

APRIL 2019

Shifting the Burden Responsibly

*Oversight and Accountability
in U.S. Security Sector Assistance*

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A Report of the CSIS INTERNATIONAL SECURITY PROGRAM

CSIS | CENTER FOR STRATEGIC &
INTERNATIONAL STUDIES

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The authors hope that the findings of this report provide concrete evidence of where the U.S. security sector enterprise is working to ensure U.S. foreign policy goals are met responsibly and strategically and where more work needs to be done to integrate action to strengthen oversight and accountability.

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1 | Introduction

The United States increasingly relies on allies and partners to accomplish shared security objectives around the globe. In recent years, this collective burden sharing has evolved into *burden shifting*, with a greater emphasis on enabling allies and partners to assume responsibility for their own security challenges through security sector assistance (SSA).

SSA is not new. The United States has been providing assistance to allies and partners and pursuing an array of SSA-related engagements with them since World War II. Increasingly, however, the U.S. government is relying on SSA to further its global objectives. The aim is to work by, with, and through allies and partners so that they own the spaces where this cooperation occurs.¹ The 2018 U.S. National Defense Strategy elevates security cooperation—the Department of Defense’s (DoD) component of SSA—as its second pillar.²

The complexity of the security challenges confronting the United States—from competition with China, Russia, Iran, and North Korea to counterterrorism efforts against non-state actors—are often unbounded by regional geography, requiring networks of allies and partners to fill gaps, cover seams, buttress capabilities, and enable access. This is one reason why SSA has become more pervasive and integral to U.S. strategy and arguably, at times, a substitute for it. Another reason is that domestic political pressures have created incentives for U.S. leaders to ask more of allies and partners when it comes to collective security. In addition, allies and partners can provide more enduring solutions, better insight into local dynamics, and potentially lower risks and costs for U.S. personnel if the United States designs engagements and programs well. At the same time, SSA has come under increased scrutiny over the last several years on both strategic and moral grounds. The collapse of Iraqi security forces in facing the onslaught of the so-called Islamic State in 2014—after 10 years of U.S. investment—resulted in criticism of SSA programming, as did U.S. operational support for Saudi Arabia as the latter conducted a military intervention in Yemen that yielded high civilian casualties and exacerbated the humanitarian crisis. Evidence-based research has shown that predatory state behavior enabled by security forces can also

1. Joseph Votel and Eero R. Keravuori, “The By, With, and Through Operational Approach,” *Joint Forces Quarterly* 89 (April 2018), <https://www.questia.com/magazine/1G1-539772139/the-by-with-through-operational-approach>.

2. U.S. Department of Defense, *Summary of the 2018 National Defense Strategy of The United States of America: Sharpening the American Military’s Competitive Edge* (Washington, DC: January 2018), <https://www.defense.gov/Portals/1/Documents/pubs/2018-National-Defense-Strategy-Summary.pdf>.

perpetuate state fragility.³ In addition, policymakers often struggle to understand the return on investment and outcomes of SSA, what works and what does not, and how to apply leverage in SSA relationships to shape partners' behavior.



Canadian soldiers with Princess Patricia's Light Infantry Regiment, 2nd Battalion and a U.S. Marine with the 1st Battalion, 3rd Marine Regiment move in as a fire team to clear a rooftop during an urban operations exercise at Marine Corps Training Area Bellows in Kaneohe Bay, Hawaii. Source: DoD photo by Cpl. Tyler Main, U.S. Marine Corps/Released

Burden shifting *responsibly* to allies and partners thus requires the United States to integrate oversight and accountability measures into the implementation of SSA. Absent such measures, the United States risks losing return on taxpayer investment for meeting its foreign policy goals in accordance with its interests and values. Failure to provide effective oversight and accountability of SSA also risks blowback in terms of security partners making choices that constrain, undermine, or entrap U.S. freedom of action or other interests and values, particularly when the United States has—or perceives that it has—little leverage over the partner.

Oversight and accountability mechanisms for SSA allow the United States to better direct, track, and calibrate its assistance to partners to ensure the full scope of U.S. policy goals are met, including political, economic, operational, governance, and human rights objectives. However, amid reforms being undertaken by the U.S. government to adapt SSA policy and processes, greater clarity is needed on how to connect policy goals of oversight and accountability to planning, operations, doctrine, and training across the SSA enterprise.

3. U.S. Institute for Peace, *Preventing Extremism in Fragile States: A New Approach* (Washington, DC: February 2019), U.S. Institute of Peace Task Force on Extremism in Fragile States Final Report, <https://www.usip.org/publications/2019/02/preventing-extremism-fragile-states-new-approach>.

The CSIS Cooperative Defense Project conducted a nine-month project to evaluate the strengths and gaps in how U.S. government policymakers, planners, and implementers have executed recent SSA reforms. This project built upon CSIS's 2017-2018 initiative supported by the Open Society Foundations, entitled *Oversight and Accountability in Security Sector Assistance: Seeking Return on Investment*, which provided a framework and set of practical recommendations for strengthening oversight and accountability in SSA. This follow-on study takes that framework a step further by assessing the levels of progress on implementing SSA reforms throughout the various nodes of the SSA enterprise and developing an action plan that addresses specific issues along the planning, operations, policy and doctrine, and training lines of effort.

For the purposes of this project (and its preceding one), the CSIS study team used a definition of SSA that includes training, advising, education, exchanges, exercises, equipping, and institutional capacity 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 Department of State (DoS) and 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. Fundamentally, all SSA activities have political effects in the partner country, and thus SSA is an extension of U.S. foreign policy.

This study bases its findings and recommendations on the assumption that the United States may use SSA for a range of foreign policy objectives. In theory, U.S. SSA objectives fit into three overarching categories: operational, transactional, and governance-focused.⁴ 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 and are assumed by the CSIS study team for the purpose of this project. 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 in support 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 human rights and the rule of law.

FRAMEWORK FOR SSA OVERSIGHT AND ACCOUNTABILITY

CSIS's 2018 study *Oversight and Accountability in Security Sector Assistance: Seeking Return on Investment* provided a five-point framework for strengthening oversight and accountability for SSA.

- I. Define U.S. and Partner Interests.** Through interagency debate and congressional consultations and via diplomatic channels, the

4. Melissa G. Dalton et al., *Oversight and Accountability in Security Sector Assistance* (Washington, DC: Center for Strategic and International Studies, February 2018), <https://www.csis.org/analysis/oversight-and-accountability-us-security-sector-assistance>.

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.

- II. Conduct a Baseline Assessment.** Leveraging policy and intelligence analysis, the United States should establish a baseline assessment of the security partnership, partner political will, capabilities, and capacity, before expending resources.
 - III. Identify SMART U.S. and Partner Goals for SSA.** Through interagency and congressional consultations and bilateral dialogue, the United States should map its SSA goals with plausible metrics in collaboration with the partner, codifying goals in a bilateral, non-legally binding compact. The goals should be specific, measurable, achievable, relevant, and time-bound (SMART).⁵
 - 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.
 - 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.
-

The CSIS study team conducted this project in three phases. First, the study team built on its findings from its previous report to identify key gaps in SSA policy objectives, their linkages—or lack thereof—with broader U.S. security strategies, and the current state of SSA oversight and accountability mechanisms as they relate to planning, operations, policy and doctrine, and training. It validated these findings and developed a roadmap for follow-on analysis via a private roundtable framing discussion at CSIS with U.S. government, military, and NGO stakeholders. Following feedback from participants, the team conducted research and analysis on U.S. planning, operations, doctrinal, and training approaches in SSA. In parallel, the team leveraged insights from stakeholders from across the DoS and DoD—including specific sub-agencies, combatant commands, and professional military education institutions with SSA roles, authorities, and expertise—as well as congressional staff, civil society, non-government organizations, and the private sector to assess intermediate successes, failures, and lessons learned from recent SSA reforms.

Consolidating analysis and feedback from the first phase, the research team tested and validated its findings through a full-day, cross-sectoral, scenario-based workshop with

5. See Michael J. McNerney et al., *SMART Security Cooperation Objectives, Improving DoD Planning and Guidance* (Santa Monica, CA: RAND Corporation, 2016), https://www.rand.org/pubs/research_reports/RR1430.html.

key stakeholders from across the U.S. executive and legislative branches, U.S. military, and NGO community in phase two. The scenario, detailed in Chapter 4, was designed to “stress-test” areas where gaps in SSA oversight and accountability implementation exist, using a hypothetical country-case example. Participants’ observations, detailed in an after-action review, provided significant insight for phase three.

The final phase of the project involved consolidating the findings from the framing workshop, desk research, stakeholder interviews, and scenario-based exercise into the project’s findings and recommendations seeking to improve SSA oversight and accountability across U.S. planning, operations, training, and policy and doctrine. The project culminated with the public launch of this report and subsequent outreach to relevant stakeholders and decisionmakers.

The scope of this report includes the activities of both DoS and DoD but focuses more deeply on DoD as the primary executing agency of defense sector SSA. The remainder of the report is organized in four chapters. Chapter 2 provides an overview of current U.S. government SSA reform across the planning, operations, training, and policy and doctrine lines of effort. Chapter 3 describes cross-cutting analysis of the findings from Chapter 2. Chapter 4 unpacks the structure, description, and after-action review findings of the scenario-based workshop CSIS convened in January 2019 to inform this study. Finally, Chapter 5 proposes recommendations for how to integrate oversight and accountability measures across the U.S. defense sector SSA enterprise.

2 | Current Reforms of the Security Sector Assistance Enterprise

The FY 2017 National Defense Authorization Act (NDAA) mandated several far-reaching reforms upon DoD's security cooperation enterprise, including consolidating and expanding its authorities, mandating an assessment, monitoring, and evaluation (AM&E) program, expanding requirements for institutional capacity building and human rights training, and directing the establishment and training of a dedicated workforce to support the DoD security cooperation mission.⁶ These were followed by additional reforms in the FY 2019 NDAA, which focused particularly on better processes to prevent gross human rights violations committed by and civilian casualties resulting from operations led by SSA partners.⁷ Taken together, these reforms require new approaches across the spectrum of interagency SSA activities, including in how the DoD approaches planning, operations, policy and doctrine, and training for security cooperation, as well as how these lines of effort connect to broader interagency efforts. Despite some concrete steps to implement these sweeping reforms, gaps in integration across Washington-based agencies and at operational and embassy levels remain, leading to mixed progress by the DoD two years after the bill's passage.

Improved Planning, Lagging AM&E

The FY 2017 NDAA directed the DoD to establish an AM&E framework that would provide for "initial assessments of partner capability requirements, potential programmatic risks, baseline information, and indicators of efficacy for purposes of planning, monitoring, and evaluation of security cooperation programs and activities," as well as "monitoring of implementation of such programs and activities" and "evaluation of the efficiency and effectiveness of such programs and activities."⁸ Shortly thereafter, the DoD issued a new policy responding to this mandate, DoD Instruction (DoDI) 5132.14, "Assessment, Monitoring, and Evaluation Policy for the Security Cooperation Enterprise."⁹

6. See Title XXII, Section 1241: "Section 383(b)" in *Fiscal Year 2017 National Defense Authorization Act*, Public Law 114-328, U.S. Statutes at Large 130, (2016), <https://www.congress.gov/114/plaws/publ328/PLAW-114publ328.pdf>

7. U.S. Congress, House of Representatives, *John S. McCain National Defense Authorization Act For Fiscal Year 2019: Conference Report (to Accompany H.R. 5515)*, 115th Cong., 2d sess., July 2018, <https://docs.house.gov/billssthisweek/20180723/CRPT-115hrpt863.pdf>.

8. U.S. Congress, *Fiscal Year 2017 National Defense Authorization Act*.

9. Office of the Under Secretary of Defense for Policy, "Department of Defense Instruction 5132.14: Assessment,

DoDI 5132.14 represents a substantial step forward for the DoD regarding planning and accountability for DoD's security cooperation activities. It establishes broad requirements, consistent with the congressional mandate, for conducting AM&E in support of DoD security cooperation activities. Notably, the DoDI also establishes a planning framework, requiring planners to detail specific, measurable objectives for significant SSA initiatives in an Initiative Design Document (IDD). The IDD is intended to articulate a theory of change and specific metrics for measuring progress toward identified objectives. Its structure requires planners to connect individual activities to broader strategy and to produce planning documents that provide a common framework for all stakeholders involved in an initiative. The policy builds in mechanisms for accountability by ensuring programs are informed by initial assessments of recipient nation variables, such as political stability and absorptive capacity; furthermore, it requires clear metrics for progress that can enable planners to intervene where programs go off-track.

DoD intends to implement DoDI 5132.14 in four primary ways. First, a central office would be established to oversee and award contracts for independent evaluations. Second, such evaluations would commence with a primary focus on strategic-level evaluations of significant DoD security cooperation initiatives (as opposed to targeting specific programs or activities). Third, training would be provided to combatant command staff and other stakeholders on planning and AM&E expectations and methodologies under the new policy. And, finally, these stakeholders would initiate assessment and monitoring activities in-line with responsibilities set forth by the policy.

Progress along each of these four lines is still nascent. On the positive side, DoD has issued tools to support the new approach to planning, including templates for program assessment and design and practical guidance for assessments and evaluations. Moreover, a few pilot evaluations have been completed. Yet, concrete steps toward implementation have been slow to come. DoD has been planning to issue a contract that would support the first three lines of effort identified above, but the contract has been mired in bureaucratic red tape. Although the contract's issuance remains pending, it is expected imminently. Meanwhile, the DoD requested only \$6 million for AM&E activities in its FY2019 budget to support roughly \$9 billion in DoD security cooperation activities.¹⁰ In the FY20 President's Budget request, DoD increased the AM&E funding to \$9 million.¹¹ Although this increase is a positive step forward, it represents only approximately 0.1 percent of the total DoD security cooperation budget, falling short of industry standards. The World Bank Group dedicates 1.3 percent of its program funding to AM&E.¹² Industry practitioners note the importance of investing 3 to 5 percent of program funding to AM&E. In addition, even if AM&E responsibilities are contracted to an outside organization, support to their efforts

Monitoring, and Evaluation Policy for the Security Cooperation Enterprise," January 13, 2017, https://open.defense.gov/portals/23/documents/foreignasst/dodi_513214_on_am&e.pdf.

10. Office of the Secretary of Defense, Fiscal Year (FY) 2019 President's Budget Security Cooperation Consolidated Budget Display (Washington, DC: Department of Defense, February 2018), https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2019/Security_Cooperation_Budget_Display_OUSDC.pdf.

11. Office of the Secretary of Defense, *Fiscal Year (FY) 2020 President's Budget Justification for Security Cooperation Program and Activity Funding* (Washington, DC: Department of Defense, March 2019), https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2020/FY2020_Security_Cooperation_Book_FINAL.pdf.

12. Jefferson P. Marquis et al., *Developing an Assessment, Monitoring, and Evaluation Framework for U.S. Department of Defense Security Cooperation* (Santa Monica, CA: RAND Corporation, 2016), https://www.rand.org/content/dam/rand/pubs/research_reports/RR1600/RR1611/RAND_RR1611.pdf.

and integrating their feedback into SSA processes will be additional responsibilities on planners, programmers, and implementers. Even if funding is provided, additional personnel billets—or shifting them from other requirements—is perennially challenging within DoD.

While DoD's AM&E implementation has been the primary congressionally-mandated reform, it is not the only one. The FY 2017 NDAA's reorganization of the DoD's security cooperation authorities has required a concomitant reorganization of program-level planning. The most notable consolidated authority—the Section 333 capacity-building authority entitled “Foreign security forces: authority to build capacity”—introduces new requirements for “joint development and planning of programs” with the Department of State (DoS).¹³ DoD has responded by organizing joint stakeholder planning roundtables, timed to align with DoS's Foreign Military Financing (FMF) planning roundtables, early in the Section 333 planning cycle.¹⁴ Additionally, an Assistant Secretary-level interagency steering group has been formed to coordinate SSA activities across DoS, DoD, USAID, and other SSA administering agencies. Moreover, the Pentagon has begun to issue integrated planning guidance for the full set of DoD security cooperation activities under Chapter 16 of Title 10—the formally codified set of permanent DoD security cooperation authorities created by the FY 2017 NDAA. As part of this effort, “the Department advanced the planning of DoD security cooperation activities two full fiscal years forward, publishing both FY 2018 and FY 2019 planning orders.”¹⁵ These are positive steps that have begun, incrementally, to dissolve stovepipes and integrate planning processes supporting individual DoD security cooperation programs with the broader set of U.S. government SSA activities. These efforts also provide greater DoD oversight by leadership and Congress. In the years ahead, DoD plans to issue multi-year planning guidance to guide strategic alignment for security cooperation requirements.

On the other hand, combatant commands have been struggling to align the new Section 333 provisions with existing combatant command processes and concepts. There are varying degrees of Section 333 implementation and buy-in from combatant command leadership. While the intent is to fully integrate Section 333 processes into combatant command planning processes, in some cases the planning process is treated as a “check-the-box” exercise. In other cases, Section 333 is seen as a source of increased workload and inefficiency—especially in combatant commands with a long and fairly established history of security partnerships. The lack of communication on planning between combatant commands, especially between the geographic combatant commands and U.S. Special Operations Command (SOCOM), also contributes to the frustration around Section 333.

To reflect the changing priorities of the 2018 National Defense Strategy (NDS) and its emphasis on strategic competition with China and Russia, FY19 Section 333 programming saw a 30 percent shift of funding away from U.S. Central Command (CENTCOM) countries to U.S. European Command (EUCOM) and U.S. Indo-Pacific Command (INDOPACOM). This helped increase the total security cooperation funding for both EUCOM and

13. U.S. Congress, Fiscal Year 2017 National Defense Authorization Act.

14. Ibid.

15. U.S. Department of Defense, Agency Financial Report FY 2018 (Washington, DC: November 2018), p. 16, https://comptroller.defense.gov/Portals/45/Documents/afr/fy2018/DoD_FY18_Agency_Financial_Report.pdf.

INDOPACOM by 25 percent. DoD is beginning to leverage its security cooperation resourcing in support of strategic competition vis-à-vis Russia and China. The effects of this shift and whether it enables the United States to compete more effectively will have to be measured over time through the AM&E process.



Indonesian and U.S. Marines run out of a U.S. Marine Corps CH-53E Super Stallion helicopter at the Kahuku Training Area in Oahu, Hawaii. Source: DoD photo by Sgt. Sarah Dietz, U.S. Marine Corps/Released

ROLE OF THE DEFENSE SECURITY COOPERATION AGENCY

The FY 2017 NDAA designated the Defense Security Cooperation Agency (DSCA), an agency within the Office of the Under Secretary of Defense for Policy (OSD-P), as the administrator of all SSA activities, including DoS and DoD. This role had eroded in recent years as individual program managers throughout the SSA enterprise had circumvented DSCA to establish boutique implementation arms. DSCA has made modest progress in reestablishing administrative control of some SSA programs, but more work remains to be done. DSCA has undertaken some internal reforms to better support SSA planning activities, including the establishment of a new Building Partnership Capacity (BPC) Directorate with a dedicated planning cell to support planning activities to manage Title 10 and Title 22 programs. This includes programs that work to increase “partner nation capacity and capabilities through the provision of training and equipment” and Title 10 humanitarian-based programs to “accomplish national security objectives through military-civilian engagement.”¹⁶

HUMAN RIGHTS AND CIVILIAN PROTECTION

The FY 2019 NDAA included additional provisions relevant to oversight and accountability for human rights and civilian protection issues in SSA. For example, Section 1205 requires

16. Defense Security Cooperation Agency, “Directorate of Building Partnership Capacity (BPC),” <https://www.dscamilitary.com/about-us/mission-vision-values>.

both the secretaries of state and defense to review the processes for Leahy Law vetting and that Congress is provided a report within 180 days of enactment which highlight any negative impacts of SSA efforts on human rights and civilian protection along with proposals to rectify them.¹⁷

DoD is beginning to leverage its security cooperation resourcing in support of strategic competition vis-à-vis Russia and China.

Additionally, the FY 2019 bill included two major provisions related to civilian casualties on operations conducted by U.S. forces, including those involving partners. The first, Section 936, requires that a senior civilian official be designated to lead compliance with DoD civilian casualty policies and report to the Senate and House Armed Services and Appropriations committees on policy implementation within 180 days of enactment.¹⁸ The second, Section 1062, requires greater transparency and public disclosure regarding the annual civilian casualty reporting requirement. DoD submitted the civilian casualties report mandated under Section 936 to Congress in February 2019, appointing Principal Deputy Under Secretary of Defense for Policy David Trachtenberg to lead the effort. The report highlighted details of ongoing activities, as well as steps DoD had taken to assess its practices by conducting a range of table-top exercises, meetings with NGOs, and engagements with the interagency and external stakeholders through working groups, among other initiatives. Importantly, the report stated that DoD would develop a new policy on civilian casualties by the end of 2019. It will be critical for Congress and other stakeholders to continue to encourage DoD to pursue meetings and consultations with civil society and humanitarian organizations to inform the new policy.¹⁹

LEAHY REMEDIATION

DoS and DoD have adopted a joint policy to create a remediation process through which partner country military units that had previously committed gross violations of human rights could be reassessed and deemed eligible to once again receive SSA from the United States.²⁰ Gross violations of human rights include actions taken by a partner nation's security forces such as extrajudicial killings, torture, rape, and enforced disappearance.²¹ Before resuming U.S. SSA to units found to have committed such abuses, the Secretaries of State and Defense must determine that the partner government has taken "all necessary corrective steps . . . to bring the responsible members of the security forces unit to justice." These steps can include the partner government conducting investigations into the

17. U.S. House of Representatives, *John S. McCain National Defense Authorization Act For Fiscal Year 2019*; Scott R. Anderson, Sarah Tate Chambers, and Molly E. Reynolds, "What's in the New NDAA," Lawfare, August 18, 2018, <https://www.lawfareblog.com/whats-new-ndaa>.

18. Rita Siemion, "Two Important New Civilian Casualties Provisions in the Defense Authorization Bill," Just Security, July 24, 2018, <https://www.justsecurity.org/59695/important-civilian-casualties-provisions-congressional-bill-national-defense-authorization-act/>.

19. Daniel R. Mahanty and Rita Siemion, "The Pentagon's Latest Report on Civilian Casualties Policy," Just Security, February 12, 2019, <https://www.justsecurity.org/62555/civcas-ndaa-section-936/>.

20. Office of the Inspector General, *Inspection of the Bureau of Democracy, Human Rights, and Labor* (Washington, DC: U.S. Department of State, October 2018), https://www.stateoig.gov/system/files/isp-i-19-11_1.pdf.

21. Ibid.

incidents, judicial and administrative adjudications, and sentencing of those responsible for the gross violations of human rights.²²

The Office of Security and Human Rights (SHR) within the DoS's Bureau of Democracy, Human Rights, and Labor (State-DRL) handles and oversees the implementation of Leahy Laws, as well implementation of the remediation policy. Per the Office of the Inspector General's 2018 report on State-DRL, 12 cases had been remediated as of May 2018.²³ The inspector general also determined that State-DRL had been slow in handling its remediation cases due to major staffing gaps, citing only one direct-hire tasked with working on remediation issues.²⁴ State-DRL acknowledged that remediation cases were taking longer than anticipated but pointed instead to requests for additional information by other bureaus as the cause of the delay. According to State-DRL, these additional requests required embassy teams to gather supplementary information from host governments, a time-consuming endeavor, before remediation cases could move forward. State-DRL also accepted the inspector general's recommendation to develop performance and workload metrics "to inform resource requirements" for SHR.²⁵

There have been several examples of the remediation policy in Afghanistan, where the partner government took "all necessary corrective steps" for remediation to occur as per the DoD inspector general's November 2019 report.²⁶ One such example involved an August 2014 extrajudicial killing of a civilian by a group of Afghan soldiers in Logar Province. Following this incident, the Afghan General Staff and Ministry of Defense carried out an investigation, arresting and ultimately sentencing the soldiers involved. In another incident in October 2014, four Afghan soldiers planned to commit murder and robbery, while also planning to "plant an improvised explosive device on the victims" presumably to cover their tracks.²⁷ Following investigations, all four individuals involved were convicted and received death sentences. In a June 2015 case, two Afghan noncommissioned officers were found attempting to sexually assault a female victim. At the conclusion of investigations, the two men involved were indicted, convicted, and sentenced to six years.²⁸ In each of these cases, DoD determined that the Afghan government had taken "all necessary corrective steps" to hold the perpetrators who had committed the gross violations of human rights accountable and therefore resumed U.S. security assistance to the previously sanctioned units.²⁹

DEPARTMENT OF STATE'S SSA REFORMS

Although DoD thus far has been the main focus of SSA reforms legislated by Congress, DoS has implemented some incremental but important changes to its SSA activities:

22. Bureau of Democracy, Human Rights, and Labor, "Leahy Fact Sheet," U.S. Department of State, March 9, 2018, <https://www.state.gov/j/drl/rls/fs/2018/279141.htm>.

23. Office of the Inspector General, *Inspection of the Bureau of Democracy, Human Rights, and Labor*.

24. Ibid.

25. Ibid.

26. Inspector General, *Implementation of the DoD Leahy Law Regarding Allegations of Child Sexual Abuse by Members of the Afghan National Defense and Security Forces* (Washington, DC: U.S. Department of Defense, November 2017), <https://media.defense.gov/2017/Nov/17/2001845582/-1/-1/1/DODIG-2018-018.PDF>.

27. Ibid.

28. Ibid.

29. Ibid.

- *Planning Roundtables:* The DoS Office of U.S. Foreign Assistance Resources (State-F) has organized a series of intra-agency and interagency roundtable meetings to serve as a forum for strategic communication and guidance to help create a common baseline for SSA planning. The DoS Political-Military Affairs Bureau (State-PM) is synchronizing its foreign military financing roundtable meetings with those held by State-F;
- *Aligning Authorities:* State-PM reorganized internally after the FY 2018 NDAA to better align its Title 10 and Title 22 authorities with NDAA Section 1236;³⁰
- *CAT Policy:* The new Conventional Arms Transfer (CAT) Policy, updated in April 2018, has specific provisions to better train SSA partners in the use of conventional arms so as to prevent civilian casualties;³¹
- *Leahy Remediation:* As noted above, the DoS Bureau of Democracy, Human Rights, and Labor (State-DRL) adopted a joint policy alongside DoD in 2017 to outline a process for and work with partner nations to rectify the behavior of military units that have been blocked from receiving U.S. SSA due to gross human rights violations under the “Leahy law;”³² and
- *Replacing INVEST:* State-DRL is phasing out its “functionally obsolete” International Vetting and Security Tracking (INVEST) electronic database system, used for vetting SSA recipient units as per Leahy Law requirements.³³ INVEST will remain online until the new system—reportedly faster, more efficient, and more accessible for DoD personnel—is fully operational later in 2019.

Operations

BLURRING THE LINES BETWEEN WHAT CONSTITUTES SSA AND ENABLING PARTNERS

Congressional reform of DoD’s authorities is affecting SSA and related operations in several ways. First, the new Section 333 capacity-building authority mandates for the first

30. U.S. Department of State, “Title 10 Team,” <https://www.state.gov/t/pm/sa/c78161.htm>.

31. U.S. Department of State, “U.S. Conventional Arms Transfer Policy,” U.S. Department of State, Bureau of Political Military Affairs, April 19, 2018, https://www.pmddtc.state.gov/sys_attachment.do?sysparm_referring_url=tear_off&view=true&sys_id=4d1b8c90db795b4044f9ff621f961916.

32. “The term ‘Leahy law’ refers to two statutory provisions prohibiting the U.S. Government from using funds for assistance to units of foreign security forces where there is credible information implicating that unit in the commission of gross violations of human rights (GVHR). One statutory provision applies to the State Department and the other applies to the Department of Defense. The State Department Leahy law was made permanent under section 620M of the Foreign Assistance Act of 1961, 22 U.S.C. 2378d. The U.S. government considers torture, extrajudicial killing, enforced disappearance, and rape under color of law as GVHRs when implementing the Leahy law. Incidents are examined on a fact-specific basis. The State Department Leahy law includes an exception permitting resumption of assistance to a unit if the Secretary of State determines and reports to Congress that the government of the country is taking effective steps to bring the responsible members of the security forces unit to justice.” U.S. Department of State, “Leahy Fact Sheet.”

33. Office of the Inspector General, *Inspection of the Bureau of Democracy, Human Rights, and Labor*.

time that institutional capacity building be implemented in conjunction with train-and-equip activities to partner countries, and it expands previous mandates requiring human rights training.³⁴ Second, it provides DoD new authorities with regard to non-military capacity-building activities, including by expanding Section 333 authority to conduct capacity building in support of non-military security forces and by providing it with a new authority to transfer funding to other agencies for non-military capacity-building efforts.³⁵

Even though the introduction of reforms signals an important change, the new Section 333 requirements do not appear to have produced a significant increase in DoD's institutional capacity-building or human rights training activities. The FY 2019 DoD budget sought roughly \$82 million for institutional capacity building. This included \$1.5 million for human rights training through the Defense Institute for International Legal Studies (DIILS), which serves as the primary SSA resource for "professional legal engagement with international military service members."³⁶ This amount represents a marginal increase over the previous year, while supporting budget material indicated no plans for expanding activities.³⁷

Likewise, there does not yet appear to have been any significant change in the DoD's engagement with non-military security forces. Unlike other reforms, this lack of implementation may be by design: the DoD has no clear comparative advantage in building capacity outside the defense sector, lacks any dedicated expertise or resources to do so, and has been criticized for past engagements with civilian recipients. As a result, the broader authority for engaging with non-military security forces, which the DoD did not seek from Congress, may have limited utility.

Section 385 of the FY 2017 NDAA allows for the Secretary of Defense to transfer up to \$75 million to agencies such as USAID and DoD to implement foreign assistance programs, such as stabilization activities, that can support SSA through governance and development initiatives. The new authority for transferring funding to civilian agencies does not appear to have been used to date, although USAID and DoD planners in the Asia Pacific region have signaled their intent to potentially use it.

Third, DoD's new Section 1202 authority and funds may be used to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing and authorized irregular warfare operations by U.S. special operations forces. The latter authority is analogous to the Section 127e authority but supports irregular warfare instead of counterterrorism objectives. DoD is considering

34. See Section 333 in U.S. Congress, *Fiscal Year 2017 National Defense Authorization Act*.

35. Section 333 authorizes capacity-building for "national security forces," of partner countries, defined in Chapter 16 of the 2017 NDAA as, "(A) National military and national-level security forces of the foreign country that have the functional responsibilities for which training is authorized in section 333(a) of this title. (B) With respect to operations referred to in section 333(a)(2) of this title, military and civilian first responders of the foreign country at the national or local level that have such operations among their functional responsibilities." U.S. Congress, *Fiscal Year 2017 National Defense Authorization Act*.

36. U.S. Department of Defense, *Security Cooperation Consolidated Budget Display*.

37. U.S. Department of Defense, *Fiscal Year (FY) 2018 Budget Estimates: Defense Security Cooperation Agency* (Washington, DC: May 2017), https://comptroller.defense.gov/Portals/45/Documents/defbudget/FY2018/budget_justification/pdfs/01_Operation_and_Maintenance/O_M_VOL_1_PART_1/DSCA_OP-5.pdf; U.S. Department of Defense, "Defense Security Cooperation: Overseas Contingency Operations," Defense-Wide Budget Documentation, May 2017, https://comptroller.defense.gov/Portals/45/Documents/defbudget/FY2018/budget_justification/pdfs/01_Operation_and_Maintenance/O_M_VOL_1_PART_2/DSCA_OCO_OP-5.pdf.

ways to leverage Section 1202 in the Asia Pacific and European theaters to compete with China and Russia.

The Role of Section 127e

Over the last two years, the Section 127e authority has come under increased public scrutiny. Section 127e of the FY 2017 NDAA, entitled “Support of special operations to combat terrorism,” authorizes the Secretary of Defense to provide support to foreign forces, irregular groups, or individuals engaged in supporting or facilitating ongoing military operations by U.S. Special Operations Command (SOCOM) to combat terrorism.³⁸ This authority replaces the erstwhile Section 1208.³⁹ While funding for Section 127e—up to \$100 million during any fiscal year—lies within the DoD, the Secretary of Defense must coordinate with the DoS via the U.S. chief of mission of the country in question and inform the Congressional Armed Services and Appropriations Committees 15 days before SOCOM exercises the authority or before changing the scope or funding level of any supported operations.⁴⁰ In cases of extraordinary threats to U.S. national security, the aforementioned congressional committees must be informed no later than 48 hours after an activity is approved under Section 127e.⁴¹ Under Section 127e authority, the U.S. government can provide a broad range of enabling support to foreign regular and irregular forces—to include training and equipment—in support of counterterrorism objectives. Contrary to how the authority is sometimes characterized, Section 127e does not provide operational authority for U.S. military personnel. However, it may be used in tandem with available DoD operational authorities. It is important to note, also, that Leahy vetting is not carried out for Section 127e programs.

Where Is Section 127e Being Used?

Although details on where Section 127e operations are authorized for are classified, declassified documentation and media reporting point to where the authority may potentially be used. A declassified DoD report from 2016 names SOCOM’s Africa, Middle East, and Afghanistan missions as recipients of then-Section 1208 funding.⁴² Media reporting based on sources from the special operations community suggests that the prior Section 1208 or current Section 127e authorities have likely been used in Somalia, Kenya, Tunisia, Libya, Cameroon, Mali, and Niger and against al-Qaeda and the Islamic State.⁴³

38. U.S. Congress, House of Representatives, *National Defense Authorization Act for Fiscal Year 2017: Conference Report (to Accompany S. 2943)*, 114th Cong., 2d sess., 2016, <https://docs.house.gov/billssthisweek/20161128/CRPT-114HRPT-S2943.pdf>.

39. Ibid.

40. *National Defense Authorization Act for Fiscal Year 2017*, Public Law 114-328.

41. Ibid.

42. Inspector General, *Evaluation of Section 1208 of the National Defense Authorization Act*, (Washington, DC: U.S. Department of Defense, April 2016), [https://media.defense.gov/2018/Jun/19/2001933148/-1/-1/1/DODIG-2016-076%20\(REDACTED\).PDF](https://media.defense.gov/2018/Jun/19/2001933148/-1/-1/1/DODIG-2016-076%20(REDACTED).PDF).

43. Wesley Morgan, “Behind the Secret U.S. War in Africa,” *POLITICO*, July 02, 2018, <https://www.politico.com/story/2018/07/02/secret-war-africa-pentagon-664005>; “Statement of General Raymond A. Thomas, III, U.S. Army Commander, United States Special Operations Command, Before the House Armed Services Committee Subcommittee on Emerging Threats and Capabilities,” U.S. House of Representatives, February 15, 2018, <https://docs.house.gov/meetings/AS/AS26/20180215/106851/HHRG-115-AS26-Wstate-ThomasR-20180215.pdf>.

Criticism of Section 127e and How It Relates to SSA

The 127e authority is not legally considered SSA programming, since it only allows for supporting foreign government-affiliated and non-government-affiliated forces to support U.S. counterterrorism operations. However, Section 127e operations have second- and third-order effects on partner relationships that mirror the impact of SSA programs. These effects could positively contribute to the development of local “enabled forces,” but given the classified nature of Section 127e, it remains unclear how they might be or whether such activities may be inadvertently running contrary to SSA objectives in the partner country.

Several media and civil society organizations have been critical of Section 127e programs because of their alleged support for “surrogate forces,” as compared to more traditional security forces that would typically receive U.S. training, advice, and assistance; this concern accompanies broader and ongoing skepticism of the return on investment for SSA.⁴⁴ The uptick of interest in 127e can be traced to the October 2018 ambush in Niger that led to the death of four American soldiers. Although initial media reports alleged U.S. forces were operating under Section 127e authority, defense officials have confirmed that they were present under the Section 333 authority and not 127e.⁴⁵ However, the incident has raised questions about how multiple authorities may be combined in ways that are not transparent to policymakers or the public.

Although tactical successes may be measured, it is difficult to determine the overall return on investment and establish measures of success for how 127e-supported operations affect the overall country or regional context, as 127e operations are classified and exempted from AM&E policies and countries may also receive support from other authorities or donors. The classified nature of the Section 127e authority has led not just to increased public scrutiny but also a lack of understanding around its use. Furthermore, tensions have arisen between DoD and Congress—and between those congressional committees that are cleared to be briefed on 127e activities versus those that are not—over concerns about greater transparency around the authority and the effectiveness of its operations. Former and current defense officials have also cited the need to better synchronize tactical operations with strategic DoD policy objectives.⁴⁶

Section 127e AM&E

A 2016 report on the effectiveness of DoD management and oversight of then-Section 1208 operations concluded that the management and oversight for supported operations were generally effective, indicating that SOCOM’s program manager worked closely with State Department chiefs of mission in respective countries for technology transfers processes.⁴⁷ SOCOM’s Directorate of Operations (J3) has a process to capture lessons learned for Section 127e-supported operations in which SOF units submit quarterly to

44. Kyle Rempfer, “Special Operations Launches ‘secret Surrogate’ Missions in New Counter-terrorism Strategy,” *Military Times*, February 10, 2019, <https://www.militarytimes.com/news/your-army/2019/02/08/fighting-terrorism-may-rely-on-secret-surrogate-forces-going-forward/>.

45. Morgan, “Behind the Secret U.S. War in Africa”; Rukmini Callimachi, “‘An Endless War’: Why 4 U.S. Soldiers Died in a Remote African Desert,” *New York Times*, February 18, 2018, <https://www.nytimes.com/interactive/2018/02/17/world/africa/niger-ambush-american-soldiers.html>.

46. Morgan, “Behind the Secret U.S. War in Africa.”

47. Inspector General, *Evaluation of Section 1208 of the National Defense Authorization Act*.

“highlight individual operational successes, such as target reconnaissance, or capturing a suspected terrorist.” Best practices are discussed in bi-weekly video conferences and semi-annual workshops.⁴⁸ As a result, SOCOM’s Directorate of Force Management and Development (J9) disseminates and integrates lessons learned from the J3 to synchronize best practices within all SOF units.⁴⁹ However, given the compartmentalization of Section 127e planning and operations, tactical and operational effects that influence the trajectory of the local “enabled force” are currently not incorporated in DoD’s AM&E process for security cooperation. The current oversight process does not allow for an independent understanding of outcomes or best practices.

Inconsistencies Across Policy and Doctrine

Since the passage of the FY 2017 NDAA, the DoD has substantially updated the policies and doctrine guiding the SSA enterprise. On December 29, 2016, the Secretary issued DoD Directive 5132.03, “DoD Policies and Responsibilities Relating to Security Cooperation,” the department’s primary policy governing this mission.⁵⁰ Shortly thereafter, DoDI 5132.14, on AM&E, was issued. In May 2017, the Joint Chiefs of Staff issued a counterpart doctrine, Joint Publication 3-20, “Security Cooperation,” the first-ever security cooperation doctrine issued by the Joint Staff.⁵¹

These three documents are largely consistent; however, some inconsistencies may create implementation challenges. For instance, JP 3-20 emphasizes “security force assistance” (SFA), which is not recognized in any existing DoD policy, as a key form of SSA, even devoting a nearly 20-page appendix to elaborating upon the SFA discipline. It defines SFA as “the set of DOD activities that contribute to unified action by the USG to support the development of the capacity and capabilities of [foreign security forces] and their supporting institutions.” Compare that definition to the DoD 5132.03 definition of security cooperation: “DoD interactions with foreign defense establishments to build defense relationships that promote specific U.S. security interests, develop allied and partner nation military and security capabilities for self-defense and multinational operations, and provide U.S. forces with peacetime and contingency access to allied and partner nations.” The potential for confusion between these similar concepts—in an arena already crowded with competing official and unofficial monikers like “train-and-equip,” “Foreign Internal Defense,” and “by, with, and through”—is more than just semantic: the JP 3-20 SFA appendix promotes planning guidance that is separate and different from the planning guidance issued in DoDI 5132.14. Both SOCOM and the Army’s Security Force Assistance Brigade use SFA doctrine. Though the DoD’s primary SSA policy and doctrine have evolved considerably, individual services have not updated their public-facing policy documents to reflect the priorities of the National Defense Strategy (NDS) or the role of SSA.

48. Ibid.

49. Ibid.

50. U.S. Department of Defense, “DoD Policies and Responsibilities Relating to Security Cooperation,” DoD Directive 5132.03, December 29, 2016, https://open.defense.gov/portals/23/Documents/foreignasst/DoDD_513203_on_Security_Cooperation.pdf.

51. U.S. Joint Chiefs of Staff, *Joint Publication 3-20: Security Cooperation*, (Washington, DC: May 2017), https://www.jcs.mil/Portals/36/Documents/Doctrine/pubs/jp3_20_20172305.pdf.

Furthermore, although DSCA's workforce development office has been flagged as an important issue area for service war colleges, changes in service cultures around and increased career pathways for SSA specialists remain elusive. Required changes to culture and career development will not come about unless the military services prioritize SSA as a career track. Finally, despite the solid academic grounding of the history of DoD security cooperation at the service war colleges, none effectively place security cooperation as a discipline on par with or connected to operational concepts in alignment with defense strategic aims.

The Potential of the U.S. Army's Security Force Assistance Brigades

CONTEXT

Established in 2017 at Fort Benning, Georgia, the 1st Security Force Assistance Brigade (SFAB) activated and later deployed to Afghanistan in 2018. The 2nd SFAB based at Ft. Bragg, North Carolina will deploy this year. Four more, including one National Guard SFAB, will be activated and mobilized over the next several years. Chief of Staff of the Army General Mark Milley, nominated to be the Chairman of the Joint Chiefs of Staff later in 2019, has prioritized the creation of the SFABs for three primary purposes. First, SFABs are intended to preserve readiness for Brigade Combat Teams (BCTs) that had been broken into units for security force assistance missions in Iraq, Afghanistan, and Syria over the last 18 years so that existing BCTs can focus on preparing for high-end, major combat operations. Second, the SFABs are intended to capture SSA expertise lost after extensive U.S. Army advisor missions in Korea and Vietnam and during the Cold War. Finally, SFABs are intended to compliment SOF; SOF are stretched to capacity with counterterrorism efforts and increasingly irregular warfare missions around the globe, and SFABs may be able to extend the reach of SOF conducting train, advise, and assist missions with local partners.

The SFAB mission is to advise, support, liaise, and assess to enable the development of partner security forces and their supporting institutions. SFAB tasks include:

- Advise: providing subject matter expertise, guidance, advice, and counsel to the partner force while carrying out the mission assigned to the unit or organization;
- Organize: creating, improving, and integrating doctrinal principles, organizational structures, capability constructs, and personnel management;
- Train: creating, improving, and integrating training, leader development, and education at the individual, leader, collective, and task levels;
- Equip: integrating material and equipment solutions into the partner force, including procurement, fielding, accountability, and maintenance through life-cycle management; and
- Build: creating, improving, and integrating facilities and supporting infrastructure.

CHALLENGES AND OPPORTUNITIES OF SFAB IMPLEMENTATION

The SFAB approach emphasizes strong feedback and learning, accepting failure on a pathway to success for both SFAB unit members and the partner. Returning SFABs are designed to provide best practices and lessons to outgoing SFABs.



Afghan National Army soldiers listen to an instructor during an IED (improvised explosive device) defusing training exercise in Jalalabad, Nangarhar province. Source: Noorullah Shirzada/AFP/Getty Images

However, SFAB implementation faces several challenges. At the tactical level, unclear command and control relationships between and among the SFAB, the operational headquarters, and the partner force can result in shifting or misaligned priorities and an inability to inform operational and strategic objectives. SFABs are structured well for tactical- and unit-level engagement but have yet to develop capacity for institutional-level engagement. SFAB implementation is also disconnected from other programming in Afghanistan, including U.S. and coalition foreign assistance, security assistance, and institution-building efforts, resulting in confusion and mixed priorities across localities. More broadly, although the SFAB concept is not new to the U.S. Army, it is culturally new to the current generation of soldiers, existing between SOF and U.S. Army kinetic forces with both unique and shared characteristics. This can lead to misinterpretation or misperceptions of the role of SFABs. These inter-service and sub-service tensions exist across different specializations but are affecting the SFABs particularly because they are new. SFABs are designed to operate alongside and complement both SOF and U.S. Army kinetic forces. In addition, pervasive doubts about the effectiveness of SSA and a desire to focus on major combat operations within the U.S. administration, military, Congress, and in public discourse may well be hindering recruitment for the SFABs. The U.S. Army is offering incentives to encourage recruitment, and General Milley's sustained endorsement of the SFAB model certainly matters.

LESSONS LEARNED FROM THE SFAB MODEL

Looking ahead, the SFAB model and the specialized personnel it invests in could serve as an important component to global U.S. security cooperation. The U.S. Army plans to align each SFAB with a geographic combatant command over time, providing deeper understanding of language, culture, and local partners through established relationships.

It may even assign specific countries to subordinate SFAB units to enable better understanding and engagement based on combatant command prioritization. All or part of an SFAB could also be employed across the spectrum of conflict, including high-end, fully-employed operations in a conflict environment (such as currently in Afghanistan), persistent engagement in contested environments, and episodic, low-cost, and small-footprint engagements. The U.S. Army might also recruit from the other military services to make it a joint endeavor over time, given the strategic importance placed on allies and partners in the U.S. defense strategy.

Beyond the current implementation challenges, if the U.S. Army is to realize global implementation of SFAB, it will have to overcome several hurdles. First, there is no policy or doctrine to employ SFABs outside of Afghanistan. If the United States wants to use SFABs globally, as the U.S. Army envisions, it will have to create the requisite policy and doctrine. Second, the SFAB training and concept currently draws primarily from the U.S. Army's security force assistance doctrine, which shares similar approaches but needs to be harmonized with a DoD-wide approach (and eventually an interagency-wide one). Third, the SFABs are largely siloed from the rest of the security cooperation community, inhibiting sharing of best practices, consistency of training and advising principles (including respect for human rights) and AM&E, and hindering effective oversight and accountability of the full security cooperation enterprise. Addressing this issue would also help alleviate the disconnection of SFAB operations from other security cooperation activities currently experienced in Afghanistan. One potential challenge in implementing SFABs outside of the Central Command area of responsibility—where there are no military headquarters—will be integrating them into a country context under chief of mission authority (the ambassador) and in balance with other lines of U.S. government effort. Finally, if the U.S. Army and DoD recognize the potential of the SFABs to extend U.S. global security cooperation capabilities, it will need to institutionalize the organization. Currently, it risks being tied intimately to the fate of U.S. strategy in Afghanistan, which has reasons to prevail or fail beyond the role of the SFABs, and to changes in U.S. Army leadership, given General Milley's personal leadership on the SFAB concept.

Steps to Professionalize the Workforce

WORKFORCE DEVELOPMENT

One of the more significant reforms mandated by the FY 2017 NDAA was the direction to establish and train a dedicated security cooperation workforce for the DoD. This reform included the creation of a security cooperation career path, the assignment of security cooperation personnel to align personnel qualifications with job requirements, and the training and certification of security cooperation personnel throughout their careers.

Progress on implementing this reform has been steady, but much work remains to be done. In 2017, the DoD issued guidance for its inaugural Security Cooperation Workforce Development Program (SCWDP).⁵² The guidance is addressed to the full security

52. Robert Story Karem, "Interim Guidance for the Department of Defense Security Cooperation Workforce Development Program," U.S. Department of Defense, July 26, 2017, [https://www.dau.mil/cop/iam/DAU%20Sponsored%20Documents/2017-07-26%20SCWDP%20Interim%20Guidance%20\(002\).pdf](https://www.dau.mil/cop/iam/DAU%20Sponsored%20Documents/2017-07-26%20SCWDP%20Interim%20Guidance%20(002).pdf).

cooperation workforce, estimated at over 20,000 civilian and military positions.⁵³ As part of the plan, DSCA is completing an inventory of positions within the enterprise, developing a mandatory security cooperation workforce certification program, and identifying SSA-related competencies to guide training and education efforts. The work was informed by a DSCA-sponsored RAND Corporation study, entitled *Career Development for the Department of Defense Security Cooperation Workforce*.⁵⁴ It identified the following five security-cooperation competencies as most common to the widest range of jobs in the SSA enterprise on which the enterprise should focus on most in future education and trainings programs:

1. Security cooperation strategy;
2. Security cooperation analysis;
3. Cultural awareness and international affairs;
4. Security assistance case management; and
5. Global perspective.⁵⁵

These steps have laid the foundation for the workforce professionalization program; DSCA is now focused on taking concrete steps to implement it. It has not yet taken substantial measures to reallocate civilian and military personnel to align personnel qualifications with job demands.

THE ROLE OF FAOS IN SECURITY COOPERATION

The Foreign Area Officer (FAO) community across the U.S. military services is trained in three core competencies: 1) political-military affairs, 2) intelligence (particularly for the defense attaché role), and 3) security cooperation. FAOs play a particularly important role in the security cooperation enterprise as they constitute its primary uniformed workforce and interface with allied and partner nations. Their integration into U.S. interagency functions in embassies, joint collaboration across U.S. military services, and ties to the host country government and security forces positions the FAO community as a critical node to security cooperation partnerships. Perhaps most importantly, FAOs broker the minutia of security cooperation authorities and programs between the United States and partner nation governments as they establish or extend partnerships on behalf of the combatant commander.

Some members of the FAO community make the argument that security cooperation should be their primary function, and FAOs should take the lead for their respective services' security cooperation programming.⁵⁶ The Security Cooperation Workforce Development Program (SCWDP) is a potential avenue for instituting a greater security cooperation role for FAOs.

53. U.S. Department of Defense, *Agency Financial Report for FY 2018*, p. 17.

54. M. Wade Markel et al., *Career Development for the Department of Defense Security Cooperation Workforce* (Santa Monica, CA: RAND Corporation, February 2018), https://www.rand.org/pubs/research_reports/RR1846.html.

55. Markel et al. *Career Development for the Department of Defense Security Cooperation Workforce*.

56. Joshua P. Taylor, "FAOs Lead the Way," *Proceedings* 145, no. 4/1,394 (April 2019), <https://www.usni.org/magazines/proceedings/2019/april/faos-lead-way>.

The House Committee of Armed Services (HASC) report on the FY 2019 NDAA highlighted the—perhaps previously unclear—inclusion of FAOs in the SCWDP and required the Secretary of Defense to brief the HASC on a series of questions regarding the development of the FAO workforce.⁵⁷ With a legislative mandate to improve and evolve the FAO workforce, services may consider leveraging the comparative advantages of the FAO community, striving for increased security cooperation competency training and resourcing, and charting a path for officers that can make a successful military career out of the security cooperation specialization.

In October 2017, the director of DSCA, Lieutenant General Charles Hooper, announced plans to establish a “virtual university” for security cooperation personnel, as well as the establishment of a new satellite campus for the Defense Institute for Security Cooperation Studies (DISCS) in the Washington, D.C. area.⁵⁸ LTG Hooper signaled that the virtual university would “connect the Defense Acquisition University, the service professional military education institutions and other existing institutions” to better address the needs of the security cooperation workforce.⁵⁹

DSCA has since created a new Workforce Development Directorate (WDD) to oversee workforce training and management, an issue flagged across the SSA enterprise as one of the biggest challenges in implementing DoD’s security cooperation reforms. However, the program is DoD-focused and does not fully serve the Title 22 community. The WDD “develops goals and objectives required to integrate competency-based security cooperation training and education, skills improvement, training certification tracking, career path development, and security cooperation workforce management.”⁶⁰ Furthermore, WDD is tasked with providing training to the SSA workforce through DISCS, spearheading the approval of DISCS’s curriculum and courses, and establishing courses for policymakers and security cooperation executives and specialists at DSCA’s planned DISCS Washington campus.

57. The Secretary of Defense briefing was required to include details on the following: “(1) how the Department of Defense SCWDP relates to the foreign area officer programs of the services; (2) how the foreign area officer programs of the services will benefit from the Department of Defense SCWDP; (3) how the Secretary of each military department is adapting their foreign area officer program to the National Security Strategy and National Defense Strategy; (4) what developmental opportunities the Secretary concerned provides for foreign area officers at each grade to prepare them for positions of greater responsibility; (5) how the Secretary concerned provides promotion opportunities for foreign area officers to serve through General/Flag Officer ranks, and how these compare to other promotion opportunities and rates across the services; (6) ways that the Secretary has coordinated efforts throughout the joint force to achieve the synergies of best practices across the security cooperation enterprise; (7) the steps each service is taking to incorporate the elements required under the scope of the final guidance of the SCWDP, as required under section 384(e)(3) of title 10, United States Code, into the career management of foreign area officers, and the relevant challenges; and (8) the steps the Department is taking to evaluate disparate training provided by services and Defense Intelligence Agency, and whether elements of such training should be provided to all Department of Defense personnel posted to embassies overseas.” U.S. Congress, House of Representatives, *National Defense Authorization Act For Fiscal Year 2019: Report (to Accompany H.R. 5515 together with Additional and Dissenting Views)*, 115th Cong., 2d sess., July 2018, <https://www.congress.gov/115/crpt/hrpt676/CRPT-115hrpt676.pdf>.

58. Aaron Mehta, “DSCA Head Looking at Creating Security Cooperation University, among Other Ideas,” *Defense News*, October 18, 2017, <https://www.defensenews.com/pentagon/2017/10/18/dsca-head-looking-at-creating-security-cooperation-university-among-other-ideas/>.

59. Aaron Mehta, “A ‘virtual’ Security Cooperation University Is Coming Soon,” *Defense News*, October 10, 2018, <https://www.defensenews.com/digital-show-dailies/ausa/2018/10/10/a-virtual-security-cooperation-university-is-coming-soon/>.

60. Defense Security Cooperation Agency, “Security Cooperation Workforce Development Directorate (WDD),” <https://www.dsca.mil/about-us/org-chart>.

Having a DISCS campus in Washington would be beneficial to the workforce as it would be closer, proximity-wise, than requiring that Washington-based personnel go to Wright-Patterson Air Force Base in Ohio for training, which would cut costs and better connect key stakeholders to policy and programmatic resources. These plans remain in progress over a year after the initial announcement, although they have picked up momentum in the last several months since the appointment of a senior executive service member to steer the WDD effort.

Meanwhile, congressional reforms have impacted how both DISCS and DIILS conduct training of both U.S. personnel and foreign partner forces. DISCS has transitioned to a new curriculum to provide more in-depth strategy and planning-focused training and tiers of courses for first-time security cooperation practitioners to more advanced courses.

All DISCS courses require students to learn administrative SSA processes from the tactical through strategic planning levels, inculcating them with a familiarity of the planning, processes, and the various nodes of authority throughout the SSA enterprise. DISCS is transitioning to a new curriculum in response to the new security cooperation reform requirements. This new curriculum includes hosting DIILS instructors to brief students—in particular, U.S. military officers that will be assigned to embassies to support the security cooperation organization (SCOs)—on human rights and working with DIILS to develop curriculum materials on the subject.

The major priority for DIILS is to enhance partners' institutional capacity building (ICB) from a legal perspective, integrating human rights, rule of law, and Law of Armed Conflict (LOAC) into its training. Under Section 333, DIILS is the main training body that conducts human rights training with partner nations. As a result of the FY 2017 NDAA, the institute hired attorneys to develop its ICB training methodology and is in the process of hiring additional staff to support its growing mandate.

DISCS and DIILS have developed a human rights learning guide to explain the impact of international humanitarian law on the planning and execution of U.S. security cooperation. The learning guide is particularly beneficial for security cooperation organization staff who are charged with implementing programs in accordance with international human rights principles. It is also useful for international military student officers who take the DISCS course.

In addition, DISCS provides improved modules that focus on the Leahy vetting policies and procedures. These modules detail the legal frameworks and regulatory guidance around the Leahy process. Students participate in scenario exercises where they simulate Leahy vetting processes while considering tensions in U.S. policy and programming regarding human rights and security. Several DISCS security cooperation courses also include instruction on whole-of-government security cooperation planning, which discusses the importance of assessing a partner country's respect for the rule of law and human rights when developing an operational approach.

Also, DISCS courses that include instruction on whole-of-government security cooperation planning emphasize that ICB goes beyond providing U.S. equipment and training to the partner and includes building resource management and information

systems to properly budget, program, and account for their equipment and training needs. DISCS is working to strengthen its ICB curriculum in collaboration with DSCA and organizations such as the Naval Postgraduate School (NPS). As the NPS's Center for Civil-Military Relations continues to improve ICB programming, DISCS anticipates future opportunities to reinforce its ICB curriculum. The current DISCS curriculum articulates how ICB is implemented through a group of programs, structures, and processes used to develop effective, efficient, and accountable partner defense establishments. In addition, these courses explain that if a partner nation does not have a human resources management system to attract, train, and retain manpower including combat soldiers, logisticians, and maintainers, then these skillsets will not be amply sustained to support a military capability that can be fielded effectively or responsibly.

Despite strong congressional support, the progress of DIILS and DISCS has been impeded by bureaucratic obstacles: their programmatic needs are misaligned with fiscal year planning, which has resulted in gaps in implementation and capacity. DISCS curriculum does not include best practices or frameworks for AM&E, which are still in development by OSD-P. However, DISCS has implemented some feedback processes by way of surveys of alumni and informal anecdotal feedback in the evaluation of its own training, which will take some time to incorporate into its reform efforts.

3 | Analysis

Despite several concrete steps taken in the last two years to implement reforms to the defense sector SSA enterprise, clear gaps remain across planning, operations, training, and policy and doctrine lines of interagency effort that compromise effective oversight and accountability. Certainly, fundamental reforms such as those undertaken in the FY 2017 NDAA require multiple years to implement, necessitate action across DoD components, and intersect with other U.S. agencies, such as DoS. As a result, this analysis represents a snapshot in time of a moving picture. Yet, the administration and Congress will have to exert concerted leadership and prioritization to ensure reforms are implemented in alignment with their original intent and to realize their stated goals for greater oversight and accountability for SSA.

Planning Shortfalls in Capacity and Synchronization

Several gaps in planning capacity and synchronization currently undermine effective implementation of DoD's Section 333 authority, intended to streamline DoD's security cooperation planning and programming process, and the integration of AM&E and the Leahy Law as critical components of oversight and accountability.

First, OSD-Policy's development of IDD's to link requirements for security cooperation to priorities of the defense strategy is a productive step toward ensuring DoD's Section 333 authority programs and funding meet core DoD objectives, including strategic competition with China and Russia and counterterrorism. However, the process for developing IDD's is not necessarily aligned with the development of Integrated Country Strategies (ICS's) by individual embassy country teams, running the risk of a misalignment of DoD security cooperation activities and other U.S. agency engagement, foreign assistance, or SSA planned for or currently underway for a partner country. Two potential workarounds exist, but neither are codified. First, combatant commands may have visibility into ICS priorities through their personnel posted at the embassies. Secondly, DoS may share ICS priorities with OSD-P and other SSA interagency actors at regular planning roundtables. This information sharing is highly dependent on personality and recognition of the importance of comparing IDD and ICS requirements; it is not assured. An established process for DoD and DoS leadership to prioritize and align IDD and ICS objectives would help ensure better alignment of strategy and resourcing. These priorities must also be shared with the partner country. Ideally, SSA efforts should focus on areas where U.S. and partner priorities converge.

Second, compounding this dynamic is the uneven implementation of Section 333 requirements by OSD-Policy across combatant commands. While some combatant commands have more readily adapted to the planning and programming processes and integration of IDD, other combatant commands are more engrained in their own processes and methods. In addition, several combatant commands noted concerns about their relative capacity to conduct the requisite planning and meet emerging requirements to conduct AM&E on Section 333 programs.

An established process for DoD and DoS leadership to prioritize and align IDD and ICS objectives would help ensure better alignment of strategy and resourcing.

A third challenge is the ongoing shortfall in capacity at combatant commands to conduct Leahy vetting. In the absence of sufficient capacity, there is a risk that some human rights violators could continue to receive assistance unabated while cases in need of remediation languish. While DoD's general counsel and military service Judge Advocate General's (JAG) Corps play an important role in implementing the Leahy Law, DoD remains unevenly staffed across combatant commands for vetting and implementation. A blend of policy, legal, and operational expertise is needed within the combatant commands, Joint Staff, and OSD-Policy to engage on equal footing with DoS and enable DoD to highlight cases in need of swift policy resolution. The integration of more robust human rights curriculum at DISCS may help inculcate a deeper understanding and effective implementation of the Leahy Law by DoD personnel within U.S. embassies but will not address capacity shortfalls that are due to prioritization resourcing gaps that span both DoS and DoD.

Fourth, in the search for better data management to track SSA activities and inform better planning, AM&E, and accountability, DoD and DoS run the risk of creating redundant and cumbersome systems, which could lead to misaligned priorities and wasted resources. DoD's existing Global-Theater Security Cooperation Information Management System (G-TSCMIS) can inform planning and track security cooperation activities, but, as not all interagency SSA activities are tracked, it is an incomplete picture. Moreover, G-TSCMIS has suffered from serious technical and policy issues, undermining its adoption by the security cooperation enterprise. DoS is creating its own system to better synchronize planning and programming through the Strategic Impact Assessment Framework (SIAF). It is unclear whether G-TSCMIS and SIAF will be integrated and at what level of planning and programming. Meanwhile, DoS's INVEST database for tracking Leahy Law information and vetting will be replaced in 2019; while the new system aims to be more efficient and user-friendly, it remains unclear whether it will be accessible to DoD planners and programmers. Although the trend lines suggest risks of duplication and lack of synchronization for SSA across DoS and DoD, there is clear demand signal for greater information integration and analysis that could be harnessed under a common interagency approach if recognized, programmed, and appropriately resourced. Both DoS and DoD stakeholders have stressed the need for a "common operating picture" to inform better planning and programming for SSA, buttressed by stronger database systems.

Fluid Operational Environment Heightens Risks, Requiring Agility and Accountability

With U.S. strategy shifting to prioritize strategic competition, the imperative to bolster allies and attract new partners means that the United States is leveraging SSA in at least three forms to build allied and partner resilience, deter competitors and adversaries, and shape the environment in ways that are conducive to U.S. interests. These include: 1) grant-based assistance; 2) arms sales and direct commercial sales; and 3) security cooperation. In practice and in this context, operationalizing SSA presents both risks and opportunities, particularly when layered with other authorities that may have SSA effects.

SOF using different authorities such as Section 127e (counterterrorism) or Section 1202 (irregular warfare) authorities enable local forces that may serve short-term kinetic ends and set conditions for future deployments as needed. Although not statutorily considered security cooperation activities, such activities can have capacity-building—and political—effects. However, they may also inadvertently reinforce predatory behavior by local forces that perpetuate drivers of conflict and fragility.⁶¹ Environmental assessments precede such operations. These types of operations also are designed to prepare for and inform future operations that minimize risk to U.S. personnel or to other U.S. interests and objectives. However, these operations run separate from the planning and AM&E systems established for security cooperation and broader SSA activities. In addition, SOF, the newly created U.S. Army Security Force Assistance Brigades, and other forces operating under Section 127e, Section 1202, or Section 333 authorities assume personal risks from adversaries or potentially “green on blue” attacks from the partner force itself when operating alongside local security partners. They may also be increasingly exposed to risks of inadvertent escalation in contested environment with militias supported by Russia, China, or Iran (as seen in the Wagner group altercation in Syria).⁶² U.S. forces in these situations can fire back in self-defense. However, U.S. policymakers should provide more transparency about the nature of these operations to ensure the U.S. Congress and the American public are aware of the inherent risks involved to U.S. forces—even in the conduct of operations enabling local forces or SSA. Conducting operations in contested environments may be inherently risky, but civilian policymakers and legislators—and American voters by extension—should decide whether missions are worth the risk and provide the necessary oversight and accountability to calibrate operations accordingly.

In addition, personnel gaps at DoS, both in Washington and at embassies and further exacerbated by recent budget cuts, undermine SSA synchronization across DoS and DoD. When effective and knowledgeable embassy personnel are matched with engaged policy planners and programming staff, synchronization can occur. However, the broad sense from SSA trainers and advisors is that SSA activities are disjointed in the field, with little or ineffective information sharing, coordination, or integration of engagements and programs. For example, ministerial institutional capacity-building efforts in Afghanistan have been disconnected from training and advising at the unit, battalion, and brigade

61. U.S. Institute of Peace, *Preventing Extremism in Fragile States: A New Approach*.

62. Thomas Gibbons-Neff, “How a Four Hour Battle Between Russian Mercenaries and U.S. Commandos Unfolded in Syria,” *New York Times*, May 24, 2018, <https://www.nytimes.com/2018/05/24/world/middleeast/american-commandos-russian-mercenaries-syria.html>.

levels, tending to force systems and processes that are ill-suited for the country's realities. Future institutional capacity-building efforts must reflect how leaders and staff operate and communicate in a particular country context while instilling good governance, accountability, and oversight principles.

Conducting operations in contested environments may be inherently risky, but civilian policymakers and legislators—and American voters by extension—should decide whether missions are worth the risk.

Fundamentally, distinctions between Title 22 and Title 10, or operations enabling local forces versus SSA, matter little to the partner country—all are extensions of U.S. policy and intent, no matter who is doing what and for which reason. All of these activities have strategic, operational, and tactical effects that can shape partner choices and the environment in which they live and fight, ultimately impacting U.S. interests in the short and long term.

Training for a Diverse but Yet to Be Integrated SSA Workforce

The majority of the SSA workforce is stationed within the continental United States, conducting policy, planning, programming, advising, training, AM&E, and Leahy vetting for both Title 22 and Title 10 activities. The overseas contingent of the SSA workforce more directly and routinely engages with the partner government and security forces, requiring a different set of skills, training, and aptitude. Workforce capacity, training, and incentives for career progression are cross-cutting issues across the SSA enterprise, from Washington-based agencies to operational headquarters, from embassy to field locations, and from civilians to uniformed servicemembers. The workforce reform initiative spearheaded by DSCA and mandated by Congress in the FY 2017 NDAA requires a generational commitment. It will necessitate a culture shift in recognizing and incentivizing not only DoD's security cooperation community but broader elements of the foreign service, civil service, and military departments to recognize SSA as a tool of national strategy that it is increasingly being used for a range of objectives, from competing with Russia and China to countering terrorism.

As DSCA moves forward with its workforce initiative, there is an opportunity to build institutional linkages and to share curriculum and training best practices across the SSA community, including with DoS' Foreign Service Institute (FSI). Gaps in the FSI's curriculum for strategic planning, SSA authorities, and programs results in uneven understanding, planning, and integration of SSA among foreign service and civil service officers working in embassies and at Main State, inhibiting effective civilian-military planning and partner engagement on SSA issues abroad.

Currently disconnected from DSCA's workforce initiative are the operational elements of the military services beyond military personnel assigned to support security cooperation activities. These elements include the U.S. Army's Security Force Assistance Brigades,

civilian and military advisors performing institutional capacity building, the foreign area officer community, and SOF that perform both capacity building and operations that enable local forces. While each of these communities performs separate and distinct functions across the strategic, operational, and tactical levels of SSA engagement with partners, failure to share training and curriculum, as well as innovations in planning, programming, and execution, risks inconsistency and uneven effects across the SSA enterprise. This matters in terms of effects on how whichever representative of the U.S. government is engaging the partner—an ambassador, defense attaché, Assistant Secretary of Defense, military trainer or advisor, program officer, or an SOF member. To the partner, all these individuals represent the U.S. government, and inconsistent understanding and expertise on SSA risks miscommunication and misalignment of U.S. objectives and activities.

Uneven Policy and Doctrine

Inconsistencies across DoD components, from DoD-wide directives to Joint Staff publications, to guidance, concepts, and doctrine used by the military departments and SOCOM, on definitions and approaches for SSA (as described in Chapter 2) risk creating confusion and undermining implementation of consistent policy, programming, and practice.

Policy oversight for human rights and protection of civilian (POC) issues are separated in offices distinct from mainstream SSA planning and programming at both DoS (Bureau of Democracy, Human Rights, and Labor) and DoD (OSD-Policy's Office of Stabilization and Humanitarian Affairs). The rationale for such organization may have made sense in a prior era where SSA was not as heavily used as a strategic tool. Placing such functions in different offices can also prompt healthy debates among regional offices, functional SSA offices, and functional offices with human rights and POC issues—if policy leadership gives each of these offices equal bearing. In reality, decision-making processes are often biased to “hard security” or bilateral relationship interests over human rights and POC principles, in part due to the lack of integration of these functions within the policy planning and programming. Rather than being an inherent and integral part of planning and programming, upholding human rights and POC principles may often default to a “check the box” exercise or rely upon direct interventions by leadership or staff to insert these concerns in the SSA policy and programming processes if specific human rights or POC concerns arise. However, evidence-based research increasingly highlights the risks of sustained predatory behavior of partners that disregard human rights and POC principles as furthering the conditions that make transnational threats—and perhaps even penetration by U.S. competitors—possible.⁶³

In addition, several competing policy trends will shape the course of SSA over the next several years: defense trade, return on investment, and contextual partner factors. In April 2018, the Trump administration announced an updated arms transfer policy, which aims to make it easier for U.S. industry to sell weapons to other countries.⁶⁴ It reflects recognition that the global arms market is increasingly crowded and that the United States must reform its approach to remain competitive. The Trump administration clearly wants to sell more

63. U.S. Institute of Peace, *Preventing Extremism in Fragile States: A New Approach*.

64. Donald J. Trump, “National Security Presidential Memorandum Regarding U.S. Conventional Arms Transfer Policy,” The White House, Office of the President, April 19, 2018, <https://www.whitehouse.gov/presidential-actions/national-security-presidential-memorandum-regarding-u-s-conventional-arms-transfer-policy/>.

arms abroad, in theory, to create American jobs and empower allied and partner countries so that they can tackle their own security challenges, as White House and DoS officials have publicly noted.⁶⁵ President Donald Trump showcased this approach in meetings with Saudi officials. Parallel reform efforts are underway to accelerate the delivery of arms sales to recipients while abiding by policy and technology release requirements.

Evidence-based research increasingly highlights the risks of sustained predatory behavior of partners that disregard human rights and POC principles as furthering the conditions that make transnational threats possible.

The elevated focus on economic gains as an incentive for defense trade seems to be the major change to arms transfer policy and is being used as a means for stimulating domestic manufacturing growth through increased jobs and production. This approach aims to help fulfill President Trump's "America First" campaign promise of creating jobs at home. The reality of the benefits reaped from growing employment opportunities, however, is uncertain as military spending may create significantly fewer jobs than public spending in other sectors.⁶⁶

Additionally, arms transfers are a foreign policy tool and cannot be wholly separated from U.S. SSA policy. Yet, they often are designed, managed, and executed as a separate enterprise. Arms transfers should be designed to build allied and partner defense capability and interoperability in ways that mitigate risk in U.S. plans for managing crises and contingencies, whether in the South China Sea, Eastern Europe, or the Middle East. Indeed, greater linkage between DoD contingency planning and security cooperation communities will ensure stronger alignment to defense priorities and objectives. Depending on a partner's reliability, and the degree to which it shares U.S. principles, arms transfers may prompt humanitarian risks, because once arms are transferred the United States may have limited leverage or control over how they are used. While intensifying oversight of how arms are used and holding partners accountable may mitigate risks, uncertainty remains in terms of how a partner will use its equipment. U.S. support for Saudi Arabia's intervention in Yemen provides a current, high-profile example.⁶⁷

65. Center for Strategic and International Studies, "U.S. Arms Transfer Policy: Shaping the Way Ahead," August 8, 2018, <https://www.csis.org/events/us-arms-transfer-policy>.

66. These jobs, however, may be high in value both in terms of wages and increased technology. Thus, analysis of the economic emphasis of the policy should focus on improved job opportunities as opposed to employment growth. Relative to other exports, arms exports may also be less likely to impact job growth because they often require offsets (otherwise known as supplemental agreements made in an arms sale) in addition to monetary transactions. Partner nations are often pressured to offset their public dollars being spent on foreign goods by requiring domestic production or trade agreements, and thus, arms transfers might not increase employment as much as the sales figures would imply. See Samantha Cohen, Melissa Dalton, and Andrew Hunter, "Essential Imperatives for Arms Transfer Policy," *Commentary*, Center for Strategic and International Studies, July 24, 2018, <https://www.csis.org/analysis/essential-imperatives-us-arms-transfer-policy>; Robert Pollin and Heidi Garrett-Peltier, "The U.S. Employment Effects of Military and Domestic Spending Priorities: 2011 Update," Political Economy Research Institute, December 2011, https://www.peri.umass.edu/fileadmin/pdf/published_study/PERI_military_spending_2011.pdf.

67. See Daniel R. Mahanty and Melissa Dalton, "Avoiding the Next Yemen: Applying Hard Lessons for Security Partnerships," *Just Security*, February 6, 2019, <https://www.justsecurity.org/62505/avoiding-yemen-apply/>.

RETURN ON INVESTMENT

The Trump administration is hardly the first to press allies and partners to do more for their own security. However, the President himself has sought to fully underscore his concerns about key allies in NATO and East Asia failing to shoulder the security burden, although often in narrow and selective terms. While the President's demands are seemingly hardline, U.S. political and public skepticism on the return on investment for security cooperation expenditures has been growing. This is especially true when it comes to grant-based SSA, for which the media has documented a litany of cases involving misuse and misconduct by recipients.⁶⁸ The collapse of Iraqi troops when confronted by the Islamic State in 2014 has since become synonymous with the failures of SSA in some circles.

It is still early to judge the success of the FY 2017 NDAA reforms—that will have to wait until the AM&E systems and workforce reforms are established and bear fruit. DoD has taken promising steps to provide combatant commands with advisors and templates for developing partner capacity-building program proposals, which require the articulation of outcomes, objectives, measures of success, and risk mitigation factors. However, significant steps will still need to be taken in implementing these historic reforms, not least of which is ensuring the broader security cooperation workforce—from Washington policy and program management offices, to U.S. embassies, military services, and combatant commands—has the requisite tools and the capacity to plan, execute, and evaluate security cooperation activities.

Meanwhile, although DoS has experimented with pilot programs for planning and evaluating the effectiveness of grant-based SSA, the Trump administration has prioritized its defense trade agenda (discussed above) over needed parallel reforms to how DoS fulfills its statutory leadership on broader issues of foreign policy and grant-based SSA. This imbalance between evaluations and defense trade has been reinforced by the U.S. budget de-prioritization of DoS and USAID, which will only further constrain the department's ability to effectively lead and work with DoD to be responsive to calls for greater return on investment for security relationships with allies and partners. At the same time, compelled by deep suspicions of the utility of foreign aid, the Trump administration is also pursuing a top-down review of U.S. foreign assistance (e.g., for development, governance, and humanitarian support). However, the foreign assistance review could provide a silver lining opportunity to integrate common criteria into resource planning and execution to better align foreign assistance with policy priorities, which could have parallel effects for SSA.

SECURITY COOPERATION IN CONTEXT

In the 2018 National Defense Strategy, the United States strongly signaled its strategic intent to use security cooperation (DoD's component of SSA) as a policy tool for a range of defense objectives, from countering terrorism to bolstering a network of allies and partners to compete with China and Russia. However, it must consider the downstream effects more concretely and in ways that impact security cooperation planning and execution. Security cooperation may well achieve immediate objectives, such as disrupting a terrorist attack or signaling deterrence through combined exercises in

ing-hard-lessons-security-partnerships/.

68. Nima Elbagir et al., "Sold to an Ally, Lost to an Enemy," CNN, February 2019, <https://www.cnn.com/interactive/2019/02/middleeast/yemen-lost-us-arms/>.

advance of a diplomatic summit. It may even provide long-term benefits via institutional capacity building to strengthen resilience to foreign penetration (e.g., defense institution building in Ukraine).



An Iraqi national role player speaks with members of the U.S. Army 3rd Infantry Division, 6/8 Calvary, HHT at the Civilian Military Operation Center in the mock town of Mosalah during a training exercise. Source: Stephen Morton/Getty Images

These are critical tasks and functions that advance U.S. objectives. However, they must be calibrated to the context in which they are being implemented, so as not to inadvertently elevate partner expectations to a level that the United States cannot match, empower bad actors, reinforce predatory governance, exacerbate conflict dynamics, cause civilian harm, or overwhelm or skew U.S. non-military engagement.⁶⁹ As the United States shifts its focus to strategic competition with near-peer competitors, there is a risk of abandoning bedrock principles and values that have historically undergirded U.S. leadership in order to keep pace with competitors who do not ascribe to the same rules, and who are willing to overlook partner transgressions. The challenge for the United States in this competitive environment will be to reinforce the principled basis for questioning and modulating its security relationships when necessary while also making clear that the capability output and political outcomes of a security relationship with the United States far exceed those offered by U.S. competitors.

69. Frances Z. Brown and Mara Karlin, "Friends with Benefits: What the Reliance on Local Partners Means for U.S. Strategy," *Foreign Affairs*, May 8, 2018, <https://www.foreignaffairs.com/articles/united-states/2018-05-08/friends-benefits>.

4 | Simulating Security Partnership Policy and Programming Tradeoffs

Simulation Objectives

The CSIS research team convened a day-long scenario-based workshop to inform this report, bringing together about 30 practitioners and policy experts to discuss a range of SSA issues. The scenario depicted a hypothetical U.S. security partnership wherein a range of SSA tools and authorities were deployed in support of several—and at times competing—U.S. objectives. Participants assumed roles in various sectors of the U.S. interagency and wrestled with policy and operational tensions and tradeoffs through a structured small and large group discussion format. The objective of the workshop was to enable cross-sector members of the U.S. SSA community to exchange views and assumptions about institutional equities and to discuss shared challenges and opportunities. Furthermore, the workshop aimed to test the policy and operational tensions and tradeoffs in security assistance programming with complicated partners. The workshop was a key component of the research team’s effort to evaluate the strengths, opportunities, and gaps to improve the U.S. government policy, planning, and implementation of SSA in pursuit of U.S. priorities and to buttress oversight and accountability of SSA.

Scenario Description

Participants were asked to assess the risks and opportunities of a nascent U.S. SSA partnership with a hypothetical country called “Elbonia” under the leadership of a fictional President Simi Margeux. The scenario posits that prior to President Margeux’s election in 2014, Elbonia had been plagued by a succession of post-colonial authoritarian governments with a history of human rights abuses and corruption. This pattern of bad leadership coincided with the rise of violent extremist ideology in the region. As President Margeux comes into power, she showcases greater political will to take Elbonia on a new path in addressing and rectifying instability, working in partnership with the United States to tackle the threat of regional terrorist groups affiliated with ISIS and Al Qaeda. This new direction encourages the U.S. government to invest \$350 million in SSA programs in Elbonia for FY 2019, including Section 333 train and equip programs for counterterrorism operations and Section 127e and SOF Joint Combined Exercise Training

(JCET) programs enabling U.S. operational engagement alongside its Elbonian military partners. Then in December 2018, a unit of U.S. forces operating alongside Elbonian security forces is attacked by a local militia group, which had been a recipient of U.S. funding prior to 2015, since suspended due to the group's human rights abuses and trends toward violent extremism. Intelligence analysis indicates that corruption and weaknesses in the Elbonian logistics enterprise allowed for U.S.-provided weapons to leak out of military channels and into the local militia group's hands and were ultimately used in the December 2018 attack. President Margeux, however, suspects ill intentions on the U.S. government's behalf, and orders a pull-back of Elbonian security forces from the area.

Simulation participants were divided into six breakout groups: the U.S. Congress, the Departments of State and Defense, the U.S. Embassy Country Team in "Elbonia City," the "U.S. Western Command" ("WESTCOM"), and the National Security Council (NSC) staff. Each team was prompted to discuss and tackle major SSA questions such as identifying key U.S. interests and priorities in Elbonia, goals for SSA, risks to U.S. security forces in the region, and SSA oversight and accountability mechanisms. Participants received a series of crisis injects throughout the exercise that further complicated the situation and forced course corrections and coordination. The exercise culminated in a mock NSC Principals Committee meeting, where options for next steps were discussed and critiqued, followed by a congressional response to the Principals Committee's decision regarding these options.

After-Action Review

In general, the scenario highlighted the extent to which key tools for oversight and accountability in SSA remain undeveloped or underdeveloped. Participants felt that the scenario reflected their real-world experiences with SSA in a number of ways and highlighted the challenges and opportunities of SSA partnerships:

- Institutional capacity building was an afterthought rather than a priority, despite the recipient nation's significant systemic challenges. Instead, tactical training and equipment appeared to take priority. Institutional capacity building could have been a useful tool for driving security sector accountability but was not considered a core part of the SSA program.
- Corruption within the host nation plagued the SSA program, but the U.S. government appeared to have few tools for either understanding how the host nation government was leveraging corruption or for how it could build accountability for corruption into assistance. Corruption quickly proved to be a financial risk as well as an operational threat.
- Human rights training played a minimal role in the development of initial policy and programmatic decisions; when the participants encountered challenges to U.S. efforts to promote human rights, their inability to tackle those challenges highlighted the limited tools at the U.S. government's disposal. Furthermore, as the scenario evolved and introduced further threats and challenges, counterterrorism priorities and relationship concerns quickly trumped human rights considerations.
- Competition from other major security exporters created cynicism and frustration about the options available to participants, as options involving decreasing or

conditioning U.S. assistance were perceived as likely to create openings for adversaries or competitors.

- The SSA effort did not clearly link to broader U.S. national security strategy. This disconnect muddled participants' understanding of the theory of change associated with the assistance effort itself. Conversations about U.S. strategic objectives and the sustainability and scope of the SSA relationship were bypassed in favor of a focus on emerging crises on the ground and different U.S. government equities.
- The exercise captured the unevenness and, at times, ineffectiveness of the interagency process. Different arms and components of the U.S. government had competing agendas, leading to obstacles in formulating a policy approach that illuminated tradeoffs and managed risk across different priorities. This sometimes resulted in decision paralysis or the tendency to reach agreement on half-measure compromises that ultimately failed to fulfill relevant national security interests in play. Interagency discussions often devolved into philosophical discussions about agency responsibilities.
- The lack of engagement and dialogue with the partner nation (by virtue of not having a team playing the partner) within the CSIS workshop reflected the reality that many SSA discussions in the U.S. government simply happen without input from the partner nation. Participants recognized this gap, leading to discussions on the importance of setting mutually shared SSA goals and priorities with the partner nation in advance and regularly checking in with the partner to ensure those goals are continuing to be met.
- The Congress team struggled with imperfect tools for achieving its oversight goals of SSA programming, particularly in this fluid scenario where vital information was unavailable or slow to arrive. The varied and sometimes competing motivations behind Congress's SSA oversight contributed to its inefficacy: the desire to ensure appropriated funds are spent according to congressional intent clashed with the aim to influence foreign policy in a certain direction, which in turn clashed with political pressure from constituents, donors, and other stakeholders.
- There was consensus among participants about the importance of conducting public congressional hearings on the policies at stake in the scenario. Narrow congressional committee jurisdictions, which would impede examining relevant activities and policies across multiple executive agencies, complicated considerations of how to make such hearings effective.
- Discussions around conditioning future SSA programs centered on the receipt of additional information, viable plans, and key commitments from the U.S. executive branch. There was, however, the underlying dilemma of potentially over-burdening the executive branch, which could impede progress. Accompanying this dilemma was a frustration that some of the requirements—such as clear programmatic objectives, a theory of change supporting the program plan, and a force protection plan—should be prerequisites for initiating an SSA program and yet are often neglected absent congressional intervention.

- Participants advocated for increased transparency around activities conducted under certain classified or specialized authorities, particularly Section 127e and JCETs. Participants discussed the challenges of administering and overseeing these activities, particularly as they are often blended with distinct and varied SSA authorities to establish a continuous program of support ranging across training, advisory, and operational activities.
- Civil society participants noted the need for more U.S. government dialogue with civil society actors (not represented as a standalone subgroup in the workshop) to highlight human rights, civilian protection, transparency, and corruption concerns that may not be captured through conventional U.S. government information gathering or reporting. These civil society participants also expressed frustration about the lack of innovative approaches emerging from the exercise—particularly from participants belonging to the U.S. government SSA enterprise—highlighting the tendency of the U.S. policy process to result in decisions “inside the box” and not pressing Elbonia to make fundamental changes or to pursue a more principled approach to addressing human rights or diversion concerns.

5 | Recommendations

The international and domestic trends compelling the United States to increasingly shift burdens for addressing collective security concerns to partners, including by using SSA to empower these partners to assume greater responsibilities, will continue for the foreseeable future. Burden shifting responsibly and strategically will require the integration of oversight and accountability measures across the SSA enterprise, including in planning, operations, training, and policy and doctrine related to SSA and broader foreign policy matters.

The U.S. government should build upon a strategic framework for SSA that defines U.S. and partner interests; conducts baseline assessment of security partnerships; identifies SMART U.S. and partner goals for SSA; develops accountable SSA plans based on adaptive theories of change; and executes an adaptable SSA plan that accepts failure on a pathway to success. The following recommendations would enable greater integration of oversight and accountability measures across the SSA enterprise in support of this framework:

For the Departments of State and Defense

- **SSA Definition and Role Clarity.** Establish a common definition for SSA to reduce confusion, which may be operationalized under different agencies in distinct but complementary ways, given the range of agencies' roles and authorities. This definition should include the full range of SSA activities, such as training, advising, education, exchanges, exercises, equipping, and institutional capacity building of partner security forces.
 - DoD should eliminate duplicative or outdated doctrinal definitions with the military services and SOCOM (such as security force assistance).
 - The U.S. Stabilization Assistance Review framework document provides an example for how the interagency might put forward a common definition for SSA, establish role clarity for contributing agencies, and provide a framework of principles or best practices for pursuing effective SSA.⁷⁰

70. U.S. Department of State, U.S. Agency for International Development, and U.S. Department of Defense, "Stabilization Assistance Review: Framework for Maximizing the Effectiveness of U.S. Government Efforts to Stabilize Conflict-Affected Areas," June 2018, <https://www.state.gov/documents/organization/283589.pdf>.

- **Operating Picture.** Create a common operating picture and network-based dashboard to understand, track, and assess global SSA activities. This tool should enable stakeholders to:
 - Find efficiencies through joint database management, rather than creating duplicative (and incomplete) systems that solidify information silos among departments and agencies and between Washington, embassies, and combatant commands. Duplicative and siloed systems, such as G-TSCMIS and SIAF, should be incorporated into this interagency system or dissolved;
 - Leverage data science tools to undergird AM&E, graphing analysis of SSA data features, relationship networks, and dynamic changes in the partner environment, based on criteria developed by SSA agencies; and
 - Open opportunities for other U.S. SSA-enabling agencies to join the network over time.
- **Priority Alignment.** Align processes for developing DoD's Initiative Design Documents (IDDs) with those U.S. embassy country team's Integrated Country Strategy (ICS) objectives for all recipient countries to ensure strategy to SSA resource flow and that IDD and ICS objectives are shared with and match the partner's objectives.
- **Bilateral Compacts.** Define U.S. and partner SSA objectives linked to clear political outcomes and objectives in a non-legally binding compact which can be renewed and reviewed routinely and informed by AM&E.
- **Integrate Leahy and AM&E.** Fully integrate criteria accounting for predatory state behavior, corruption, and human rights, including Leahy Law vetting and implementation, into SSA planning and AM&E as an essential policy consideration rather than excluding it as a brake or check on the system. This should include:
 - Baseline assessment of whether a partner should receive SSA based on its governance and human rights record, and how concerns should be mitigated through SSA program implementation. These criteria should be judged alongside strategic and economic concerns in the AM&E process—not separate to or after the process.
- **Civil Society Engagement.** Normalize regular civil society and NGO engagement at both field and policy levels as steps in the SSA planning and AM&E process; they may have information that is not available via government, military, or even third-party assessment sources. Develop a transparent methodology for reconciling disparate inputs from government, partner, and civil society sources.
 - Develop mechanisms for providing civil society groups with detailed public information about U.S. SSA activities in partner countries to empower public interest oversight, which can also further U.S. objectives for accountability.
- **Workforce Scope.** Broaden the conception of the SSA workforce and integrate training and curriculum across the enterprise to emphasize common definitions, precepts, and principles. The workforce includes: civilians, foreign area officers, military trainers, and advisors (including SFABs).

- DoS should create strategic planning and SSA authorities and programs curriculum at the Foreign Service Institute.
- Best practices and innovations from across the workforce should be collected and synthesized in a centralized office and made available globally through a shared secure network.
- Such best practices and innovations could be captured as a line of inquiry in the AM&E process. DoS and DoD should further define processes for interagency AM&E.
- Both DoS and DoD should incentivize and inculcate a culture of learning and acceptance of failures on a pathway to success, including early reporting of questions or missteps through the AM&E process.
- SOCOM should adopt the same definitions, precepts, and principles for training its personnel conducting operations enabling partner forces.
- ***Institutional Capacity Building.*** Design institutional capacity-building (ICB) initiatives with tailored approaches with the partner, beginning with defining requirements that are regularly reappraised and calibrated through AM&E. This approach will help mitigate risks of ICB being deployed as an afterthought, as a template for all country contexts, or a “check the box” exercise.
- ***AM&E for the Next Generation.*** Integrate AM&E best practices into DISCS’ curriculum and establish feedback loops to DoD for DISCS alumni to provide insights into how AM&E performs in the field, helping to innovate and refine AM&E techniques over time.

For the U.S. Congress

- ***SSA Strategic Planning Dashboard.*** Appropriate funding for the establishment and sustainment of an interagency network-based dashboard to understand and track global SSA activities—providing a common operating picture (described above)—with sustained oversight of its development.
- ***Leahy Integration with Security Cooperation Planning.*** Align the Office of the Secretary of Defense Leahy Law vetting responsibilities with the Assistant Secretary of Defense for Strategy, Plans, and Capabilities rather than with the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
 - This move would enable Leahy Law vetting and broader oversight of human rights compliance in security partnerships to be integrated with the office that conducts DoD’s security cooperation planning.
- ***DIILS Connection to Combatant Commands.*** Appropriate additional resourcing to DIILS to advise combatant commands in the design and execution of a range of tabletop and field scenario-based exercises for partners to simulate challenging civilian protection environments, including urban warfare, aerial targeting, and stability operations.
 - In addition, in coordination with DoD and DoS, explore whether additional tools are needed to address gaps in human rights training needs.

- **Transparency and Strategic Planning for Enabling Operations.** Require that DoD provide unclassified reports of Section 127e (counterterrorism operations enabling local forces) and Section 1202 activities (irregular warfare operations enabling local forces) to Congress and the public and that Section 127e and Section 1202 activities inform SSA AM&E processes for the countries or regions in which they are being applied.
- **SFAB Employment.** Request that DoD provide an assessment of what steps would be needed to operationalize the SFAB concept for global employment to address requirements of the U.S. defense strategy beyond Afghanistan, including opportunities, risks, and tradeoffs, to inform an appraisal of whether SFABs are organized, resourced, and able to recruit in alignment with their assigned mission.
- **AM&E and Leahy Capacity Shortfalls.** Appropriate annual funding for both DoS and DoD AM&E and Leahy vetting to address capacity shortfalls to effectively carry out AM&E and Leahy requirements in Washington, combatant commands, and embassy locations. At least 1 percent of SSA program budgets should be dedicated to implementation.

Conclusion

Since the enactment of the FY 2017 NDAA reforms to the SSA enterprise, DoD, and DoS have taken significant strides to improve planning and to establish structures and processes for better prioritization, alignment, management, and workforce development. The next phase of reforms must focus on the integration of oversight and accountability measures across planning, operations, training, and policy and doctrine functions. The scope of this study focused on the execution of SSA via DoD, with fewer findings and recommendations for DoS. Future study should include a deeper examination of the reforms and integration necessary at DoS and in the broader SSA enterprise, including justice and law enforcement agencies, as well as how U.S. partners incorporate and design their own oversight and accountability for SSA.

Given increasing political pressure and public scrutiny of the return on investment and concerns about how to shift the burden of collective security to partners responsibly, both the U.S. administration and the U.S. Congress should take this integration seriously. Moreover, though it may seem that burdensome checks and balances or transparency will slow down the United States in an age of strategic competition, where Russia and China do not pause to conduct AM&E or check for Leahy vetting, holding fast to U.S. values may matter more than ever. Adherence to universal values is the moral foundation of U.S. leadership, sets the United States apart from its competitors, and historically has attracted alliances and partnerships that have given the United States a global advantage. A commitment to quality and enduring partnerships based on mutual interests *and* values will forge stronger ones.

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