Building Integrity and Reducing Corruption in Defence

A Compendium of Best Practices

CONTENTS

Chapter 4

National Approaches in Support of Building Integrity and Reducing Corruption in Defence

It is not only NATO as an alliance but also individual member countries and partners that support integrity building initiatives. This chapter presents several examples of state-of-the-art approaches to support such initiatives and recommendations derived from best practices.

Box 4.1 presents a national view that supports the wider role of NATO and the Euro-Atlantic Partnership Council (EAPC) in initiatives aimed to build integrity and reduce corruption risks in defence establishments.

Box 4.1. Fighting Corruption in Defence: A View from Switzerland

The importance of fighting corruption is taking on increasing significance in the realm of international security. This is being recognised within the NATO Alliance and by its civil society partners. In each of the big topics in international security today—weapons of mass destruction, missile defence, civil wars, climate change—building integrity, increasing transparency and establishing the rule of law will have a strong impact in and of themselves, and will also thereby have a strong impact on international security.

With this recognition, Switzerland supports the EAPC Partnership Action Plan on Defence Institution Building and is among the lead nations, together with Poland and the United Kingdom, for the Building Integrity Trust Fund.

Source: HE Ambassador Jean-Jacques de Dardel, Ambassador of Switzerland to NATO, Address to the Building Integrity and Defence Institution Building Conference, Monterey, CA (25-27 February 2009).

The U.S. Approach to Integrity Building[1]

Foundations

The US approach in assisting partners' efforts to reduce defence corruption is based on the strength of partnerships, a comprehensive approach to security sector reform and a focus on enhancing defence institutions.

It recognises the importance of partnerships in helping nations provide for their own security, as well as for the common security. Secretary of Defense Robert Gates, during a much-heralded lecture at Kansas State University in 2007, has said that, "arguably, the most important military component in our common struggle against terrorism is not the fighting we do ourselves, but how we enable and empower our partners to defend and govern themselves." Consistent with Secretary Gates' remarks, the US Department of Defense has substantially increased the resources devoted to enhancing the governance capacity of partner countries.

Secondly, the Department of Defense, the Department of State and the US Agency for International Development (USAID) have agreed on a common set of guiding principles for a more comprehensive approach to security sector reform.[2] The document provides practitioners from the two departments and USAID with guidelines for planning and implementing security sector reform programs with foreign partner nations and deals comprehensively with reform efforts directed at the institutions, processes and forces that provide security and promote the rule of law.

One of these guiding principles is that operational support must be balanced with institutional reform. Thus, the emphasis is on how the forces built with US assistance are managed, financed, monitored and supported. It is recognised that success and sustainability of the forces depends on the institutions and processes that support these forces, as well as the human capacity to lead and manage them. The guidelines further note that the principles of good governance—accountability, transparency, respect for human rights and legitimacy—must be mainstreamed into the development of security forces and institutions.

The understanding that building integrity is an integral and indispensable part of building defence institutions forms the third foundation of the US approach. In part, the US concern about integrity proceeds directly from the concern about corruption and its

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[1]   The description of the US approach is based on the presentation of Honorable Joseph Benkert, Assistant Secretary of Defense for Global Security Affairs, USA. *Building Integrity and Defence Institution Building*, Conference Report (Monterey, CA: 25–27 February 2009).

[2]   US Agency for International Development, US Department of Defense and US Department of State, *Security Sector Reform* (February 2009), www.state.gov/documents/organization/115810.pdf.

corrosive effects. Corruption is a threat to our common security. It is no less dangerous than an external foe sabotaging the defence capacity. It gives aid and comfort to our common enemies.

Building integrity and reducing corruption are two sides of the same coin. The concern for integrity, however, has a more positive basis. Just as the responsibility for security is shared, so is our responsibility to defend it with institutions that reflect the nature of the North-Atlantic Alliance, an alliance to safeguard the freedom of our people and founded on principles of democracy, individual liberty and the rule of law. The United States seeks to work with NATO and international and non-governmental organizations toward improving defence institutions through greater transparency and accountability.

Key Components

Building integrity, transparency and accountability into defence institutions has internal elements of institutional capacity, as well as some external elements. Institutional capacity is the people, processes, organization and infrastructure required to develop, manage, sustain and employ capabilities to achieve national security goals. It is critical, therefore, to address all of these components—people, processes, organizations and infrastructure—in integrity building programmes.

People

Success starts with people. Institutions are only shells in which talented professionals turn ideas and resources into the tools of security. Education and training of defence professionals, both military and civilian, is therefore at the core of fostering a culture of integrity in defence institutions. Integrity must be a prominent feature in professional development systems. Education must prepare the most likely targets of corruption, for example those in the acquisition field, to recognize clear ethical boundaries and provide support systems for legal advice and counselling so that they can respond appropriately.

A culture of integrity is essential but defence professionals also need the tools to act on these principles. Education of defence professionals needs to provide them with the means of assessing their institutions' transparency and accountability, knowledge of best practices in these areas and a practical understanding of how to implement these practices. Education and training that fosters ethics and integrity, and provides the tools to build institutional integrity, is not a one-time event but a continuing requirement over a professional career.

Processes and Mechanisms

A second required component of institutional capacity is building integrity into the processes and mechanisms around which institutions function. It is well understood

that transparency mechanisms need to be integral to planning, budgeting and procurement systems. Contracting and procurement systems should include multiple-key systems that require oversight and clearly defined points of approval and review. Consistent with national security, there should be systems to provide external reviews of these processes and the decisions resulting from them. These mechanisms and processes must be informed by the host nations' history, legal system and culture, and will not work without host nation ownership.

Organization

The third critical element is the internal organizations that promote and provide accountability and oversight. In the United States, for example, almost all government agencies have independent monitors – the inspectors general. They provide accountability and support anonymous reporting by those who may fear retaliation in response to taking courageous action.

In addition to independent monitors, there are internal organizations that help prevent problems – for example, legal and ethical advisors that can guide policymakers or officials at potential points of failure. A small amount of prevention, perhaps in the form of periodic legal review or advice to a procurement official, may avoid the need for more costly investigations and prosecutions.

Infrastructure

Fourth, there is the infrastructure of integrity, transparency and accountability. The term "infrastructure" often engenders thoughts of buildings and computer systems. We mean here the legal and policy frameworks that are essential to integrity in defence institutions – for example, the requirement to develop and publish standards of conduct and procedures that codify the processes and mechanisms of transparency and accountability. Integrity pacts—one of the "best practices" in building integrity—are excellent examples of going beyond traditional means to build the infrastructure of integrity.[3]

External Components

There are also elements of integrity, transparency and accountability that are external to defence institutions and yet critical to their success. Defence institution building campaigns will not be fully successful if they are not integrated with broader security sector reform efforts external to defence institutions.

The guidelines for US government security sector reform efforts, issued in February 2009, are unique in that they were jointly developed and issued by the Defense Department, the State Department and the Agency for International Development.

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[3]   Chapters 7, 16 and 17 provide guidelines and examples of implementation of Defense Integrity Pacts.

They are significant in that they recognize the need for more comprehensive approaches that integrate defence, development and diplomatic tools across the range of institutions and elements relevant to security sector reform, including components external to security institutions.

The first and perhaps most important external components are the parliaments and legislatures, needed to provide a strong foundation in law for defence sector work. These laws must be proscriptive, requiring transparency, and prohibitive, defining illegal acts and demanding accountability. Parliaments should provide oversight of security institutions and play a critical role in ensuring transparency and accountability in defence budgeting and acquisition. Our approach to integrity in defence institutions must include programs to support the key role of elected legislatures.

Second, the defence sector requires a strong external rule of law framework to effectively ensure transparency and accountability. It is recognised, for example, that bolstering a defence institution's criminal investigative capacity may prove an exercise in futility without ensuring that the host country's justice system is well-functioning. A country's security policies and practices must be founded on the rule of law and linked to the broader justice sector. Our assistance should aim to ensure that defence institutions operate within a functioning framework of domestic and international law, and that these institutions support efforts to promote and enforce the rule of law.

NATO membership responsibilities include political as well as military elements. The concept that defence is interconnected with the other aspects of governance is well-grounded in the alliance. Thus, efforts to build integrity in defence institutions need to be synchronized with security sector reform efforts in other ministries.[4]

Third, civil society organizations have a role to play in ensuring transparency and accountability in defence institutions. Actors such as professional organizations, civilian review boards, think tanks, advocacy organizations, non-governmental organizations, media and other groups are included here. Responsible civil society organizations should be looked upon as partners and enablers toward a common goal of institutional integrity.

In addition to monitoring security sector performance, civil society has an important role in articulating public demand for integrity, transparency and accountability from all levels and branches of government. Leaders are expected to address the requirement for an institutional culture of integrity. This culture must be inherent in all components of government and at all levels, and be bolstered by civil society. Our common work is building the capacity of individual nations to provide for their own security and—as allies and partners—to contribute to our common security. This work requires not only building capable security forces but building the capabilities and capacity of institutions

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4   NATO expects that this understanding is reflected in any "Membership Action Plan" of a partner country.

that manage and support these forces. To be effective and to be seen as legitimate, these institutions need to demonstrate integrity, to be transparent and accountable.

The United States can help in building such institutions.

The Canadian Approach to Security Sector Reform and its Role in Afghanistan [5]

Canada has been an important player in Afghanistan, punching above its weight, particularly if one considers the development resources it has brought to the table and the military responsibilities it has assumed in the conflict in view of its traditional peace-keeping role. Canada is only one actor in a broad coalition of other countries and their peace support forces, as well as NGOs, intergovernmental organizations, private military and security companies, and the local and international media (not to mention the Afghan government itself, whose role is crucial).

The Canadian approach to SSR in Afghanistan is some seven years old. Canadians have attempted to take a comprehensive and integrated approach in their efforts and have encouraged other governments—donors as well as the Afghan government—to do likewise. A balance has been sought between governance initiatives and those seeking to enhance the ability of the Afghan security forces to assume responsibility for security delivery in the country on behalf of the population. These positive elements form an integral part of the current Canadian government's new approach to Afghanistan.

Since the end of the Cold War, Canada has adopted four overarching frameworks for conceptualizing and orienting its activities on behalf of development and, in particular, on behalf of troubled states: human security, the 3-D approach, the "whole of government" approach and security sector reform. While these concepts have entered the policy discourse at different intervals, they are not mutually exclusive (Figure 4.1). Instead, they tend to enjoy a certain level of simultaneous currency and they all figure in varying degrees as mobilizing constructs for Canada's involvement in Afghanistan.

Canada's objectives in Afghanistan have varied little since the initial engagements involving Canadian troops in 2001–02 and despite the three changes of government that have taken place in Canada during this period. Among the main objectives is to foster stability and development in Afghanistan in keeping with Canada's general commitment to promoting human security in fragile states.[6]

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[5]   This section is based on: David Law, "Canada in Afghanistan: Concepts, Policies, Actors, and Prospects," *Connections: The Quarterly Journal* 8:3 (Summer 2009): 25–51.

[6]   "Independent Panel on Canada's Future Role in Afghanistan" (known also as the *Manley Report*) (2008), http://dsp-psd.pwgsc.gc.ca/collection_2008/dfait-maeci/FR5-20-1-2008E.pdf.

Canada's combat mission in Afghanistan has been the defining fact that has made it possible for the Canadian contingent to carry out a range of SSR-related activities. The overarching framework for these activities is laid out in the *Afghanistan Compact* and the more detailed Afghanistan National Development Strategy (ANDS), which has set out a five-year program of cooperation between the government of Afghanistan and the international community in three areas: security; governance, rule of law and human rights; and economic and social development (with counter-narcotics as a cross-cutting fourth program area). The activities of the main Canadian governmental departments engaged in Afghanistan have dovetailed closely with the first three of these program areas.

The work of the Provincial Reconstruction Teams (PRTs) in Afghanistan has been vital with respect to SSR. PRTs are civil-military partnerships designed to facilitate the development of a secure environment for reconstruction in the Afghan regions. PRTs are structured as civil-military partnerships. Only the military elements of PRTs are integrated in the ISAF chain of command. Among the primary purposes of PRTs is to support, as appropriate (and within their means and capabilities), security sector reform activities in order to facilitate the reconstruction effort.

What?

Security Sector Reform

How?

WGA Approach

Security Justice Development Governance

By whom?

3-D Approach
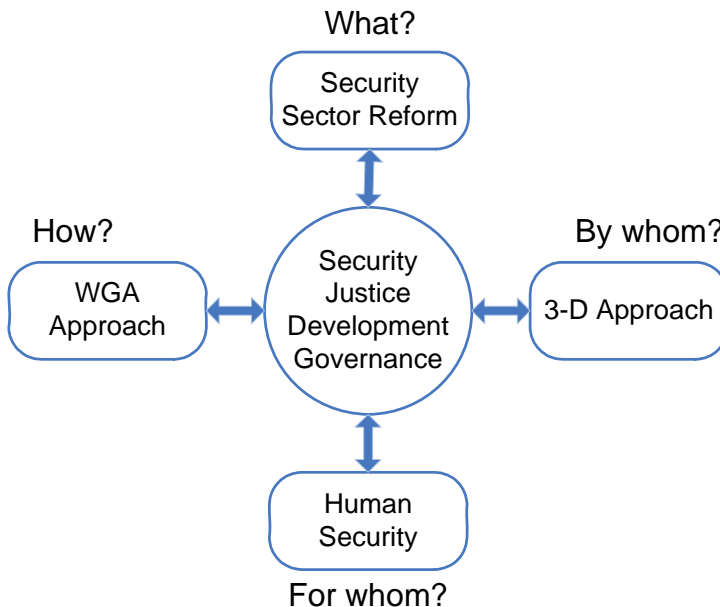
Human Security

For whom?

Figure 4.1: Concepts and Relationships in Security and Development.

In follow-up to the *Manley Report*, Ottawa has published a report titled "Canada's Engagement in Afghanistan: Setting a Course to 2011."[7] This report offers a candid assessment of the situation in Afghanistan. Regarding governance, it decries persistent shortcomings owing to the weak capacity of Afghan government institutions and waning public trust because of continuing widespread corruption. The report lays out a number of initiatives that have been undertaken:

- At home, Canada created a Cabinet Committee on Afghanistan and inter-departmental coordination of Canadian policy has been moved to the Privy Council of the prime minister, with a dedicated full-time staff headed by deputy ministers from Foreign Affairs, Defence, Public Safety, and the Canadian International Development Agency.

- Ottawa has committed itself to making quarterly reports to parliament and its newly created Special Committee on Afghanistan, and to ensuring a better flow of information to the press and the Canadian public regarding its policy in Afghanistan. Ottawa has also promised to develop a system of benchmarks for measuring progress on the security, governance and development fronts in Afghanistan, and on Canadian efforts in these regards.

- Canadian efforts within Afghanistan have been recalibrated. Security and development assistance have been focused on the Kandahar province, while a senior-level civilian representative is to be appointed to the PRT in Kandahar and the overall number of Canadian civilians in the country is set to increase significantly. In-country, Canadian actors are to be given more discretion in making policy to address local conditions. In the country as a whole, Canada is committed to pursuing its efforts to advance Afghanistan's capacity for democratic governance and effective government decision making, as well as helping to bring about national political reconciliation.

Recommendations

- Initiatives to build integrity in defence need to be examined primarily in the context of defence institution building.

- Defence institution building, in particular in fragile states, is to be set in wider security sector reform efforts, closely coordinated with development assistance.

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[7] Government of Canada, *Canada's Engagement in Afghanistan: Setting a Course to 2011* (Ottawa: Government of Canada, June 2008).

Box 4.2. Principles for Good International Engagement in Fragile States

In 2007, the OECD Development Assistance Committee, comprising development ministers and heads of agencies of most donor countries, endorsed a Policy Commitment and set of Principles for Good International Engagement in Fragile States and Situations.

These principles reflect a growing consensus that fragile states require responses that are different from better performing countries, and recognise that:

- Fragile states confront particularly severe development challenges such as weak governance, limited administrative capacity, chronic humanitarian crisis, persistent social tensions, violence or the legacy of civil war;

- A durable exit from poverty and insecurity for the world's most fragile states will need to be driven by their own leadership and people;

- Although international engagement will not by itself put an end to state fragility, the adoption of the shared principles can help maximize the positive impact of engagement and minimise unintentional harm.

The long-term vision for international engagement in fragile states is to help national reformers build legitimate, effective and resilient state institutions. Progress towards this goal requires joined-up and coherent action within and among governments and organisations. The principles, therefore, emphasise the need to:

- Take context as the starting point;

- Ensure all activities do no harm;

- Focus on state-building as the central objective;

- Prioritise prevention;

- Recognise the links between political, security and development objectives;

- Promote non discrimination as a basis for inclusive and stable societies;

- Align with local priorities in different ways in different contexts;

- Agree on practical coordination mechanisms between international actors;

- Act fast but stay engaged long enough to give success a chance;

- Avoid pockets of exclusion ("aid orphans").

By 2007, the principles were field-tested in nine countries and already started to catalyse behaviour change among donors. Ongoing work of the OECD DAC Fragile State Group aims to offer more operational guidance consistent with the principles in order to sharpen donor strategies and programmes in fragile states.

Source: OECD DCD-DAC, "Principles for Good International Engagement in Fragile States" website, www.oecd.org/document/46/0,3343,en_2649_33693550_35233262_1_1_1_1,00.html; OECD, *Whole of Government Approaches to Fragile States* (Paris: OECD, 2007), www.oecd.org/dataoecd/15/24/37826256.pdf.

- Interagency coordination, both at home and in theatre, is key for the success of security sector reform efforts.

- Interagency coordination that is transparent and provides mechanisms for timely accountability to parliaments and involvement of civil society is key for the legitimacy of security and development missions and continuous public support.