department of Peacekeeping Operations and Office of the High Commissioner for Human Rights, *Rule of Law Indicators: Implementation Guide and Project Tools*, United Nations, Washington, DC, 2011, p. 3, <http://www.un.org/en/peacekeeping/publications/un_rule_of_law_indicators.pdf>, accessed on March 26, 2017; Jim Parsons et al., *Rule of Law Indicator Instruments a Report to the Steering Committee of the United Nations Rule of Law Indicators Project: A Literature Review*, Vera Institute of Justice, 2008, p. 2, <<http://www.vera.org/files/rule-law-indicators-literature-review.pdf>>, accessed on March 26, 2017. 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.
- 44 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 and Office of the High Commissioner for Human Rights, *Rule of Law Indicators: Implementation Guide and Project Tools*, supra note 72, p.3); 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,” p. 146. However, the UN states, “it may be irrelevant if there are no effective procedures for alleged incidents of police misconduct or corruption to be investigated.”
- 45 Michael J. McNerney et al., *Assessing Security Cooperation as a Preventive Tool*, RAND Corporation, Santa Monica, CA, 2014, p. 12, <http://www.rand.org/content/dam/rand/pubs/research_reports/RR300/RR350/RAND_RR350.pdf>, accessed on March 26, 2017; 2010 National Security Strategy, p. 38 and p. 27, <http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf>, accessed on December 30, 2016. The NSS states that “proactively investing in stronger societies and human welfare is far more effective than responding after state collapse.”
- 46 Department of Defense, *Quadrennial Defense Review 2014 Report*, Washington, DC, 2014, p. 29, <<https://archive.org/details/Quadrennial-Defense-Review-2014>>, accessed on March 26, 2017.

47 Simontis, p. 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, 2015, p. 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, 2011, p. 15.

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