Oversight and Accountability in U.S. Security Sector Assistance

Seeking Return on Investment

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CSIS INTERNATIONAL SECURITY PROGRAM
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Acknowledgments

The authors hope that the findings and recommendations of this report provide a practical framework for the Trump administration and Congress to improve accountability and oversight in security sector assistance, increasing return on investment, and promoting greater professionalism among partner security forces.

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Introduction

With the range of security challenges confronting the United States in the twenty-first century, the importance of working with allies and partners to address common challenges is paramount. Deeper examination of the relative effectiveness of U.S. security sector assistance (SSA) and how it must nest in a broader foreign policy strategy—one that incorporates good governance, human rights, and rule of law principles—is required. Following a series of far-reaching SSA reforms within the Fiscal Year 2017 National Defense Authorization Act (NDAA), the U.S. government is seeking to conduct U.S. SSA more strategically and professionally—in short, with greater return on investment. Improving SSA oversight and accountability must be at the core of these reforms to ensure U.S. foreign policy objectives are met and that SSA is conducted in accordance with U.S. interests and values.

CSIS conducted a nine-month-long project to engage stakeholders and develop practical policy recommendations for the U.S. administration and Congress on improving accountability and oversight in U.S. SSA. While an examination of the fiscal return on investment for SSA may be a valuable exercise for future auditors, the CSIS study team intentionally scoped this project to focus on the fundamental reasons why the United States uses SSA as a foreign policy tool—to achieve strategic and policy objectives. For the purposes of this project, the CSIS study team used a definition of SSA that includes training, advising, education, exchanges, exercises, equipping, and institution building of partner security forces. This definition incorporates both grant security assistance and security cooperation activities under the Title 22 and Title 10 authorities of the U.S. Departments of State (DoS) and Defense (DoD). The U.S. government can and should adopt a more expansive definition of SSA, including assistance for partner police and justice institutions, as they are integral parts of the security sector. Moreover, security sector structures often differ across partner countries, with internal security, military, and police forces organized in diverse ways. While police and justice capacity-building activities are beyond the scope of this project, the oversight and accountability framework advanced by this project could be adapted and applied to those activities.
The project examined key areas in security sector programming and oversight where the U.S. DoD and DoS employ accountability mechanisms for SSA and seek to inculcate accountability in partner countries’ security institutions. The goal of the project was to identify ways to sharpen and knit together accountability and professionalism mechanisms into a coherent approach for partner countries. Key areas of examination included:

- Leahy vetting and remediation programs
- Monitoring and evaluation
- Conditionality experiments
- Defense Institution Building (DIB) programs

A series of case vignettes highlight the strengths and weaknesses of the accountability mechanisms, and identify areas for improvement and future experimentation. The vignettes also illustrate where tensions among U.S. operational priorities and accountability measures have been most evident.

This project fills a gap in public policy research around security sector reform issues. Previous public policy research has sought to examine the linkages between fragile states and security sector assistance, ways to improve the effectiveness of partnership capacity-building programs, and deficiencies in how the United States plans, coordinates, and executes SSA.¹ This study seeks to illuminate how well current SSA oversight and accountability measures are working, and to provide concrete and implementable recommendations on areas for improvement through a holistic framework.

The CSIS study team conducted the project in four phases. In the first phase, the study team researched the historical record for the Leahy laws, DIB, monitoring and evaluation, and conditionality experiments, and established a set of criteria for determining their effectiveness. To frame

the study and solicit feedback on the methodology and country case vignettes, the study team hosted a private workshop with key stakeholders, including senior staff from the U.S. executive and legislative branches, NGO and civil society organizations, and think tank experts. Additionally, the team interviewed over 60 current and former U.S. policymakers and staff, senior congressional staff, human rights and civil society experts, and think tank scholars and academics on key questions emanating from the research. The CSIS study team also conducted a private roundtable with experts on the Leahy laws to investigate their strengths and limitations.

In the second phase of the project, the study team convened a three-part congressional dinner series with 20 senior congressional staff from the Senate and House foreign affairs, armed services, appropriations, and intelligence committees, as well as key member offices. CSIS facilitated a discussion with participants on the long-term impact of SSA programming and the balance of accountability measures that enable the United States to achieve its security objectives while building professional and accountable partner security forces. Each dinner in the series had a regional lens overlaid to examine how security assistance and accountability measures are planned, programmed, and applied in sub-Saharan Africa, the Middle East, and Southeast Asia. The dinners featured remarks and discussion with current and former senior U.S. civilian and military leaders with policy and operational experience conducting SSA.

In the third phase of the project, the study team convened a half-day, scenario-based simulation with a group of 35 experts from the U.S. government, civil society organizations, and the think tank community to test the project’s assumptions, findings, and initial recommendations. The scenario posited a new challenge to the U.S. security relationship with Nigeria, where accountability measures, including Leahy vetting, came into tension with U.S. operational priorities. Participants were asked to wrestle with this tension, identify gaps in policy and accountability tools and mechanisms, and provide ideas on mitigation measures and recommendations. During the scenario, participants were given a template of questions generated by the CSIS study team to test whether they help participants navigate their way through the policy trade-offs and improve accountability in the scenario. The template served as the baseline for developing the framework and recommendations advanced in this report’s conclusions.

The final phase of the project involved synthesizing the findings from the workshops, dinner discussions, background research, stakeholder interviews, and simulations, writing the project findings and recommendations, and the public launch of this report.

The remainder of this report is organized in four sections. Section 2 provides an overview of the four key oversight and accountability mechanisms described above, and analysis of their strengths, weaknesses, and gaps. Case vignettes for each mechanism illuminate Section 2’s analysis. Section 3 describes the cross-cutting findings from the Section 2 analysis of the four key mechanisms. Section 4 explores the case of the U.S. SSA relationship with Nigeria to provide lessons for oversight and accountability. Finally, Section 5 proposes recommendations on how to improve each of the four mechanisms and advances a principles-based framework and supporting recommendations for improving oversight and accountability in U.S. SSA.
Oversight and Accountability Mechanisms

The United States has several mechanisms and processes to provide oversight and accountability of security sector assistance (SSA) to partners, ranging from program management reviews to congressional hearings. The CSIS study team identified four mechanisms that integrate legal, policy, and operational authorities that are particularly salient to improving oversight and accountability of SSA: the Leahy laws, monitoring and evaluation, conditionality, and Defense Institution Building. The first three mechanisms reside in U.S. government structures, and the last is a tool employed by the U.S. government to inculcate oversight and accountability practices in partner security institutions, among other objectives. The following section examines the purpose, strengths, weaknesses, and gaps of each mechanism. This section also includes a country case vignette highlighting some of the key tensions that may arise in SSA implementation and how current oversight and accountability mechanisms may—or may not—address those tensions. Section 5 contains recommendations on how to improve the effectiveness of each of these mechanisms.

LEAHY LAWS

Overview

The Leahy laws require the Department of State (DoS) and Department of Defense (DoD) to ensure that SSA is not furnished to foreign security forces that commit gross violations of human rights. The U.S. government includes extrajudicial killing, torture, rape, and enforced disappearance as gross human rights violations when implementing the Leahy laws. At their core, the Leahy laws are intended to uphold human rights within partner countries and incentivize action by partners to hold abusive units accountable. The Leahy provisions governing DoS security assistance programming largely exist as Section 620M within the Foreign Assistance Act. The provisions

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governing DoD programming were codified in Title 10 of the U.S. Code by the FY 2017 National Defense Authorization Act (NDAA).²

Named after Senator Patrick Leahy, who authored and championed these human rights provisions in the late 1990s, the Leahy laws require the DoS and DoD to vet individuals and units before they receive SSA. Vetting is generally required prior to provision of any foreign equipment and training-based assistance—save humanitarian disaster relief—that derives its funding from the DoD’s yearly appropriations, in addition to foreign military sales (FMS) and financing (FMF), peacekeeping operations, and International Military Education and Training (IMET) programming under Title 22 authorities.³ DoS and DoD are required to withhold assistance from partner security force individuals and units when there is credible information that they have committed gross human rights violations. Assistance can be restarted to units when partner governments take effective steps to bring individual perpetrators to justice.⁴

In relationships where the partner is already receiving assistance from the United States and credible information about human rights abuses arises, decisions to withhold assistance may appear more uneven, often depending on U.S. strategic interests in the partner country: the United States is legally obligated to halt assistance to units found in violation of Leahy standards, but can continue to provide assistance to other units within the same country.

In 2015, DoD and DoS adopted a remediation policy that provides guidance for reinstating assistance to tainted foreign security units, in compliance with the Leahy laws. The policy allows for the resumption of assistance if both departments agree that the foreign government has taken adequate steps to bring the perpetrators to justice (e.g., prosecutions or administrative actions, impartial and thorough investigations, and sentencing), or if the unit is a fundamentally different or new unit per criteria delineated in the joint DOD-DOS remediation policy.⁵ To date, DoD and DoS have restored security cooperation with 10 units—mostly in Afghanistan—through the remediation process.

⁴. The exceptions differ in the DoS and DoD Leahy laws. The DoS law includes an exception if the secretary determines and reports to Congress that the government of the country in question “is taking effective steps to bring the responsible members of the security forces unit to justice,” while the DoD version prohibits assistance “unless all necessary corrective steps have been taken.” In addition, the DoD law allows for exceptions if “the equipment or other assistance is necessary to assist in disaster relief operations or other humanitarian or national security emergencies.” See Foreign Assistance Act of 1961, 22 U.S.C. § 2378d (2017), and National Defense Authorization Act, 10 U.S.C. § 362 (2017).

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Strengths, Weaknesses, and Gaps

The Leahy laws’ greatest strength is that they codify respect for human rights as a key pillar of U.S. foreign policy in an area where national security imperatives often override other foreign policy objectives. The Leahy laws’ provisions are designed not only to deter foreign partner countries from violating human rights, but also to incentivize their prioritization through training and professionalization programming.6

The normative and deterrent value of the Leahy laws, however, is overshadowed by significant gaps and weaknesses. A key weakness is the absence of clear standards for determining the credibility of sources during the Leahy vetting process. DoS guidance explains that vetters must determine whether information is credible on a case-by-case basis, depending on the source’s reputation and the presence of corroborating evidence. This approach relies on the discretion of individual officers, who might reach different conclusions based on the same information. In some instances, local populations will report information differently to DoD sources than to civil society organizations. Additionally, egregious human rights abuses may occur in areas with limited media and NGO access, which affects the perceived credibility of a claim.7

Another challenge is the confusion surrounding whether the unit itself or every individual in the unit must be vetted. DoS considers the relevant unit to be “the lowest organizational element of a security force capable of exercising command and discipline over its members, typically residing at the battalion level.”8 Human rights groups charge that this is too narrow and that vetting should go as high as possible, while some DoD officials have complained that vetting officials apply Leahy too broadly, occasionally denying assistance to units that are clean except for the presence of one or two “bad apples.”

To complicate matters further, while DoS and DoD share responsibility for implementing the Leahy laws, in practice, DoS is the lead agency for vetting. DoS uses the International Vetting and Security Tracking (INVEST) system to document the vetting process. This system, which is in the process of being updated and improved, does not capture why certain decisions were made or how embassy vetting officials determined the veracity of information or the credibility of a source. Furthermore, because it relies upon individual records, monitoring trends across units and leadership structure is difficult. Finally, DoD does not have reliable access to this system and therefore cannot see or review the information that DoS has used to make determinations. All of these problems have resulted in inconsistent application of the Leahy law across the various arms of DoS and DoD, and in tension between the two departments due to the perceived opacity of the process within the DoD.9

In both DoD and DoS, Leahy vetting and implementation is hindered by workforce capacity and depth. DoS and DoD policy offices with oversight of Leahy are understaffed and inadequately trained. Responsibility for vetting at DoS resides with dedicated vettors at embassies and in the Bureau of Democracy, Human Rights, and Labor (DRL), which has staffed up to manage this responsibility. However, within DoS regional bureaus, there are few people with in-depth knowledge or training in Leahy vetting or the remediation policy. Additional training, guidance, and political leadership within DoS is necessary to encourage and enable policymakers to use Leahy as a strategic engagement tool to improve the human rights behavior of partner security forces. Likewise, while DoD’s general counsel and Judge Advocate General’s (JAG) Corps play an important role in implementing the Leahy law, DoD maintains uneven staffing across combatant commands (COCOMs) for Leahy vetting and implementation. U.S. Northern Command (NORTHCOM) has one dedicated official for tracking Leahy within its security cooperation office. U.S. Southern Command (SOUTHCOM) has an entire team. U.S. European Command (EUCOM), Central Command (CENTCOM), and Pacific Command (PACOM) rely upon their lawyers to consider Leahy reports. A blend of policy, legal, and operational expertise is needed within the COCOMs, Joint Staff, and the Office of the Under Secretary of Defense for Policy (OSD-P) to engage on equal footing with DoS and enable DoD to highlight cases in need of swift policy resolution. DoD is undertaking a review of its Leahy processes and is formulating new guidance to address several of these issues, but workforce and resourcing gaps will likely continue absent greater prioritization within the department, or additional resources appropriated by Congress.

Although the FY 2017 NDAA attempted to bridge the gap between the DoD and DoS Leahy laws, some inconsistencies still exist that send mixed messages to partner countries and may allow for national security imperatives to supersede human rights priorities. First, although DoD and DoS have taken the useful step of developing common criteria for remediation, the process has been used infrequently, with lost opportunities for using remediation as a tool to encourage partner accountability and prevent future abuses. Second, the DoS Leahy provisions mandate that a partner country in violation of human rights obligations be informed of the reason that security assistance is being withheld. DoD does not have the same provision to mandate a “duty to inform” the partner. As a result, the duty to inform is applied unevenly, and partner governments are often not aware of why certain units were denied assistance. In the interest of advancing trust in the relationship with the partner, DoD increasingly has sought to encourage its security cooperation officers and attachés to explain the reasons for the withholding of assistance and the steps the partner can take to implement reform and accountability measures to inform U.S. decisionmaking on the possible resumption of assistance. Third, DoD allows for a waiver that overrides the Leahy laws, allowing for the provision of security assistance to units that have committed gross violations of human rights. Moreover, as Leahy applies to particular units and not countries as a whole, it is possible to continue security assistance to countries with egregious human rights records so long as assistance...
does not go to a tainted unit. It is also possible that a unit will commit violations after it has passed vetting, since Leahy laws are not retroactive. While proponents of Leahy laws argue that the differences in the DoD and DoS laws provide the United States with the “flexibility to balance potentially competing interests, or to respond to an emerging threat or disaster in a timely manner,” these inconsistencies may obfuscate the original intent of the laws to uphold human rights standards.

Case Vignette: Guatemala

Leahy law implementation in Guatemala illustrates how the United States can employ this oversight and accountability mechanism to promote respect for human rights and rule of law. It also highlights implementation inconsistencies. During the Cold War, concern over the spread of communism informed the U.S. decision to support Guatemala’s military government, despite evidence that security forces were engaging in violent repression and mass atrocities. In 1986, Guatemala established a civilian government, and in the three decades since has made considerable progress in consolidating democratic gains and reforming and establishing civilian control over the military. The United States has leveraged SSA to encourage these processes and promote stability and security in the region.

Prior to 2011, the United States moved to halt foreign assistance funding to the Guatemalan army’s Kaibil special forces because of the latter’s involvement in human rights violations. Yet, while DoS assistance was blocked, DoD was able to provide counternarcotics assistance to the Kaibil units due to discrepancies between the agencies’ Leahy law implementation. In 2011, after the Guatemalan government tried, convicted, and sentenced members of the Kaibiles, DoS resumed military aid to the unit.

Although the United States has struggled to consistently and coherently implement Leahy laws in Guatemala, by restricting military assistance to Guatemala the U.S. government signaled its disapproval of Guatemala’s culture of impunity and disregard for human rights. This message aligned with international and domestic efforts to bolster Guatemala’s justice system and bring human rights violators to justice. These efforts have strengthened Guatemala’s willingness and capacity to confront human rights violations. Though the application of Leahy law in Guatemala would not have been enough to facilitate this change, it did support international and domestic efforts.


14. Ibid.

15. In 2006 the International Commission against Impunity in Guatemala (CICIG), a hybrid body formed by the Guatemalan Congress and the United Nations, was founded to promote accountability and strengthen rule of law. The CICIG and Guatemalan leaders, such as former and current Guatemalan attorneys general Claudia Paz y Paz and Thelma Aldana, have significantly strengthened the judiciary and rule of law. See Maureen Taft-Morales, Guatemala: Political and Socioeconomic Conditions on U.S. Relations (Washington, DC: Congressional Research Service, October 2017), https://fas.org/sgp/crs/row/R42580.pdf.
MONITORING AND EVALUATION

Overview

Every year the United States disburses billions of dollars on SSA and conducts thousands of security cooperation activities with foreign security officials and forces. Effective monitoring and evaluation can enable the U.S. government to track how the dollars and efforts it expends on security assistance perform in terms of return on investment for meeting strategic and operational goals, and whether partner countries use SSA responsibly and with respect for human rights norms and values. Through monitoring and evaluation over years of an SSA relationship, the United States may truly be able to define its return on investment.

However, to assess strategic and programmatic performance through monitoring and evaluation, the U.S. government must have a baseline understanding of what it is trying to accomplish in the particular regional context into which SSA resources will flow. Effective planning through an interagency process provides the foundation. Planning occurs prior to implementation, and ideally is undertaken in collaboration with all relevant U.S. agencies and the partner nation. Planning entails developing a baseline assessment of the environment in which security cooperation activities will take place, the partner’s existing capabilities and ability to absorb assistance, and the extent to which the partner country’s interests, values, and objectives are aligned with those of the United States. During the planning phase partners should identify metrics for determining progress and success, and develop a monitoring plan that reflects those metrics. In order to do this, partners must establish SMART objectives—objectives that are specific, measurable, achievable, relevant and results-orientated, and time-bound. The planning process is vital in the scheme of SSA activities. Following the FY 2017 NDAA reforms, DoD developed a cross-agency planning process to guide SSA development, currently in its first year of execution and summarized as follows:

1. Assess Threat and Articulate Desired Outcome
2. Jointly Articulate Desired Partner Role in Achieving Outcome
3. Jointly Articulate Desired U.S. Support Role in Achieving Outcome
4. Identify Partner Capability Areas for Achieving Outcome
5. Outline Specific Activities for Achieving Outcome

Monitoring is the process by which efforts are tracked to determine whether inputs (e.g., training and money) have translated into intermediate objectives (e.g., number of people trained and equipment obtained). Evaluation is the process by which policymakers and implementers examine the extent to which security cooperation activities have achieved their stated objectives. This process is critical to providing leaders and decisionmakers with an understanding of what is working and what is not. Planning, monitoring, and evaluation are crucial to ensuring that SSA activities are supportive of U.S. objectives. Accordingly, the U.S. security cooperation workforce must be trained to conduct baseline assessments, establish SMART objectives that articulate desired end states, define metrics by which to measure a program’s success, evaluate risks and identify mitigation steps, and design programs with strong feedback loops. An upfront approach to SSA will help policymakers articulate long-term security cooperation objectives and measure progress against those objectives throughout the life cycle of the program.

Monitoring and evaluation (M&E) also plays a vital role in enhancing oversight of how training and equipment are employed by partner nations. Specifically, end-use monitoring (EUM) programs aim to reduce the security risks involved in transfers of U.S. arms and equipment by ensuring that they are not misused and remain within the security force to which they are assigned. The two primary U.S. government EUM programs are Blue Lantern and Golden Sentry. DoS’s Directorate of the Defense Trade Controls (DDTC) coordinates the Blue Lantern program, in which U.S. embassy officials conduct pre-license checks and post-shipment verifications of items transferred via Direct Commercial Sales (DCS). DoD’s Defense Security Cooperation Agency (DSCA) manages the Golden Sentry program, which performs an analogous function for foreign military sales (FMS) transfers.

Strengths, Weaknesses, and Gaps

Strong strategic and programmatic planning, monitoring, and evaluation enhances the ability of U.S. policymakers and planners to precisely target SSA, gauge its return on investment, and link it to strategic objectives. In the short term, M&E can help implementers identify and address programmatic weaknesses and gaps. Over the long term, M&E enables organizations to absorb and apply lessons learned and best practices to future engagements. In recent years, interest from senior policymakers, the requirements of the Presidential Policy Directive 23 on Security Sector Assistance (PPD 23), and pressure from Congress have pushed agencies to think more strategically about SSA and improve M&E mechanisms. Yet, despite increased policy and

20. Ibid.
22. Section 383 of the FY 2017 NDAA stipulated that the secretary of defense must “maintain a program of assessment, monitoring, and evaluation in support of the security cooperation programs and activities.” The program must include initial assessments and feedback loops, and incorporate best practices; White House, Office of the Press Secretary,
legislative attention, DoD and DoS are still in the early stages of their efforts to implement consistent M&E systems.

As indicated in the flowchart above, DoD is taking steps to improve its planning process for SSA, designing a new system to distill partner and U.S. objectives, requirements, and M&E criteria. Policymakers at DoD have developed a “concept-first approach” to encourage upfront analysis and strong program design. Broadly, however, planning of SSA programs and activities is still inhibited by U.S. agencies’ failure to coordinate with partner countries and with each other. U.S. agencies responsible for SSA may not coordinate with partner countries and design projects with both U.S. and partner country objectives in mind. This can result in a misalignment of goals, decreased partner country buy-in, or diminished strategic impact. Lack of interagency coordination and a dearth of strategic guidance documents hinder the U.S. government’s ability to prioritize funding and resources, though both DoD and DoS are taking steps to improve these gaps.23 In addition, many experts in the DoD operational community worry that a lengthy planning, monitoring, and evaluation process will impede the U.S. ability to respond to short-term operational requirements critical to U.S. interests (e.g., terrorist threats).

Several factors contribute to inadequate monitoring of U.S. SSA. First, the U.S. government lacks a central system that tracks all SSA and is accessible to all the relevant stakeholders. With dozens of offices in different agencies responsible for developing and administering SSA programs, it is difficult for planners and implementers to visualize the full picture of SSA programming for a country or region.24 Second, the system is only beginning to adapt to design programs with SMART objectives and strong feedback loops that facilitate M&E. Without specific goals and clear metrics identified in the planning stage, effective monitoring and evaluation are nearly impossible. Third, most agencies’ workforces do not receive adequate training on program design, planning, and M&E. Thus, instead of focusing on the long-term implications and objectives of SSA programs and activities, agencies instead fixate on present-day relations and short-term outcomes.25

Well-designed and administered EUM programs reduce the security risks inherent in transfers of arms and equipment. However, the U.S. government occasionally struggles to implement EUM programs, for several reasons. First, while there is abundant policy guidance for the implementation of DoD’s Golden Sentry program, there is a dearth of guidance for DoS’s Blue Lantern program. For instance, Blue Lantern policy does not specify the criteria U.S. embassy employees should use to determine whether to make site visits to partner nation military facilities to validate Blue Lantern compliance.26 Instead, all site visits are deemed optional and are thus unevenly

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conducted. Second, government audits have demonstrated that agencies struggle to maintain record-keeping systems on EUM implementation. Third, due to staffing transitions and limited staffing, U.S. embassies sometimes lack the personnel to carry out routine EUM in a timely manner. Finally, “pseudo” FMS programs (those that do not require partner nation signature on requisite program paperwork), such as the Iraq Train and Equip Fund (ITEF), are not subjected to Golden Sentry monitoring and thus rely on other (and at times inconsistent) embassy and intelligence reporting sources to ensure appropriate use.

BOX 2.1. USAID Assessment, Monitoring, and Evaluation Practices—Lessons Learned for SSA

Assessment

Prior to project implementation, USAID officials develop a Country Development Cooperation Strategy (CDCS). A CDCS is the result of a series of assessment-like consultations, which typically occur over a six- to eight-month period. These assessments feed into the project’s charter, which must clearly identify the theory of change, specify immediate and longer-term objectives, and have an M&E plan. The mission director approves all these elements as part of the project package. This process provides officials with a detailed understanding of country context and dynamics, and ensures that this understanding is reflected in project design.

Monitoring

USAID projects are built on a logical framework that connects CDCS objectives to performance indicators that can be monitored throughout the life cycle of the project. Implementers can also employ standard performance indicators, which are available as downloadable templates on USAID’s website. Templates specify the frequency and method of data collection. Active monitoring throughout a project’s life cycle provides implementers, decisionmakers, and partners with the data needed to support the management and learning needs of the project.

Evaluation

USAID provides training and full-time M&E staff to facilitate the development of high-quality evaluations. Evaluation is integrated into USAID projects at the design phase. USAID guidance recommends that programs dedicate approximately 3 percent of a program’s budget to facilitate evaluation. This does not include funding for routine monitoring. Dedicated funds serve both to set aside money for external evaluation and to underscore the importance of evaluation for staff. While there is no

27. Ibid., 31.

28. A pseudo Letter of Offer and Acceptance for an FMS case is not signed by the partner nation that will ultimately receive the articles and/or services, but serves to document the transfer of articles and services to the U.S. government requesting authority. Inspector General, Assessment of U.S. and Coalition Plans and Efforts to Train, Advise, Assist, and Equip the Iraqi Counterterrorism Service and the Iraqi Special Operations Forces, DODIG-2017-074 (Washington, DC: Department of Defense, April 2017), 7, https://media.defense.gov/2017/May/22/2001750926/-/1/-/1/DODIG-2017-074.PDF.
restriction on the type of evaluation that units must do for a project, large-scale and innovative projects must include an impact evaluation if feasible. Project evaluations are shared with key stakeholders and partners, which ensures that findings and lessons learned are acted upon.

**Recommendations for DoD and DoS SSA Programs Based on USAID’s Best Practices**

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<tr>
<th>Objective</th>
<th>Description</th>
<th>Outcome</th>
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<tr>
<td>Develop detailed and specific M&amp;E guidance and codify requirements that minimize bias and promote best practices.</td>
<td>Require that all programs be independently monitored, and establish a minimum percentage of funds that programs must allocate to M&amp;E.</td>
<td>Mitigate conflicts of interest, facilitate unbiased evaluations, ensure that all programs are resourced to include M&amp;E, and signal the importance of M&amp;E to staff.</td>
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<tr>
<td>Integrate M&amp;E into program design and life cycle from the outset.</td>
<td>Design SSA programs to facilitate M&amp;E at every stage of the project. Identify high-level outcomes and intermediate objectives.</td>
<td>Ensure that SSA programs can be adjusted to enhance their effectiveness and evaluated by planners and decisionmakers.</td>
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<td>Strengthen leadership’s commitment to evidence-based M&amp;E.</td>
<td>Emphasize M&amp;E as a leadership priority, clearly establish roles and responsibilities, and articulate M&amp;E policy.</td>
<td>Facilitate an agency culture shift toward rigorous M&amp;E.</td>
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<td>Invest in staff training.</td>
<td>Train staff in the M&amp;E process and best practices. They should have access to standardized tools to facilitate the logical review of M&amp;E plans.</td>
<td>Develop workforce capacity to conduct M&amp;E.</td>
</tr>
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<td>Subject programs to scientifically rigorous evaluation.</td>
<td>Conduct longitudinal studies to measure performance changes over time. High-risk programs should be subjected to enhanced monitoring and have strong feedback loops. If possible, implementers should conduct impact evaluation for large-scale projects, innovative projects, and pilot programs that are due to be substantially scaled up.</td>
<td>Ensure that decisionmakers and planners have access to the information needed to adjust and evaluate large-scale and high-risk programs. Encourage the development of innovative SSA programs.</td>
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(continued)
Adapt and employ distance-monitoring mechanisms. Utilize distance-monitoring mechanisms when they lack access to SSA programs due to conflict and instability. For instance, regionally based U.S. officials collaborating with a network of local NGOs to monitor assistance programs.

Ensure that SSA programs are monitored and evaluated in high-risk environments.

Be transparent. Findings from evaluations should be shared publicly and in a timely manner.

Strengthen stakeholder and partner engagement. Ensure that relevant stakeholders can implement lessons learned.

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2. Ibid., 63.
3. Ibid., 64.
4. Ibid.
6. Marquis et al., Developing an Assessment, Monitoring and Evaluation Framework, 64.
8. Marquis et al., Developing an Assessment, Monitoring and Evaluation Framework, 64.
9. USAID, ADS Chapter 201, 124.
10. Ibid., 106.

Case Vignette: Lebanon

U.S. attempts to monitor SSA to Lebanon and evaluate its impact illustrate the importance of rigorous M&E and highlight weaknesses and gaps in this mechanism.

Lebanon is a partner in the fight against al Qaeda and ISIS. However, Hezbollah, an Iran-backed Shi’ite militia, political party, and U.S.-designated terrorist organization, plays a significant role in Lebanese politics and security. This presents a challenge for U.S. policymakers seeking to increase the capacity of Lebanese security forces but wishing to avoid strengthening Hezbollah.

29. For instance, in February 2017 Lebanon’s president Michel Aoun asserted that “As long as the Lebanese army is not strong enough to battle Israel” there was a need for Hezbollah to play “a complementary role in the Lebanese army.” See Agencies, “Lebanese President: Hezbollah Needed to Counter Israel,” Times of Israel, February 13, 2017, http://www.timesofisrael.com/lebanon-needs-hezbollah-to-counter-israel-aoun/.
In the past decade, U.S. agencies have allocated hundreds of millions of dollars for equipment and training to the government of Lebanon as part of U.S. efforts to build partner capacity, combat terrorism, and support the implementation of UN Security Council Resolution 1701. In 2016 alone, the United States provided $221 million in equipment and training to Lebanese security forces. Since the outbreak of hostilities in Syria, U.S. efforts to enhance the capacity of the Lebanese Armed Forces (LAF) to secure its borders have intensified, and U.S. assistance has been designated as “an extremely high priority.”

Nevertheless, long-standing concerns regarding the potential of U.S. assistance and weapons to benefit Hezbollah persist.

U.S. policymakers have attempted to mitigate risks through M&E, including robust EUM provisions. However, a 2014 government report found gaps in DoD and DoS efforts to document and monitor “the physical security of some U.S. equipment transferred to Lebanese security forces.” In 2016, photos of a Hezbollah parade featured what appeared to be U.S. M113 armored personnel carriers, raising questions about whether the equipment had been transferred to Hezbollah by the LAF.

Additionally, policymakers have struggled to predict the impact of military assistance to Lebanon. Will assistance be funneled to Hezbollah, or will it buttress the LAF as a counterweight to Hezbollah in the control of territory and the use of force in Lebanon? If the United States halts or reduces military assistance, will it create a power vacuum for Hezbollah to fill? These are issues U.S. policymakers and planners must continually monitor and evaluate at the programmatic and strategic levels when administering SSA in Lebanon.

CONDITIONALITY

Overview

Given the importance of SSA relationships to both the United States and its partners, the United States should develop a policy framework for leveraging SSA with conditions to achieve other policy objectives. Some experts have asserted that unconditional aid recipients are less likely than

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31. UNSCR 1701 calls for the LAF to deploy throughout southern Lebanon—an area where Israeli and Hezbollah forces had previously been the predominant armed presence. Furthermore, UNSCR 1701 states that, within Lebanon territory, “there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon.” See Security Council, Resolution 1701, August 11, 2006, https://documents-dds-ny.un.org/doc/UNDOC/GEN/N06/465/03/PDF/N0646503.pdf?OpenElement.

32. U.S. Policy after Russia’s Escalation in Syria: Hearing before the Committee on Foreign Affairs, 114th Cong. 28 (statement of Anne W. Patterson, assistant secretary, Bureau of Near Eastern Affairs, U.S. Department of State).


36. Ibid.
other states to align their policies with U.S. objectives. This implies that wherever possible, policymakers should seek to build conditionality into SSA to incentivize a partner country’s cooperation on U.S. policy objectives. Conditionality likely is most successful when the donor has greater leverage in the relationship; attempting to create leverage when the recipient has the advantage often yields poor results.

All U.S. security assistance to foreign partners carries conditions, in terms of how the assistance will be utilized and for what purpose or objective. Historically, U.S. policymakers have employed negative conditionality, which entails threatening to end, suspend, or reduce assistance to partner countries if certain conditions are not met. For instance, EUM programs ensure that U.S. defense articles transferred to partner countries are used in accordance with the terms and conditions of the transfer agreement and U.S. law. While the threat to curtail aid may be useful in putting pressure on a partner country, the threat is only as good as the donor country’s willingness to enforce it and the partner country’s dependence on the United States. Additionally, by imposing unilateral conditions on SSA, the United States may undermine efforts to build an effective and collaborative partnership with the recipient country.

Since the Cold War, development organizations have sought to positively condition economic assistance to encourage democratic reforms and good governance initiatives. In the realm of SSA, the United States has employed positive conditionality to increase partner country buy-in and incentivize reform. For instance, since 2007 the United States has sought to develop Lebanese Armed Forces’ special operations forces (SOF) capacity to counter Sunni extremist groups in Lebanon. The United States rewarded Lebanon’s improved performance by providing increased capabilities. Today, Lebanese SOF are a critical partner in containing the Islamic State and al Qaeda affiliates.

Recently, policymakers have begun to explore how positive conditionality could be linked to SSA to induce partner countries to undertake democratic reforms, strengthen rule of law, and uphold

39. Ibid.
41. Legal precedent for end-use monitoring programs can be found within the Foreign Assistance Act, Section 505 (22 U.S.C. 2314), and the Arms Export Control Act (AECA), Section 3 (22 U.S.C. 2753) and Section 4 (22 U.S.C. 2754).
42. Dalton, Smart Conditions, 2.
43. Tankel and Dalton, “How to Improve Return on Investment for Security Sector Assistance.”
44. Ibid.
45. Ibid.
BOX 2.2. The Millennium Challenge Corporation

The Millennium Challenge Corporation (MCC) is an innovative U.S. federal agency working to reduce global poverty, established in 2004 to change the way the United States provided development assistance.1 For a country to be eligible for MCC assistance, it must demonstrate a commitment to “just and democratic governance, investments in its people, and economic freedom.”2 The MCC works in close partnership with selected countries to identify development priorities and to create a grant agreement—a “compact”—that serves as a road map for the development assistance program.3 Each compact is expected to articulate development goals, impediments to implementing the program and achieving its objectives, mitigation steps, performance indicators, and a detailed monitoring and evaluation (M&E) plan.4

The MCC’s pioneering approach to compact development assistance could be usefully applied to SSA.5 Partner countries with strong commitments to governance, transparency, and rule of law would be eligible for the grant-like program. Partners would work in close collaboration with U.S. policymakers and planners to identify long-term objectives and design a road map for assistance with intermediary goals, mitigation steps to reduce risk, and a rigorous M&E regime. Partner countries would also have implementation responsibilities. This process would help ensure that SSA programs are designed to reflect the realities of the partner country, promote shared objectives, and facilitate monitoring and evaluation best practices.

4. Ibid., 11.

human rights. The DoS’s 2010 Quadrennial Diplomacy and Development Review sought to integrate the “3Ds” of foreign policy—development, diplomacy, and defense. This document encouraged policymakers to think about conditionality linkages between SSA and broader democratic and governance reforms.46 Although few examples of positively conditioned security assistance exist, lessons from the development sector imply that this form of conditionality may be more fruitful than punitive forms.

Strengths, Weaknesses, and Gaps

When strategically applied, conditionality has the potential to mitigate risks, strengthen security partnerships, and incentivize good behavior. Policymakers can employ punitive conditionality to mitigate the risk that a partner country will abuse U.S. SSA. Transparent, positive conditionality, in which U.S. policymakers collaborate with recipient countries to develop a road map for SSA,

would help incentivize reform and likely result in stronger partnerships and a better alignment of policy objectives between donor and recipient countries. Conditioning SSA to promote international norms and human rights demonstrates U.S. commitment to these values, mandates better behavior among current partner countries, and may also signal and influence the behavior of those seeking SSA in the future.

U.S. policymakers lack a common framework that enables them to assess the various factors at play in a security relationship and make judgments about whether placing conditions on assistance will be effective. This deficit has led to the ad hoc use and narrow application of conditions.

One of conditionality’s greatest weaknesses results from the narrow way policymakers employ it. Different interests between donor and recipient countries often lead to different policy objectives. To bring goals into alignment, donors place conditions on SSA. However, U.S. policymakers often fail to consider partner countries’ priorities and political contexts when designing conditions, and they rarely work with partner countries to establish mutually beneficial SSA programs and acceptable conditions. Instead, U.S. policymakers often impose unilateral conditions, exacerbating disagreements between partners.

Case Vignette: The Security Governance Initiative in Sub-Saharan Africa

The Security Governance Initiative (SGI) illustrates how upfront SSA joint planning can increase country ownership and strengthen security partnerships. High levels of partner country buy-in to SGI and the program’s road maps and enhanced coordination mechanisms make SGI a fertile ground for future experimentation with positive conditionality.

Between 2009 and 2014, U.S. assistance to sub-Saharan African militaries and police totaled more than $3 billion. Despite these substantial investments, African countries’ weak, poorly managed, and often corrupt security sectors struggled to contend with threats and challenges. In 2014, the United States launched the SGI, a joint endeavor in which the United States joined with six African partners to undertake the strategic and institutional reforms required for governments to tackle security challenges.

SGI was designed to promote donor and recipient country buy-in and long-term security partnerships. Countries formed high-level interagency steering committees that collaborated to formulate Joint Country Action Plans (JCAPs). JCAPs articulated required steps and milestones for achieving common objectives and served as road maps for successful security partnerships. Country steering committees met every six months to “review progress, modify goals as necessary, and agree

47. Tankel and Dalton, “How to Improve Return on Investment for Security Assistance.”
49. Ibid., 4.
51. The six countries are: Kenya, Niger, Mali, Ghana, Tunisia, and Nigeria.
on next steps.”52 This process helped stakeholders identify shared goals and opportunities, assess the level of partner commitment, determine whether programs were effective, and address weaknesses and gaps. SGI countries were not required to meet certain conditions prior to receiving their allotted funding. However, the program demonstrated the potential of jointly developed SSA road maps to increase donor and recipient country buy-in.

Since its launch in 2014, SGI has enjoyed modest success.53 In Niger, a country with significant security challenges and a relatively small military, SGI helped the Nigerien Armed Forces institute reforms to improve the decision-making processes that determine the allocation of human, material, and financial resources.54 SGI engagement in Kenya strives to foster greater public confidence in security and justice institutions, and has led to the establishment of a new Kenyan Customs and Border Protection Agency and a holistic approach to border management.55

SGI was a new approach to SSA, and demonstrated how jointly developed road maps can be employed to develop durable partnerships, encourage democratic reforms, and support long-term strategic and policy objectives. However, SGI required a high degree of U.S. interagency coordination, and planners expended a considerable amount of energy matching funding to programs. For programs such as SGI to be feasible, interagency coordination must be enhanced, Title 10 and 22 authorities must be streamlined, and Congress must allocate long-term funding to these efforts. In the future, initiatives such as SGI should incorporate positive conditionality to further incentivize reforms in partner countries.

DEFENSE INSTITUTION BUILDING

Overview

The United States relies on a network of partner nations to address emerging global security challenges such as terrorism, hybrid warfare, and the degradation of international rules-based order. While some countries have strong institutions and advanced capabilities, many others suffer from poor governance, weak institutions, and limited institutional capacity, eroding their ability to contribute meaningfully to security partnerships. To buttress the institutional capacity of its partners, the United States has utilized Defense Institution Building (DIB) programs.

The FY 2017 NDAA stipulates that every security cooperation program under the Section 333 capacity-building authority must have a DIB component. DIB activities seek to “empower partner-nation defense institutions to establish or reorient their policies and structures to make their defense sector more transparent, accountable, effective, affordable, and responsive to civilian control.”56

54. Ibid., 193.
55. Ibid., 192.
As such, DIB can serve as a mechanism by which to inculcate oversight and accountability principles in partner security relationships. While the DoS engages in DIB-related activities, most DIB programs fall under the purview of DoD. Within the DoD, the Defense Government Management Team (DGMT) manages and implements DIB programs and activities.57 There are four primary DIB security cooperation programs. The first two, the Defense Institution Reform Initiative (DIRI) and DIB activities under the Wales Initiative Fund (WIF), are consolidated under DGMT. The other two are the Ministry of Defense Advisors (MoDA), and the Defense Institute of International Legal Studies (DIILS).58

The entry point for most DIB engagements is the partner country’s defense ministry, and activities are designed to improve the capacity of institutions that are responsible for oversight, management, and governance of a partner’s defense sector at the national level.59 Although the length of DIB engagements varies, projects tend to be viewed as long-term efforts that are successful when a partner country can sustain the reforms instituted, and better contribute to maintaining domestic, regional, and global security and stability.

Strengths, Weaknesses, and Gaps

DIB’s greatest strength is its potential to help develop a network of capable partner nations that can share the responsibility of global security beyond transactional and operational relationships. DIB benefits both the United States and its partners: the programming contributes to regional and global stability, and promotes democratic values and rule of law, as partner countries receive assistance in establishing “responsible defense governance” and are better able to provide their citizens with security, safety, and justice.60

Yet, despite DIB’s potential, weaknesses and gaps remain. Despite originating in the 1990s, it is only in the past decade that “DIB has been approached as a separate discipline and employed as a distinct tool of national security.”61 A significant barrier to the institutionalization of DIB is the lack of a clear definition of activities constituting SSA, and the roles and responsibilities for DIB


58. From its founding in 1994 until September 2014, the WIF program was called the Warsaw Initiative Fund. During the 2014 NATO summit in Wales it was renamed the Wales Initiative Fund and its membership was expanded. Section 1207 of the FY 2018 NDAA requires the DoD to conduct an assessment of DIILS’s mission, workforce, and funding.


programs within that space.\textsuperscript{62} Planners and organizations tasked with implementing DIB often “resort to ad hoc relationships based, at times, on individual personalities” to carry out programming, due to lack of clarity over exactly where DIB programs are housed.\textsuperscript{63} This contributes to a situation in which DIB planning and implementation are often divorced from planning and implementation of train-and-equip and other security cooperation programs. Moreover, DIB programs are inadequately resourced to fulfill their mandates. For instance, in recent years there has been a push for more security cooperation programs to include professional legal education, training, and rule of law components. However, DIILS, the DoD organization that is primarily responsible for implementing these programs, is unevenly integrated into the DIB community, and has not been resourced to meet the increased demand for its programs.

The rapid expansion of DoD’s authority since September 11, 2001, coupled with DoD’s “overwhelming advantage in personnel and funds,” creates an environment in which the DoS is unable to carry out oversight of DIB programs.\textsuperscript{64} Moreover, while the DoD receives strategic guidance for developing DIB activities from the Guidance for Employment of Force (GEF) and the Joint Strategic Capabilities Plan (JSCP), other agencies responsible for planning and implementing DIB programs have no such strategic planning documents, nor can they effectively link institution building efforts across the justice, law enforcement, intelligence, and development sectors. This makes it difficult for these agencies to ensure that DIB activities are linked to strategic objectives and may exacerbate imbalances between the military and civilian sectors in some countries.

Planners and implementers struggle to design, track, monitor, and evaluate DIB engagements, and often fail to conduct an upfront, collaborative assessment with partner countries of the challenges they are seeking to address, their root causes, and expectations and goals for the program. Although DIB activities focus on creating better and more efficient processes with partner countries’ security sectors, occasionally U.S. policymakers fail to take into account the costs that the partner country will have to incur in order to sustain reforms and capabilities. Tracking individual DIB events is complicated because there is no centralized system that records all DIB engagements. Moreover, planners and implementers often lack the expertise necessary to design a program that facilitates M&E, and thus struggle to measure the effect that episodic DIB activities have on a long-term goal.\textsuperscript{65}


\textsuperscript{63} Ibid., 121–122.

\textsuperscript{64} The Foreign Assistance Act of 1961, Section 622, established that the secretary of state was responsible for the “continuous supervision and general direction” of foreign assistance, including military assistance, education, and training under the act. Traditionally, DoS was charged with overseeing SSA and DoD was charged with implementation. However, the proliferation of Title 10 authorities has raised questions about this division of responsibility between the departments, and some experts question whether DoS has responsibility for “oversight” of Title 10 DIB programs. See Nina M. Serafino, \textit{Security Assistance and Cooperation: Shared Responsibility of the Departments of State and Defense} (Washington, DC: Congressional Research Service, May 2016), 6–7, 18–19, https://fas.org/sgp/crs/natsec/R44444.pdf.

\textsuperscript{65} Perry et al., \textit{Defense Institution Building}, 127.
Case Vignette: The Philippines

U.S. efforts to modernize and build the capacity of the Armed Forces of the Philippines (AFP) highlight the challenges and the potential of Defense Institution Building. The United States and the Philippines have a strong security relationship, sustained by a series of treaties and agreements and common strategic interests.
The United States has increased SSA to build the Philippines’ capacity to address foreign threats and "establish a credible security presence and awareness in the maritime domain."66 Joint counterterrorism efforts have been particularly effective.67 In 2002 the Joint Special Operations Task Force—Philippines was established to train and assist the AFP in their fight against the Abu Sayyaf Group and Jemmah Islamiyah.68 Between 2002 and 2015, the United States provided the Philippines with nearly $500 million in military assistance. Historically, the Philippines has been reluctant to modernize and reform its security sector; however, the Aquino administration acknowledged the need for comprehensive security sector reform and took steps to modernize and professionalize its armed forces.69 The increased emphasis on professionalization and modernization has produced momentum for institutional reform. Policymakers also believe that the AFP’s awareness of Leahy law restrictions has prevented backsliding on human rights. The uptick in U.S. SSA strengthened bilateral relations and enabled the Philippines to focus on addressing external threats.70

The policies of President Duterte have, however, injected doubt into the future of security sector reform for the Philippines.71 Although President Duterte appears committed to force modernization, his administration has placed a greater emphasis on confronting internal threats.72 Particularly troubling are President Duterte’s decisions regarding use of force. In 2017 he extended martial law over the entire southern island of Mindanao to quell a rebellion by ISIS-affiliated soldiers in Marawi city.73 Over the course of the siege, AFP carried out an extensive bombing campaign

68. The Abu Sayyaf Group is an Islamist terrorist network based on Basilan and Jolo islands in the Sulu Archipelago. Jemmah Islamiyah is a Southeast Asian terrorist organization based in Indonesia.
69. From 1998 to 2015, the Philippines tripled its defense funding. In 2003 the Aquino administration established the Philippine Defense Reform Program (PDRP). The PDRP provided a framework for guiding the reform of the AFP. It was intended to improve defense planning systems, operational and training capacity, personnel development, staff management, and financial controls. In 2012, the Philippines passed a revised AFP Modernization Act for the acquisition of equipment and weapons systems to boost naval, air force, and army capabilities. See Arugay, “Civil Society’s Next Frontier,” 2.
of militant-held areas of Marawi that wiped out entire neighborhoods and killed civilians.\(^{74}\) Human rights groups have called for an investigation into whether the Philippines violated principles of international humanitarian law.\(^{75}\) In addition, in early 2017, President Duterte signaled an intent to use the military in the country’s controversial drug war. Philippine police have been the primary enforcer in the drug war, reportedly resulting in numerous extrajudicial killings.\(^{76}\) President Duterte’s actions indicate a disregard for the use of force principles that the United States seeks to inculcate through DIB efforts.

U.S. and Philippine efforts to encourage and implement security sector reform demonstrate DIB’s potential to boost bilateral relations, increase interoperability, and promote reform. However, DIB programs are long-term efforts that require sustained attention and commitment. As the U.S.-Philippine experience demonstrates, this makes DIB particularly vulnerable to shifts in administrations and political environments.


\(^{75}\) Ibid.

Surveying the existing SSA oversight accountability mechanisms available to the U.S. government, several observations can be drawn about how to judge “successful” SSA, the relative trade-offs made when employing SSA in the context of broader foreign policy, and how to assess the overall effectiveness of existing oversight and accountability approaches in advancing better security partnerships to achieve U.S. goals. This section provides cross-cutting findings from the prior section’s examination of oversight and accountability mechanisms.

**CRITERIA FOR SUCCESSFUL SECURITY SECTOR ASSISTANCE**

SSA is a tool of American statecraft. Its success should be judged by an assessment of whether it achieved the goals for which it was deployed. If U.S. policymakers fail to articulate SSA objectives upfront, they will be unable to measure its effectiveness. In theory, U.S. SSA objectives fit into three overarching categories: operational, transactional, and governance-focused. In reality, SSA objectives are not distinct and cohesive, and SSA activities may overlap these categories. However, these three broad objectives can be used to help frame the criteria that define successful SSA.

Operational SSA’s effectiveness is determined by the extent to which it helps develop capable and professional partner security forces and strengthens interoperability with U.S. forces. Transactional SSA should be evaluated by how well it enables the United States to achieve access per the requirements of U.S. operational and contingency plans, build relationships with partner states, and further foreign policy goals. Governance-focused SSA should be assessed on its ability to inculcate good governance practices and respect for rule of law over the long term. Though criteria for successful SSA will shift according to U.S. objectives for varying engagements, policymakers should be wary of prioritizing immediate security goals over longer-term policy objectives without first considering the future impact and risks of these decisions.
STRATEGIC TRADE-OFFS FOR THE UNITED STATES IN SECURITY SECTOR ASSISTANCE PROGRAMMING

Occasionally, SSA objectives come into conflict with each other. For instance, the United States has partnered with countries that have weak institutions and poor human rights records in efforts to combat terrorist networks such as al-Qaeda and the Islamic State. In doing so, the U.S. government has invested considerable resources into building the capacity of foreign security forces that have lacked the structures—and in many cases the political will—to sustain their new capabilities. Perhaps these investments were considered worthwhile if they helped the United States achieve short-term successes against threats perceived to be imminent or temporary. The trade-off, however, is that the provision of SSA to unstable and abusive regimes could undermine governance or exacerbate an environment that allows terrorist organizations and other threats to U.S. security interests to flourish. This is just one illustration of how emergent security and political considerations lead to trade-offs between long-term strategic goals and short-term tactical objectives.

ASSESSING U.S. OVERSIGHT AND ACCOUNTABILITY IN SECURITY SECTOR ASSISTANCE

The complicated web of SSA authorities, agencies, and programs has hindered the U.S. government’s ability to conduct oversight and accountability at both the policy and programmatic levels. The DoS is inadequately resourced—and at times, inadequately empowered—to coordinate among the dozens of bureaus and offices responsible for setting SSA policy and administering assistance. Poor interagency coordination makes it difficult for policymakers to balance competing objectives and to ensure that programs are linked to overarching policy objectives. Thus, U.S. policymakers often prioritize short-term tactical security goals over long-term strategic security, governance, and foreign policy objectives. Additionally, the lack of an interagency database that tracks all SSA engagements, coupled with inconsistent tracking at the programmatic level, means that policymakers are unable to see the complete picture of U.S. SSA and where programs are supportive of each other or in conflict. Incomplete tracking also makes it difficult for Congress and policymakers to render an accurate account of the scale of U.S. SSA and the resources being devoted to it.

The United States also has struggled to conduct oversight and accountability at a programmatic level. First, policymakers and planners often fail to define SSA program objectives upfront, undermining monitoring and evaluation activities. Second, U.S. planners do not always coordinate with partner countries to determine their objectives for the engagement and develop a baseline assessment of their existing capabilities, ability and willingness to absorb assistance, and their political-military environment. This results in the development of programs that do not equitably reflect U.S. and partner country objectives.

Finally, the U.S. SSA workforce lacks the training and expertise to design programs with strong feedback loops and to implement rigorous monitoring and evaluation regimes. Thus, planners and implementers are not always able to identify and adjust for inefficiencies or incorporate best practices and lessons learned into future engagements.
INculcATING OVERSIGHT AND ACCOUNTABILITY PRACTICES AND CHARACTERISTICS IN PARTNERS

U.S. SSA is intended to inculcate oversight and accountability practices and characteristics in recipient countries—building their capacity to operate as responsible partners with professional and capable security forces that respect rule of law and human rights norms. Though policymakers and planners have sought to promote oversight and accountability within partner countries, short-term tactical goals are often prioritized over these long-term objectives.

Helping partner countries build good governance practices and implement security sector reform is a difficult and lengthy process, particularly in fragile states where capacity and defense sector institutions may be weak or nonexistent. To ensure that U.S. SSA engagements promote good security governance, the FY 2017 NDAA mandated that all SSA activities under the Section 333 authority have a DIB component. While the FY 2017 NDAA requirement to include DIB in all Section 333 activities was intended to promote oversight and accountability in partner countries, there is a risk that this requirement will be treated as a “check-the-box” exercise in which minimal or generic DIB activities are included solely to meet legal requirements rather than to contribute to strategic objectives. DIB engagements that are poorly designed and do not have a high level of buy-in and sustained commitment from both the U.S. government and recipient countries will not be effective at inculcating good oversight and accountability practices.

Similarly, instilling respect for human rights and rule of law in recipient countries is a long-term effort, and is often one that partners have little interest in pursuing. The Leahy laws seeks to deny units and individuals that have committed human rights abuses access to U.S. SSA. While this may have positive demonstration effects, it does not necessarily incentivize better behavior by partner countries that have been denied assistance. Additionally, though all U.S. SSA programs contain a mandated human rights training component, this training is not always effective. The human rights segment is often presented as a stand-alone lecture or course, instead of being integrated throughout operational trainings and exercises. This approach reduces the likelihood that partner countries will appropriately incorporate respect for human rights and rule of law into their standard operating procedures and in decisions about the use of force.

GAPS IN POLICY GUIDANCE AND OPERATIONAL DOCTRINE

There are a number of gaps in policy guidance and operational doctrine that limit oversight and accountability of U.S. SSA activities and programs.

First, security assistance engagements and activities are not always linked to strategic objectives. Traditionally, the DoS has been the lead agency for coordinating SSA programs at the policy level. However, a single DoS “conductor” for SSA planning and coordination has not been identified and empowered to drive these activities and bring together interagency actors. Moreover, Title 22

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SSA authorities and programs are numerous and unwieldy, and hinder DoS’s ability to fulfill its mandate.

Second, policymakers struggle to visualize the full picture of SSA activities and track the resources devoted to it, because there is no unified tracking system. For instance, while DoD does use the Global Theater Security Cooperation Information Management System (G-TSCMIS) for planning and tracking its security cooperation resources, this tool is not extended across the interagency authorities involved in SSA programming. Moreover, programmatic guidance for documenting SSA engagements is not updated regularly, and implementers do not consistently follow standard operating procedures for documenting and maintaining SSA activity records. This makes it difficult for policymakers to ensure that SSA engagements are coordinated and supportive of overarching objectives and to identify redundancies or areas where activities undermine policy goals.

Third, U.S. SSA engagements do not always incentivize reforms in partner countries that would promote stability and security in the long term. This is partly because SSA activities are often initiated in response to unexpected emergencies, and policymakers lack frameworks to help them balance short-term security goals against long-term governance and professionalization objectives. Additionally, there is a dearth of guidance as to how planners and implementers can best incorporate human rights principles and respect for rule of law into SSA programs.

**U.S. RETURN ON INVESTMENT IN SECURITY SECTOR ASSISTANCE**

While other forms of U.S. assistance—such as development assistance—historically have received heavy scrutiny, there has not been a strong focus on the effectiveness and return on investment of SSA until recently. As a result, oversight and accountability mechanisms in the SSA realm are generally nascent, and determining how best to measure return on investment is a work in progress.

Objectives for SSA programs and activities are not always stated upfront, making it difficult to define the return on investment that the United States is seeking. When goals are stated upfront, the U.S. government has few mechanisms to reliably track how SSA dollars are performing in terms of meeting them. DoD agencies and offices responsible for designing and implementing SSA engagements are working to meet the enhanced monitoring and evaluation requirements passed in the FY 2017 NDAA. However, there are no clear interagency guidelines that assist planners and implementers in measuring a program’s impact, and often programs resort to counting inputs, sometimes measuring outputs, and rarely accounting for outcomes.

The United States tends to be better at developing partner forces’ tactical abilities than at conducting long-term engagements intended to strengthen security governance. However, many of these short-term investments cannot be sustained by partner forces because they lack the capacity, good governance practices, and institutions to sustain them.

Assessing Oversight and Accountability in U.S. Security Sector Assistance to Nigeria

Nigeria serves as an example of where U.S. security objectives and broader foreign policy objectives related to governance and human rights come into tension. Nigeria receives substantial but not enormous amounts of SSA, and the U.S. security objectives at play in Nigeria are consequential but do not override other U.S. foreign policy objectives. For these reasons, Nigeria is a useful case study from which to draw lessons and best practices for improving SSA oversight and accountability. The CSIS study team used a Nigeria-based scenario workshop to inform this report’s findings and recommendations. This section analyzes the current U.S. SSA relationship with Nigeria and key lessons for SSA oversight and accountability.

CURRENT SSA POLICY AND RETURN ON INVESTMENT

Nigeria is a significant beneficiary of U.S. SSA in Africa, receiving over $96.5 million from 2008 to 2017.1 The majority of the current SSA programming is focused on the fight against the terrorist group Boko Haram. U.S. SSA goals in Nigeria are articulated in a May 2014 DoS fact sheet entitled “Boko Haram and U.S. Counterterrorism Assistance to Nigeria”:

[Encouraging Nigeria to develop and implement a comprehensive approach to counter [Boko Haram] that upholds and enforces the rule of law, provides civilian protection, respects human rights and international norms, and addresses the underlying grievances that [Boko Haram] exploits (including through development gains and through responsive governance).2

However, this objective of a holistic Nigerian counterterrorism approach that prioritizes rule of law and human rights has not been reflected in the Nigerian military’s response to Boko Haram since the group rose to prominence in 2010. The Nigerian military’s counter—Boko Haram efforts have been mired in corruption and human rights abuses, with security forces reported to have “perpetrated extrajudicial killings and engaged in torture, rape, arbitrary detention, mistreatment of detainees, and destruction of property.” Amnesty International’s June 2015 report claims that 20,000 people were arrested by the Nigerian military between 2009 and 2015, with 7,000 dying of mistreatment in detention centers between 2011 and 2015, and over 1,200 killed in extrajudicial incidents between 2012 and 2015. Nigerian military personnel have been accused of colluding with Boko Haram, providing them with arms, including “firearms, assault rifles, shotguns, grenades, mortars, and combat vehicles,” potentially taken from the U.S. assistance provided to Nigeria at the time.

Nigeria’s hard-line counterterrorism strategy and recorded human rights abuses are being addressed by President Muhammadu Buhari, but with mixed results. Coming to power in 2015 on a national platform of anticorruption and improved human rights, President Buhari has taken steps to rid the Nigerian military leadership of corrupt officials, and has ordered the security forces to adopt a more targeted Boko Haram strategy that minimizes the impact on civilians. Despite these efforts, widespread concerns remain about the extent of remediation possible in the face of the deeply ingrained corruption and abuse within the Nigerian military.

### SSA TRENDS IN NIGERIA

U.S. interests in Nigeria in the last two decades have largely been shaped by three major milestones: the 1999 election of a democratic government after years of military rule, the post-September 11 context of the global war on terror (GWOT), and the rise of Boko Haram in 2010. Despite a decade and a half of corrupt military dictatorship, Nigeria’s petroleum resources enabled the country to become a rising economic power within the continent in the 1990s.

The end of military rule in 1999 opened the door for improved Nigerian relations with the United States, with “the expansion of the Nigerian oil industry . . . at the top of the U.S. agenda” in its

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policy toward Nigeria. After the September 11 attacks and the advent of the GWOT, this priority shifted toward greater security cooperation between the two countries. The United States established greater security assistance programming in the region as a whole, and within Nigeria specifically. The African Contingency Operations Training and Assistance program (ACOTA) was established in 2004, and the Trans-Sahara Counterterrorism Partnership (TSCTP) was established in 2005, with Nigeria participating in both. FMS to Nigeria increased from 271 agreements in 1999 to 8,498 in 2002, and the number of Nigerian officers coming to the United States as IMET students increased from seven in 1999 to 204 in 2002.

Boko Haram’s rise in 2010 resulted in a renewed U.S. interest in Nigeria, this time with a significant emphasis on counterterrorism efforts. U.S. SSA to Nigeria increased from $5.2 million in 2010 to $23.3 million in 2012. U.S. commercial arms sales increased from $3.3 million in 2010 to $27 million in 2012, and Nigerian military personnel trained by the United States increased from 2,000 in 2010 to 6,000 in 2012. However, this dramatic surge in SSA for counter–Boko Haram efforts correlated with the aforementioned increase in human rights abuses and corruption within the Nigerian security forces, hindering the counterterrorism effort and violating human rights and end-use provisions within U.S. SSA law.

IMPACT OF U.S. OVERSIGHT AND ACCOUNTABILITY ON NIGERIA

U.S. efforts to employ oversight and accountability mechanisms for its SSA to Nigeria have been fraught with setbacks. Despite a significant portion of SSA being dedicated to the professionalization of soldiers and instilling human rights values into their operational culture—nearly half of SSA to Nigeria in 2016 was dedicated to IMET—the Nigerian security forces perpetrated egregious human rights violations against their own citizens under the guise of counter–Boko Haram operations.

The bilateral relationship suffered significantly as the United States attempted to hold the Nigerian military accountable for its behavior under the Leahy laws, culminating in December 2014. In 2014, the DoS’s refusal to sell Cobra attack helicopters to Nigeria because of “ongoing concerns about the Nigerian military’s protection of civilians when conducting military operations” resulted in

9. Ibid.
Nigeria’s abrupt cancellation of the U.S. training program in the country, where it had been training troops for counter–Boko Haram missions. The training mission had been modest to begin with—12 U.S. military personnel training a Nigerian ranger battalion of 650 soldiers for combat missions—but the cessation of the program illustrated a larger trend within Nigeria of a poor return on U.S. investment. The Nigerian military’s performance against Boko Haram was marred by the mass civilian casualties—at times numbering just as many as actual Boko Haram operatives killed. Nigerian reluctance to address and rectify these violations exacerbated the situation. U.S. SSA plummeted from $23.3 million in 2012 to $1.3 million in 2017.

Nigeria’s unreliability as a counterterrorism partner led to a greater U.S. reliance on Nigeria’s neighbors in the effort against Boko Haram. Chad, Niger, and Cameroon received a total of $34 million in bilateral U.S. SSA to counter Boko Haram, an effort that resulted in significantly greater success than what the Nigerian military was able to accomplish. U.S. oversight and accountability measures were seen as punitive rather than corrective by the Nigerian leadership—rather than amending its human rights behavior, Nigeria instead has turned to countries like Russia and China to fulfill security needs that the United States has held back on, without the added burden of being held accountable for human rights violations.

There has also been some mixed messaging from the United States on its human rights priorities, further obfuscating the effort in Nigeria. For instance, despite Nigeria’s being found in violation of the Child Soldier Prevention Act, President Barack Obama granted Nigeria a waiver in 2015 for the act’s prohibitive sanctions so as to continue professionalization and counterterrorism efforts within the country.

With President Muhammadu Buhari taking a more proactive role in amending the Nigerian military’s actions and taking steps against corruption within the leadership, there is a window of opportunity for the United States to improve its SSA relationship with the country. In the wake of the October 2017 Boko Haram attacks in Niger that killed four U.S. soldiers, the United States is actively increasing its presence in the region, which provides additional incentive for the United States and Nigeria to reinvigorate their SSA relationship, with an eye to improving oversight and accountability of SSA in Nigeria. The National Defense Authorization Act for FY 2018 includes a section entitled “Strategy to Improve Defense Institutions and Security Sector Forces in Nigeria.”

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15. Ibid.


19. Ibid.
particularly directed at assessing and improving U.S. security assistance to the country. The language mandates an assessment of the security threats present within Nigeria, the country’s capacity to face these threats and protect its citizens, and Nigeria’s performance in counterterrorism efforts to date. The section also mandates a self-assessment of U.S. resources—“diplomatic, development, intelligence, military, and economic”—to tackle issues in Nigeria, and requires prior planning to assist with institution building and investigate human rights violations within the country. With the FY 2018 NDAA provisions as a starting point, the United States could significantly improve SSA efforts within Nigeria.

21. Ibid.
22. Ibid.
A Framework for SSA Oversight and Accountability

The combination of increased political and public scrutiny of U.S. SSA dollars, overall U.S. budgetary pressures, perennial tensions in U.S. foreign policy with regard to its security and governance agenda, and an increasingly competitive security environment should compel reform of the U.S. approach to SSA. The United States has several current and emerging tools for providing oversight and accountability in SSA. However, as discussed in Sections 2 and 3, these tools are often applied unevenly or have only recently begun to be implemented. The policy community thus should adopt a common framework for SSA oversight and accountability. Such a framework could knit together existing mechanisms for providing oversight and accountability across the U.S. executive and legislative branches, filling several of the gaps to improve return on investment for meeting strategic goals and promoting professionalism and respect for human rights among partner security forces. Existing and emerging processes for oversight and accountability should reflect the principles of this framework. Undoubtedly, emergent crises and threats to national security interests will put pressure on policymakers to sidestep a rigorous planning and monitoring and evaluation process. These decisions should be made with a conscious acknowledgment and assessment that there are risks and trade-offs to doing so, and appropriate mitigation measures should be developed so as not to fundamentally derail the overall SSA country plan.

We recommend that SSA policymakers and practitioners adopt the following principles-based framework for improving SSA oversight and accountability:

1. Define U.S. and Partner Interests. Through interagency debate, congressional consultations, and via diplomatic channels, the United States should determine what its interests in the partner country are, why the U.S. security partnership matters, and where these interests intersect with the partner’s interests. Combined threat briefings, tabletop exercises, and bilateral defense and military staff dialogue can elucidate these interests.

   - Determine what U.S. interests in the security partnership are and prioritize them.
   - Identify the partner’s interests in the relationship.
II. Conduct a Baseline Assessment. Leveraging policy and intelligence analysis, the United States should establish a baseline assessment of the security partnership before expending resources.

- Determine the contours of the security partnership and partner political will, capabilities, capacity.
- Determine the impact SSA could have in the country, including the partner’s political economy, civil–military relations, and ability to absorb SSA. Evaluate what the second- and third-order effects of SSA will be in the partner country.
- Rate the partner’s compliance with human rights standards. Assess how it has performed in past SSA partnerships with the United States or other countries.
- Integrate findings and analysis from civil society organizations with rigorous methodologies to corroborate and challenge assumptions about SSA effects on local partner communities and governance through regular embassy- and policy-level consultations. Consider U.S. political and fiscal factors that may constrain the SSA relationship.
- Identify the risks to U.S. security forces performing SSA in the region. Verify what incentives may appeal to the partner within the SSA domain and more broadly that may be used as leverage to encourage change.
- Determine how U.S. allies could contribute to achieving common SSA objectives and leverage their comparative advantages.
- Assess whether SSA is the best tool to meet the requirement, and how SSA should be linked to other tools to maximize prospects for success.

III. Identify SMART U.S. and Partner Goals for SSA. Through interagency dialogue, congressional consultations, and bilateral dialogue, the United States should map its security sector assistance goals with plausible metrics in collaboration with the partner, codifying these goals and metrics in a bilateral, non–legally binding memorandum of understanding.

- Consider different U.S. departmental and agency equities and goals for SSA in the partner country, elevating competing objectives for debate through interagency dialogue and congressional consultations.
- Weigh potential risks and trade-offs, including providing short-term crisis response assistance versus long-term endeavors that may achieve enduring outcomes, the balance of expeditious SSA to meet emergent requirements and providing accountability for SSA use, and the blend and sequencing of SSA tools needed to achieve the goals (e.g., training, equipment, advising, education, and institution building).
- Evaluate how these trade-offs affect bilateral relations and U.S. interests, and whether the SSA goals are worthwhile.
- Develop plans for mitigation or exceptions if certain policy imperatives override other factors (e.g., vital national security interests or human rights violations).
• Identify partner SSA goals through bilateral dialogue and determine if there is sufficient overlap with U.S. goals to focus SSA efforts. Develop metrics to determine if U.S. and partner goals have been achieved.

• Assess whether SSA is the best tool to meet the requirement.

IV. Develop an Accountable SSA Plan. The United States should connect U.S. and partner objectives to specific capability requirements, drawing inputs from U.S. embassies and combatant commands, and integrate them into an adaptive theory of change.

• Identify the partner’s SSA requirements and match them with capabilities needed to achieve U.S. and partner SSA goals.

• Develop an adaptive theory of change (see Box 5.1) of how the partnership will evolve and capabilities will grow. Assess and plan for how these capabilities will be integrated into the broader SSA plan and country strategy for the partner.

• Shape the SSA tool kit—and equally important, the sequencing—of SSA programs and engagement to provide the needed capability, in collaboration with the partner, identifying milestones for charting progress and including incentives to encourage change.

• Integrate measures to ensure the partner can absorb the new SSA, including through defense management and governance programming suited to the partner’s political will and economy, and at pace with broader government institutional reforms being undertaken in the partner country.

• Evaluate how Leahy law requirements impact the formulation of the SSA approach, and whether Leahy requirements and/or remediation if feasible can be used to increase accountability and professionalism.

BOX 5.1. Creating a Theory of Change

A theory of change articulates the sequence of steps and intermediate goals that lead to a desired end state.¹ A theory of change can reveal the assumptions of planners about how change will happen and why a program will produce a desired outcome.² The SSA community can utilize theories of change to predict how programs will stimulate desired change and interact with local contexts and concurrent interventions.³ Theories of change can help SSA policymakers and planners design targeted programs, develop metrics, identify opportunities, and anticipate and mitigate risks.⁴

4. Ibid.
• Assess whether SSA is the best tool to meet the requirement, and how it should be linked with other tools to maximize prospects for success.

V. Execute an Adaptable SSA Plan That Accepts Failures on the Pathway to Success. Anchored in a goal-oriented and metrics-driven adaptive theory of change, the United States should closely monitor and evaluate progress over time, adjusting to changes in U.S. and partner priorities and the security environment.

• Monitor and evaluate implementation of the new SSA at the programmatic and strategic levels through policy, operational, and intelligence sources and strong feedback loops.
• Calibrate assistance levels based on metrics of partner security force behavior.
• Anticipate and accept failures through feedback loops within the U.S. SSA community and with the partner; develop mitigation measures to address failures and adjust SSA programs accordingly.
• Incentivize behavior changes by offering new or more sophisticated SSA packages.
• Consult routinely with and report to Congress on the SSA theory of change for a partner and its results.
• Communicate with civil society organizations to compare and challenge assumptions about SSA impact in the partner country.
• Assess whether SSA is the best tool to meet the requirement, and how it should be linked with other tools to maximize prospects for success.

OVERARCHING RECOMMENDATIONS

The following initiatives will be instrumental to operationalizing the oversight and accountability framework outlined above in this section:

• Managing Expectations. The administration and Congress should acknowledge and set expectations with the partner and the U.S. public that it takes time for SSA return on investment to materialize.
• Defining Taxonomy. The administration should develop a common taxonomy for SSA to avoid confusion as to what policies, tools, and authorities should be included in a holistic oversight and accountability approach. The categories of operational, transactional, and governance-based SSA described in Section 3 could frame such a taxonomy.
• Developing the SSA Workforce. As addressed in the FY 2017 NDAA reforms, the SSA workforce must grow and deepen its expertise to provide greater oversight and accountability of SSA. The administration and U.S. military should update curricula and training for Foreign Service and security cooperation officers at DoS and DoD to emphasize oversight and accountability principles and processes. They should also adapt the incentive structures in career pathways for Foreign Service and military personnel to elevate the priority of the SSA
mission, given SSA’s prominence in U.S. global strategy. Congress should resource ade-
quate personnel for conducting monitoring, evaluation, and Leahy vetting—including
through requiring a modest tax on SSA programs to fund these oversight and account-
ability functions.

- **Modernizing DoS SSA.** DoS and Congress should examine ways to streamline DoS’s SSA
strategic planning process. DoS should elevate a single conductor to drive and direct SSA
planning in close collaboration with regional and functional bureaus and with other U.S.
departments and agencies. It should also consider a similar consolidation for SSA program
oversight. These may be two different conductors, with the “planning conductor” providing
strategic priorities and policy guidance to the “program conductor.” The program conductor
can provide feedback derived from monitoring and evaluation to the planning conductor to
inform possible changes in SSA strategy and policy. Through a sequence of briefings, hear-
ings, and reports, DoS and Congress should work together to assess ways to make these
structural changes, and to review and modernize Title 22 SSA authorities for twenty-first-
century security challenges.

- **Making Innovation Possible.** Congress should consider authorizing a modest “Bishop’s Fund”
for SSA innovation, to allow competitive proposals to be advanced in support of mainstream
Title 22 and Title 10 activities. This would enable DoS and DoD to develop SSA initiatives
aimed at addressing emerging partner capability requirements in low-cost but potentially
high-reward ways (e.g., maritime domain awareness, border security, and commercially
available cyber-protection tools, among others).

- **Monitoring Counterterrorism Activities.** Congress should bring programs under DoD’s
Section 1208 authority, which provide material assistance to partner forces, under monitoring
and evaluation requirements similar to those stipulated for Section 333 activities, balancing
for the need to respond to emergent counterterrorism requirements. Congress and DoD
should track clear metrics-driven goals, objectives, and outcomes for Section 1208 activities
that complement broader SSA plans for a partner country.

**RECOMMENDATIONS FOR SSA OVERSIGHT
AND ACCOUNTABILITY MECHANISMS**

Building from the analysis of the strengths and weaknesses of the four SSA oversight and account-
ability mechanisms discussed in Section 2, below are several recommendations to improve the
effectiveness of each mechanism.

**Leahy Law Recommendations**

DoD and DoS must address the ambiguities and shortcomings in the Leahy laws, bridging the gap
between varying standards and practices to send a unified message to partner countries that
upholding human rights is a priority of the U.S. government. Provisions for remediation, duty to
inform, and waivers should be aligned, with no room for loopholes or maneuvering. Boundaries
should be delineated for partner country actions, and space should be provided for rectifying mistakes and remediating security assistance partnerships. Clear guidance on and common standards for vetting and remediation—such as clarifying what constitutes a credible source reporting on partners’ human rights activity and setting standards for sources’ methodology, conflicts of interest, and established country presence—would go a long way toward improving the process. Better coordination and exchange of information between DoD and DoS staffers implementing the Leahy laws—such as giving DoD personnel read-only access to INVEST—would strengthen the process even further.

As the provisions of the FY 2017 NDAA are implemented, DoD should seek to better integrate Leahy as a strategic messaging tool in early engagement with foreign partners. It may do so through adaptations to the security cooperation planning process and through modernization of the security cooperation workforce to include greater understanding of the role Leahy can play as both a stick and a carrot. Remediation steps should be built into the combined interagency SSA plan with the partner, including security sector and judicial steps to prevent and deter future transgressions. Curriculum development on the principles, processes, and potential of using Leahy at the Defense Institute of Security Cooperation Studies and at the Foreign Service Institute would prepare the next generation of security cooperation and Foreign Service officers to execute Leahy laws and use them proactively to promote professionalism within partner security forces. To enable a more complete and holistic information picture to detect and deter potential human rights abuses, U.S. embassies should leverage intelligence assets to collect on the relative professionalism of partner security forces and strengthen relationships with local civil society organizations to benefit from their reporting and field contacts.

Monitoring and Evaluation Recommendations

DoD should continue to institutionalize its new planning process. In parallel, DoS should be developing its own system for holistic planning, monitoring, and evaluation as part of its ongoing reorganization and reform effort. Training and education across the DoD and DoS workforce for SSA planning, monitoring, and evaluation should be prioritized and resourced. Agencies responsible for developing and administering SSA programs should more actively and closely collaborate with partner countries on program design. This will help ensure an alignment of objectives and encourage partner buy-in. Additionally, there should be an increased emphasis on interagency coordination. Specifically, a DoS “conductor” for security sector planning and cooperation should be identified and empowered to bring together interagency actors to develop a common plan for partner countries. To help facilitate this, Congress should conduct a review of Title 22 authorities, constructed during the Cold War era, to determine if they should be modernized to address the twenty-first-century competitive landscape. Congress should mandate M&E for Title 22 SSA programs. Enhancing interagency coordination and empowering a DoS conductor will go a long way toward ensuring that SSA is linked to strategic objectives. To facilitate strong program design and M&E, agencies must invest in recruiting and training a workforce fluent in theories of change

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and capable of designing and implementing M&E regimes.² USAID’s M&E best practices can serve as a useful guide and training resource for other U.S. agencies conducting SSA.

To improve DoS and DoD’s ability to track and monitor the end use of U.S. weapons provided to security partners, the following actions should be taken. First, to improve the completeness and timeliness of Blue Lantern checks, DoS should ensure that its workforce is resourced to consistently conduct checks and should foster greater host government cooperation by utilizing available Blue Lantern outreach programs. Second, to improve partner oversight and accountability, Blue Lantern implementation guidance should articulate the conditions under which site visits are required to complete a pre-license screening.³ Third, to improve tracking of FMS weapons, the DoD should assess and address gaps in its documentation and record-keeping procedures and subject ITEF programs to EUM.

Conditionality Recommendations

U.S. policymakers should develop and adopt a set of common principles that will guide decision-making on conditioning SSA.⁴ This framework will help policymakers determine both whether to apply conditionality and the form best suited for the relationship and objectives.⁵

While policymakers should continue programming such as EUM to ensure oversight and accountability of U.S. defense articles, they should also proactively employ positive conditionality, linking the incentive of new capabilities, training, and equipment for the partner if it takes greater steps of security cooperation to achieve common goals.⁶ There are three ways in which U.S. policymakers can begin to implement positive conditionality.⁷ First, U.S. policymakers should collaborate with recipient countries to develop memoranda of understanding (MOUs) that articulate the partners’ shared goals and road maps that detail partners’ expectations and obligations.⁸ Second, U.S. SSA programs should tie the ongoing provision of a consumable piece of equipment or weapons systems to its use for a specific purpose—such as a shared operational objective.⁹ A key to this

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². Jackson, Untangling the Web, 5; Dalton et al., “Framing Next Steps.”
⁴. Ibid., 22. Policymakers should articulate desired outcomes from and analyze potential consequences of conditioned security sector assistance prior to implementing programs. Policymakers should also assess the risks and opportunities of conditioned assistance, determining appropriate types of conditionality to maximize leverage and achieve desired policy outcomes, while considering ways to redirect assistance to other partners should the need arise. Policymakers and planners should be wary of employing conditionality in ways that constrain future policy choices, and should develop communication plans that deliver a consistent message to and clear expectations from partner countries. And finally, conditioned programs should be designed with strong feedback loops to ensure that best practices and lessons learned can be extracted and applied to future partnerships.
⁵. Ibid., 2.
⁸. Ibid.
⁹. Ibid.
type of conditionality lies in the United States being able to control the flow of these goods based on a country’s behavior. Thus, the United States would need to be the only provider of these goods or coordinate with those countries that could undermine the effort. Third, a portion of the total amount authorized for SSA to the partner country should be set aside for a grant program modeled on those administered by the Millennium Challenge Corporation in the development sector. Partner countries would be rewarded for achieving strategic and security goals that are linked to governance and stability. Policymakers should look to the development community for lessons learned and best practices on how to effectively employ positive conditionality. Upfront positive conditionality will strengthen security partnerships by encouraging collaboration, establish clear expectations, and help align donor and recipient objectives. Other options for positive conditionality include developing SSA programs that make additional funds or assistance available to countries that achieve institutional reform milestones, or programs that allocate additional copies of defense articles to countries that are able to sustain the first batch of articles for a set number of years.

Finally, when designing conditioned security assistance programs, U.S. policymakers should account for the activities and efforts of other donors and actors in the region. This will help ensure that policymakers properly understand their leverage, and may also highlight opportunities for coordination and collaboration. When the United States has the upper hand in the balance of leverage with a partner, punitive conditions or withholding assistance may have more effect in changing partner behavior and/or providing demonstration effects to other partner countries.

Defense Institution Building Recommendations

U.S. planners should work closely with the partner country early in the planning process to analyze the recipient country’s political and military context, assess potential impacts on the political-military dynamic, align expectations, and set realistic goals for DIB programming. Close coordination between the DoS and DoD will help agencies navigate tensions between U.S. security, governance, and human rights objectives and determine the appropriate balance for a given partner relationship. After conducting an initial assessment, policymakers should articulate the desired outcomes of DIB engagements and identify intermediary objectives, taking into consideration partners’ political will and ways of doing business, particularly when it comes to politically sensitive institutions and personnel budget issues.

DoD and DoS should work with other U.S. agencies, such as the Departments of Treasury, Justice, and Homeland Security and the intelligence community, to develop a coherent lexicon of DIB activities and organizational hierarchy of DIB organizations. Guidelines and definitions from the 2016 DoD Directive 5205.82 provided “direction regarding the planning, management, and conduct of DIB,” which would serve as a starting point. To ensure that DIB is supportive of foreign policy objectives and that programs do not have conflicting objectives, DIB programs should be better integrated into broader security assistance programs, and DoS should be empowered to

10. Ibid.
11. Ibid.
ensure that DIB activities are aligned with foreign policy. The FY 2018 NDAA–mandated review of DIILS’s mission, workforce, and funding is an opportunity for DoD to highlight the program’s important role in building capable security partners as well as resourcing and coordination problems. Congress should ensure that programs and agencies are resourced to fulfill their mandate in terms of personnel and programming.

DIB programs should be tailored for different partners, and should focus on areas that connect broad strategic aims to military capabilities. Logistics has proven to be a ripe area for initial focus for many partners in Eastern Europe, sub-Saharan Africa, the Middle East, and increasingly in Southeast Asia, typically viewed by both the United States and the partner as a high-return, low-political risk endeavor. Personnel reform can be fraught with political questions, but partners might be incentivized to pursue reform if DIB milestones are tied to new training and equipment opportunities. For partners that increasingly contribute to U.S. and coalition combined operations, the United States should include battalion- and brigade-level DIB focused on joint operational planning and employment, particularly for counterterrorism, maritime security, and foreign internal defense missions. DIB may also prove valuable in hybrid or contested security contexts, such as Eastern Europe and Southeast Asia, to build institutional resiliency to political and economic pressures from Russia and China. Congress and the administration should recognize that DIB is a long-term investment that will take time to demonstrate success.

To better facilitate monitoring and evaluation of DIB, agencies should seek to streamline the process of tracking DIB engagements through a common Web-based system, improving upon existing tracking systems rather than creating new ones, as has been recommended by RAND Corporation colleagues. Recruiting and developing monitoring and evaluation professionals, increasing USAID personnel seconded to DoD to conduct monitoring and evaluation for DIB engagements, and increasing the number of USAID-run monitoring and evaluation trainings for DoD and DoS employees will help enable a holistic approach to monitoring evaluation that includes institution-building activities, not just training and equipment activities.

13. Officials have doubts “regarding the comprehensiveness of [G-TSCMIS]’ operations, actions, and activities entries and about the rigor and character of the evaluation questions, which incentivize security cooperation providers to positively evaluate their events.” See McNerney et al., SMART Security Cooperation Objectives, 36.
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Oversight and Accountability in U.S. Security Sector Assistance

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