# Security Cooperation Amidst Political Uncertainty

## An Agenda for Future Research

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# 1. Overview and Key Questions

## Overview

In 2010, Secretary of Defense Robert Gates argued for the importance of building partner capacity (BPC) in *Foreign Affairs*, writing, "In the decades to come, the most lethal threats to the United States' safety and security … are likely to emanate from states that cannot adequately govern themselves or secure their own territory…. In these situations, the effectiveness and credibility of the United States will only be as good as the effectiveness, credibility, and sustainability of its local partners."[1]

Undoubtedly, Gates was expressing concern that weak governments would be unable to exercise sufficient control over their countries to contain the threats posed by terrorist groups, trans-national criminal syndicates, and other non-state actors. In such scenarios, the United States often provides military assistance to foreign governments to bolster their capabilities to cope with such threats. U.S. military aid – whether in the form of training, equipment, or weaponry – is typically provided under a complex web of legal authorities governing security cooperation activities. Security cooperation can be provided under "normal" circumstances, as well as in times when the partner nation is actively engaged in military conflict with extremist, guerrilla, or criminal groups.

In some conflicts, however, the United States might wish to side with the non-state actors that threaten an established government. Whether in the ongoing conflict in Syria, in the 2011 civil war in Libya that led to the overthrow of Muammar Qaddafi, or during years of assisting the establishment of a de facto autonomous state in the Kurdish areas of Iraq in the last decade of Saddam Hussein's rule, the United States provided a range of military assistance to non-state actors seeking to change the status quo.

Security assistance is of questionable value, however, in the wake of a state collapse or in an environment of utter political uncertainty. In such cases, the United States often struggles with ways to shape events on the ground despite the absence of an effective partner. For years, for example, the United States sought to influence events in Somalia but had no capable partner to assist. The United States would undoubtedly like to promote stability in the Central African Republic (CAR), whose government was overthrown by rebels in March 2013, but in the midst of the chaos it is not clear whether or how the United States can do so.

Other states – particularly those ruled by longtime dictators who eviscerated state institutions – could disintegrate along the lines of the CAR. State collapse is a strong possibility in countries like Zimbabwe, Eritrea, and Equatorial Guinea after the eventual deaths of the strongmen who have ruled for decades. If the United States wishes to shape the security environment in such

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[1] Robert M. Gates, "Helping Others Defend Themselves," *Foreign Affairs,* 89:3 (May/June 2010), p. 2.

scenarios, it must consider what tools it will have at its disposal. Security cooperation mechanisms – by which the United States can draw on established statutes, procedures, and funds to aid a partner on the ground – may or may not be effective in such circumstances.

## Potential Objectives of Security Cooperation in an Uncertain Environment

Security cooperation, through which the United States provides a wide range of military training and assistance to partner states, is a central element of U.S. foreign policy. Such efforts advance U.S. strategic interests, according to the *National Security Strategy of the United States*, by promoting security and stability, preventing conflict, and promoting respect for human rights and the rule of law.[2] At an operational level, U.S. military doctrine states that security cooperation activities are intended to "build defense relationships that promote specific US security interests, develop allied and friendly military and security capabilities for internal and external defense for and multinational operations, and provide US forces with peacetime and contingency access to the HN [host nation]."[3]

While security cooperation initiatives are typically designed to build the security capacity of partner *states*, in a politically unstable environment, the United States might be interested in intervening to support one or more factions opposed to the state or one of many factions fighting to establish control in the absence of an effective state apparatus. The goals of security cooperation and military assistance are likely to differ depending on what type of entity the United States wishes to support.

If the U.S. plans to assist a non-state faction working to gain control of territory or take over a government, it will be working to change the status quo.[4] This suggests that U.S. assistance will be focused primarily on training, equipment, and other aid that would enhance a combatant's offensive combat capability.

If the U.S. wishes to support a non-state faction that has already gained some degree of control over territory and assumed limited governance responsibilities, the U.S. strategy will likely be focused on helping its partner institutionalize and expand the control that it has already gained. The United States will thus likely provide a combination of military and governance assistance. Training and equipment that enhance the faction's offensive military capabilities would enable the group to expand its territorial control and make further inroads against the sitting government. Other forms of assistance that bolster the group's ability to govern would help it solidify its control over the territory that it had already conquered and win the support of the populace in these areas.

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[2] The White House, *National Security Strategy*, May 2010, pp. 26-27. As of September 26, 2013: http://www.whitehouse.gov/sites/default/files/rss_viewer/national_security_strategy.pdf.

[3] Joint Chiefs of Staff, *Joint Publication 3-0: Joint Operations*, August 11, 2011, p. V-10. As of September 26, 2013: http://www.dtic.mil/doctrine/new_pubs/jp3_0.pdf.

[4] Patrick M. Regan, "Third-party Interventions and the Duration of Intrastate Conflicts," *Journal of Conflict Resolution*, Vol. 46 No. 1, February 2002, p. 59. As of September 3, 2013: http://jcr.sagepub.com/content/46/1/55.full.pdf+html.

Finally, if the United States hoped to support a government that is trying to maintain its territorial integrity or that had already lost control over portions of its territory, Washington would be working to maintain or restore the status quo ante.[5]  Thus, it is likely to provide a similarly mixed package of assistance that helps the government enhance or maintain its legitimacy while also enhancing the government's defensive and offensive combat capabilities.

## Key Questions to Examine

A fair amount of literature exists that can help assess whether and to what extent security cooperation may be a useful tool for shaping politically uncertain environments.  This literature identifies a range of issues that the U.S. government should consider before deciding whether or not to offer military training and equipment to potential partners operating amidst uncertainty.

First, it is necessary to identify the parameters that guide security cooperation decisions, including statutory requirements that may prevent security cooperation from being provided to certain partners in certain circumstances.  Policymakers must determine, for example, whether overt security cooperation authorities are potentially valuable or whether assistance could be provided more effectively under the legal authorities governing covert action.  Non-state actors may fail to meet the qualifications for traditional security assistance – in particular prohibitions on providing aid to groups accused of human rights abuses or involvement in *coups d'état* – in which case covert action authorities may offer greater flexibility.

Second, it is important to identify the criteria that should be considered when deciding which party to a conflict the United States should support.  Whether evaluating a state party or a non-state actor, the U.S. government must consider whether a partner has: (1) goals and ideologies that are compatible with the United States'; (2) sufficient internal political cohesion and military capabilities to successfully advance their own objectives and, hopefully, those of the United States (or at least the potential to do so); (3) effective leadership that has a measure of control over its rank-and-file; (4) sufficient legitimacy and popular support to govern areas over which it gains control; and (5) the ability to absorb and, preferably, sustain whatever assistance the United States provides.

Third, policymakers must tackle the impediments to assessing potential partners.  Perhaps most prominent among such obstacles is the difficulty in acquiring reliable information about a partner's true intentions, composition, capabilities, and internal cohesion – particularly when a partner is a non-state actor that, in an effort to evade the government it is working to undermine, deliberately masks such dynamics.  Policymakers must often make the best assessment they can in the absence of good intelligence.  However, internal divisions within the U.S. government often hinder a clear decision regarding whether to weigh in on behalf of one side in a conflict; not only do executive branch agencies often have different views that must be reconciled, but

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[5] Patrick M. Regan, "Third-party Interventions and the Duration of Intrastate Conflicts," *Journal of Conflict Resolution*, Vol. 46 No. 1, February 2002, p. 59.  As of September 3, 2013: http://jcr.sagepub.com/content/46/1/55.full.pdf+html.

anything the executive branch decides to do must be approved (or at least not actively blocked) by Congress.

Fourth, assuming there is potential merit to intervening on behalf of one or more factions, it is important to evaluate the potential usefulness of security cooperation tools in different scenarios. Long-term military training and education, for example, might be valuable for an institutionalized state apparatus but not for a rebel group that needs immediate results. Similarly, combined exercises would not be helpful for a rebel group with a loose organization and poorly equipped fighters, but they could help a larger or more organized force develop complex combat capabilities.

Fifth, it is worth examining the implications of offering security assistance in the midst of political uncertainty, including the dangers of choosing the "wrong" partner, the challenges in identifying when in a conflict assistance should be provided in order to create the maximum effect, and the pitfalls of remaining uninvolved and allowing events to unfold without direct U.S. intervention.

## 2. Criteria for Choosing a Partner

The United States has certainly intervened directly in conflicts around the world, deploying its own troops to fight alongside either state partners or non-state actors whose interests coincide with Washington's. In many cases, however, the United States chooses to work with a local partner rather than get involved directly in an internal or regional conflict.

Supporting a local partner from afar has clear advantages. The United States can avoid both casualties and the high cost of deploying large numbers of troops overseas, either one of which would be politically challenging to justify to the American public. Perhaps more importantly, the United States can draw on its partner's knowledge of the local terrain and benefit from its partner's legitimacy as an indigenous group fighting for local interests.

On the other hand, working through a proxy group can also have disadvantages. Washington is unlikely to exercise total control over its partner, meaning it would have less control over the conflict than if its own troops were on the ground. Furthermore, while a partner can be a valuable source of information regarding ongoing developments in a conflict, the partner's own interests inevitably color the information it provides. Finally, if an indigenous group is seen by the local population as being unduly influenced by a foreign power, the support it receives from its outside sponsor could undermine its support and hurt its ability to govern over the long-term.

### Selection Criteria

If Washington does choose to work through one or more parties to a conflict, it must determine which one(s) to support. This requires it to gather intelligence and assess information regarding potential partners. Although a many criteria are potentially relevant, some of the most critical are identified by U.S. counterinsurgency (COIN) doctrine and by scholars who have studied insurgencies and violent conflicts.

The U.S. Army's counterinsurgency field manual (FM 3-24) specifies characteristics that U.S. forces should consider in working with an indigenous security force, though the same criteria would also be of interest if the potential partner is a non-state faction:

- Whether effort is to develop a new security force or to enhance an existing one;

- The existence of divisions (sectarian, ethnic, or other) within the local force;

- The extent of the partner's popular support and legitimacy; and

- The amount of resources available.[6]

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[6] U.S. Army, Field Manual 3-24: Counterinsurgency, December 15, 2006, P. 6-1. As of September 3, 2013: http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/fm3_24.pdf.

The U.S. Army's counterinsurgency manual (Army Field Manual 3-24) also specifies several "characteristics of effective host nation security forces" that could apply equally to government troops or non-state fighters. They include:

- Flexibility to undertake multiple missions, which requires an effective command and control (C2) structure;

- Tactical and technical proficiency in skills related to security, law enforcement, and the establishment of rule of law;

- The ability to sustain themselves;

- Good leadership;

- Professionalism, including honesty, impartiality, and the will to serve national rather than parochial interests; and

- A force composition that represents multiple elements of society.[7]

National security researchers and scholars identify a range of additional factors to consider, all of which would require the United States to compile significant amounts of reliable information − no small feat in the midst of a conflict. Among these factors are the following:

- Goals and ideology. Perhaps the most important characteristic to assess is whether the potential partner's goals and ideology are compatible with those of the United States.[8] A partner is most likely to advance the United States' interests if it aspires to similar ends. Throughout the Cold War, for example, the United States provided assistance to a wide range of groups that shared its hostility to communist ideology. While it is conceivable that the U.S. government would provide support to a state or group whose interests are dissimilar to further some specific aim, doing so would often be politically unpalatable. Writing about Libya in *Foreign Affairs*, David Roberts notes, "Islamists are an indelible part of the political landscape in Libya and a potentially combustible one…. Ignoring or marginalizing this demographic would not be prudent; but from the West's perspective, engaging with even reformed Islamist fighters is difficult."[9]

  When faced with multiple potential partners who aspire to similar aims, the United States may wish to select as its partner a group whose aims most closely resemble its own. A 2013 RAND Corporation study concluded that security cooperation efforts are most effective when the recipient of such assistance holds objectives that align with those of the U.S. government.[10]

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[7] U.S. Army, Field Manual 3-24: Counterinsurgency, December 15, 2006, P. 6-7. As of September 3, 2013: http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/fm3_24.pdf.

[8] David A. Patten, "Using Small Powers to Great Effect: How States Use Insurgent Proxies to Achieve Foreign Policy Goals" (Master's Thesis, Georgetown University, 2011), p. 8 As of August 30, 2013: http://repository.library.georgetown.edu/bitstream/handle/10822/553558/pattenDavid.pdf?sequence=1

[9] David Roberts, "Behind Qatar's Intervention in Libya," *Foreign Affairs*, September 28, 2011. As of September 10, 2013: http://www.foreignaffairs.com/articles/68302/david-roberts/behind-qatars-intervention-in-libya.

[10] Christopher Paul, Colin P. Clarke, Beth Grill, Stephanie Young, Jennifer D.P. Moroney, Joe Hogler, and Christine Leah, *What Works Best When Building Partner Capacity and Under What Circumstances?* MG-1253/1-OSD (Santa Monica, Calif.: RAND Corporation, 2013), p. 87.

Groups' interests and goals can change over time, whether because of internal developments or in reaction to the ways in which a conflict unfolds. U.S. analysts would need to assess the ways in which potential partners' objectives might evolve, as Washington would not want to provide military assistance to a party to a conflict only to find mid-way through the campaign that its partner has decided to use its aid to advance purposes inconsistent with U.S. interests.

- Partner's ability to advance U.S. goals: Assuming a partner is ideologically acceptable, the United States must then assess whether it would be capable of advancing U.S. goals.[11] Such an evaluation would require reliable information regarding the partner's military capabilities, particularly the number of fighters, the state of its training and equipment, and its ability to conquer territory and exercise control of the areas it occupies.[12] State security apparatuses do not necessarily execute their military strategies more effectively than non-state actors; in fact, they suffer from many of the same shortcomings, including, Georgetown scholar Daniel Byman writes, "poor intelligence… little integration of forces across units; bad leadership; and problems with training, learning, and creativity."[13]

  Groups (particularly non-state actors) are likely to become more militarily capable over time as they become "battle tested," although they can also become less effective if they stretch their capabilities too thinly, lose access to manpower or materiel, or suffer setbacks on the battlefield. Before extending assistance to a potential partner, the U.S. government would want to evaluate how its capabilities are likely to evolve.

- Nature of the partner's leadership and membership. It is critical to understand the group's leadership, its members, and their ties to other entities both inside and outside the country in conflict. The United States will want to have background information on individual political leaders and military commanders in order to assess their loyalties, motivations, bases of support, and ability to lead. It will also want to discern the primary constituency that the partner represents – whether ethnic, religious, tribal, territorial, or other – as the partner organization will likely act to advance the interests of these constituents.[14]

- Nature of inter-group relations. Although multiple rebel groups often fight alongside each other in an effort to topple a government which they collectively oppose, they often form a marriage of convenience that disguises their incongruent goals, ideologies, and constituencies. If such groups ever succeed in conquering territory, their disagreements are likely to make governing extremely difficult. In Libya, for example, groups that together fought the Qaddafi regime fractured after the government's fall, resulting in the emergence of multiple militias beyond the control of the new government and a

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[11] David A. Patten, "Using Small Powers to Great Effect: How States Use Insurgent Proxies to Achieve Foreign Policy Goals" (Master's Thesis, Georgetown University, 2011), p. 8  As of August 30, 2013: http://repository.library.georgetown.edu/bitstream/handle/10822/553558/pattenDavid.pdf?sequence=1

[12] Mara E. Karlin, "Training and Equipping is Not Transforming: An Assessment of U.S. Programs to Build Partner Militaries," unpublished doctoral dissertation (Baltimore, MD: Johns Hopkins University, 2012), p. 17.

[13] Daniel Byman, "Going to War with the Allies You Have: Allies, Counterinsurgency, and the War on Terrorism" (Carlisle, PA: U.S. Army War College Strategic Studies Institute, November 2005), p. 3.  As of September 3, 2013: http://www.strategicstudiesinstitute.army.mil/pdffiles/pub630.pdf.

[14] Charles Levinson, "Behind Libya Rifts, Tribal Politics," *Wall Street Journal*, March 8, 2011.  As of September 10, 2013: http://online.wsj.com/article/SB10001424052748703883504576186802702758340.html.

multiplicity of rebel "councils" that rule cities in the eastern part of the country.[15] Writing about the nature of a proposed general purpose force for Libya, Carnegie Endowment scholar Frederic Wehrey argues that the force's composition is crucial, as "it must be, and be perceived as, nonpartisan and professional. To prevent the general purpose force from becoming a private militia of a particular tribe, region, or political clique, recruits must be integrated into mixed units that draw from a broad swath of Libyan society."[16]

- Leaders' control over members. Whether working with a state or a non-state entity, the United States will need to assess the extent to which a partner's leadership exercises effective control over its rank-and-file. If there are significant divisions among a group's leadership or between its political figures and its fighters, it will be more difficult to ensure that a partner actually uses (or is even capable of using) foreign assistance for agreed-upon purposes. Andrew Tabler of the Washington Institute for Near East Policy points out, for example, that weapons provided by Saudi Arabia to the Syrian Supreme Military Council – a coordinating body for multiple groups with different ideologies and objectives – ended up getting diverted to the al-Qaeda-affiliated al-Nusra Front.[17]

- Legitimacy and popular support. If the United States hopes that its partner will be able to govern effectively and justly, it must assess the group's legitimacy and the extent of its indigenous support (as well as whether such support is genuine or coerced).[18] It will want to know whether its partner is responsible for human rights abuses, indiscriminate violence against civilians, and other crimes, primarily because such behavior undermines the partner's legitimacy but also because U.S. training and materiel could be used to carry out such abuses in the future and because such actions could trigger a suspension of U.S. assistance under the relevant statute(s). Information should be as granular as possible to avoid rendering a potential partner ineligible for U.S. assistance as a result of isolated incidents; it may be possible to "blacklist" individual units or leaders while providing assistance to other elements of an indigenous partner force.

A 2007 RAND study on collaborating with foreign militaries in multinational coalition operations (presumably taking place in a third country) established three criteria for determining whether the United States should partner with a given nation. They include:

- Political acceptability, which includes both shared political values / ideologies and the desire to advance common diplomatic objectives;

- Availability to contribute to coalition operations, which includes an assessment of the interests it seeks to advance, the political and economic contributions it could make to the

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[15] Jon Lee Anderson, "Who Are the Rebels?" *The New Yorker*, April 4, 2011. As of September 10, 2013: http://www.newyorker.com/talk/comment/2011/04/04/110404taco_talk_anderson.

[16] Frederic Wehrey, "Modest Mission?" *Foreign Affairs*, November 4, 2013. As of November 18, 2013: http://carnegieendowment.org/2013/11/04/modest-mission/gsvp?reloadFlag=1/ .

[17] Andrew Tabler, "Opposition Unity and Western Supply," in in Jeffrey White, Andrew J. Tabler, and Aaron Y. Zelin, *Syria's Military Opposition: How Effective, United, or Extremist?* Policy Focus No. 128 (Washington, DC: Washington Institute for Near East Policy, September 2013). As of September 11, 2013: http://www.washingtoninstitute.org/uploads/Documents/pubs/PolicyFocus128WhiteTablerZelin.pdf.

[18] David J. Hodges and Robert E. Lee Rowland, "Finding The Right Indigenous Leader and Force for Counterinsurgency Operations," master's thesis, naval Postgraduate School, December 2011, p. 8. As of September 3, 2013: http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA556348.

> operation, and its ability to sustain its involvement given its domestic political, economic, and legal constraints; and

- The <u>military capabilities</u> it can contribute, particularly its ability to deploy and sustain personnel and equipment.[19]

Policymakers must also consider the likely duration of a partnership. In some cases, a partner may be useful only for the short-term, until conditions on the ground change. In such cases, policymakers must plan for disarming, demobilizing, and reintegrating its partner into society in a way that mitigates the risks posed by thousands of armed fighters who no longer have a mission. Beginning in 2006, for example, the United States provided military support to the so-called Sons of Iraq in a generally successful effort to push al-Qaeda in Iraq (AQI) out of Sunni areas.[20] From 2007 to 2009, once the threat from AQI had diminished, the United States worked with the Iraqi government to transition the roughly 100,000 Sons of Iraq members into jobs with the Iraqi security forces; the Shi'a government of Prime Minister Nouri al-Maliki provided jobs for only about 40 percent of the members, however, which exacerbated the risk that disappointed and marginalized Sunnis would take up arms against the government.[21]

In other cases, the United States may wish to use security assistance as a means to strengthen institutions of a new regime or of some other type of partner that is likely to be around for a long time. The U.S. Government provided Foreign Military Financing (FMF), International Military Education and Training (IMET), and peacekeeping support funds to the new government of South Sudan, according to the Congressional Research Service, so as to transform its fighters "from a guerilla army to a professional military force subordinate to civilian leadership and protective of human rights" and thereby promote effective governance.[22] Similarly, even as competing militias continue to fight for influence in post-Qaddafi Libya, for example, the United States and several allies are planning to train and equip a new Libyan army that will help the nascent government consolidate its power and disarm the myriad armed factions.[23]

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[19] Jennifer D. P. Moroney, Adam Grissom, and Jefferson P. Marquis, *A Capabilities-Based Strategy for Army Security Cooperation* (Santa Monica, Calif.: RAND Corporation, 2007), MG-563-A, pp. 40-45. As of September 26, 2013: http://www.rand.org/pubs/monographs/MG563.html.

[20] Greg Bruno, "The Role of the 'Sons of Iraq' in Improving Security," *Washington Post*, April 28, 2008. As of November 18, 2013: http://www.washingtonpost.com/wp-dyn/content/article/2008/04/28/AR2008042801120.html. See also Mark Wilbanks and Efraim Karsh, "How the 'Sons of Iraq' Stabilized Iraq," *Middle East Quarterly*, Vol. XVII, No. 4 (Fall 2010), pp. 57-70. As of November 18, 2013: http://www.meforum.org/meq/pdfs/2788.pdf.

[21] Rick Brennan, Jr., Charles P. Ries, Larry Hanauer, Ben Connable, Terrence K. Kelly, Michael J. McNerney, Stephanie Young, Jason Campbell, and K. Scott McMahon, *Ending the U.S. War in Iraq: The Final Transition, Operational Maneuver, and Disestablishment of United States Forces-Iraq* (Santa Monica, Calif.: RAND Corporation, 2013), pp. 57-58, 305. Also Special Inspector General for Iraq Reconstruction, *Sons of Iraq Program: Results Are Uncertain and Financial Controls Were Weak*, January 28, 2011, summary page. As of November 18, 2013: http://www.sigir.mil/files/audits/11-010.pdf.

[22] Lauren Ploch Blanchard, "Sudan and South Sudan: Current Issues for Congress and U.S. Policy," Congressional Research Service report number R42774, October 5, 2012, pp. 30, 37. As of November 18, 2013: http://www.fas.org/sgp/crs/row/R42774.pdf.

[23] Frederic Wehrey, "Modest Mission?" *Foreign Affairs*, November 4, 2013. As of November 18, 2013: http://carnegieendowment.org/2013/11/04/modest-mission/gsvp?reloadFlag=1/ .

## Selection Challenges

Particularly in the midst of a political upheaval, the United States is likely to find it difficult to select a partner who is willing and able to advance shared objectives. Political scientist and insurgency expert Idean Salehyan states that the most significant challenges in choosing a partner are lack of information and lack of control.

In a phenomenon Salehyan calls "adverse selection,"[24] an external sponsor must often choose a partner despite knowing little about the proxy's objectives, capabilities, or composition. Particularly when evaluating non-state rebel groups, it can be difficult to gather information on a potential partner. Group members have clear biases, and non-group members are unlikely to have significant insights into a group that, as a 2006 RAND study noted, is by nature highly secretive because it must conceal its actions and intentions from the government.[25]

Potential partners often go to some lengths to make themselves appear deceptively appealing to an outside sponsor. For example, Libyan rebels clearly considered U.S. objections to Islamist factions when selecting the 31 members of the Benghazi-based National Libyan Council in March 2011. As the *Wall Street Journal* reported, "The selections also appear to have been chosen with an eye to Western opinion; Islamists among the rebels have been largely kept out of the public spotlight, though they are believed to have support in eastern Libya and have assumed key functions in the rebel efforts to unseat Col. Gadhafi."[26]

Salehyan also notes a dynamic he calls "agency slack" or "moral hazard."[27] Once a proxy gets money or support from its external sponsor, it might pursue its own interests in ways that are inconsistent with its sponsors', thus causing the sponsor to lose control over its local partner. As an example, Salehyan notes that although Rwanda supported Laurent Kabila's efforts to overthrow Zairian President Mobutu Sese Seko because it wanted to stop Zairian assistance to Rwandan rebels, Kabila turned on his Rwandan patrons once in power.[28]

Georgetown University political scientist and Brookings Institution scholar Daniel Byman echoes the "agency slack" phenomenon, arguing that external assistance can make a partner more reckless and less likely to follow its sponsor's direction.[29] Thus, as defense analyst David Patten notes, after Pakistan established Lashkar-e-Taiba (LeT) as a proxy to undertake attacks on

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[24] Idean Salehyan, "The Delegation of War to Rebel Organizations," *Journal of Conflict Resolution*, Vol. 54, No. 3 (2010), p. 495. As of September 3, 2013: http://jcr.sagepub.com/content/54/3/493.
[25] Alan J. Vick, Adam Grissom, William Rosenau, Beth Grill, Karl P. Mueller, *Air Power in the New Counterinsurgency Era: The Strategic Importance of USAF Advisory and Assistance Missions*, MG-509-AF (Santa Monica, Calif.: RAND Corporation, 2006), p. 32.
[26] Charles Levinson, "Rebel Leadership Casts a Wide Net," *Wall Street Journal*, March 10, 2011. As of September 10, 2013: http://online.wsj.com/article/SB10001424052748704629104576190720901643258.html.
[27] Idean Salehyan, "The Delegation of War to Rebel Organizations," *Journal of Conflict Resolution*, Vol. 54, No. 3 (2010), pp. 495, 502. As of September 3, 2013: http://jcr.sagepub.com/content/54/3/493.
[28] Idean Salehyan, "The Delegation of War to Rebel Organizations," *Journal of Conflict Resolution*, Vol. 54, No. 3 (2010), p. 505. As of September 3, 2013: http://jcr.sagepub.com/content/54/3/493.
[29] Daniel Byman, "Friends Like These," *International Security,* Vol. 31, No. 2 (Fall 2006), p. 81. As of September 3, 2013: http://www.mitpressjournals.org/doi/pdf/10.1162/isec.2006.31.2.79.

India, LeT acted independently in pursuit of its own anti-Indian goals, launching high-profile attacks on Indian cities that backfired against its state sponsor.[30]

## Institutional Impediments to Decisionmaking

The U.S. government has its own internal shortcomings that hinder its ability to address the above dynamics. The U.S. military, for example, does not effectively assess partner capabilities and intentions, according to a forthcoming RAND study. "In practice," RAND analysts wrote, "the Department of Defense often has difficulty incorporating the risks of partner-nation actions into its planning." U.S. security cooperation efforts, the authors continue, "will succeed only to the extent that they build on an appropriate understanding of partner-nation goals and capabilities."[31]

The initiative to provide materiel and training to the Iraqi National Congress (INC) – a coalition of anti-Saddam Iraqi exiles – demonstrated the United States' inability (or perhaps unwillingness) to calibrate its assistance to match the partner's objectives and capabilities. When the U.S. Congress authorized the Defense Department to provide the INC with $98 million in "drawdown" assistance (goods and services taken from current inventories and plans) in 1998,[32] the group had virtually no ability to accept or use such aid. Ultimately, the executive branch (under the Clinton Administration) spent little of the money. Once preparations began for the planned invasion of Iraq in 2002-2003 under the Bush Administration, however, the Defense Department authorized the provision of training to as many as 3,000 Free Iraqi Fighters at a military base in in Hungary; the INC was only able to muster 95 candidates, and only 73 completed the 4-week training program[33] – fewer than the number of U.S. troops sent to Hungary (110) to train them.[34] Yet even as the Pentagon provided such assistance, the Defense Department demonstrated an astonishing lack of understanding of its INC partner's loyalties. Despite some U.S. officials hopes that INC chief Ahmed Chalabi would be installed as the leader of post-Saddam Iraq, the United States accused Chalabi in 2004 of spying for Iran.[35]

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[30] David A. Patten, "Using Small Powers to Great Effect: How States Use Insurgent Proxies to Achieve Foreign Policy Goals" (Master's Thesis, Georgetown University, 2011), p. 10. As of August 30, 2013: http://repository.library.georgetown.edu/bitstream/handle/10822/553558/pattenDavid.pdf?sequence=1

[31] Unpublished RAND research by Stephen Watts, Olga Oliker, Stacie Pettyjohn, Caroline Baxter, Michael McNerney, Derek Eaton, Patrick Mills, Stephen Worman, and Richard Brennan on increasing the effectiveness of Army presence.

[32] Iraq Liberation Act of 1998, P.L. 105-338, October 31, 1998. As of September 19, 2013: http://www.gpo.gov/fdsys/pkg/PLAW-105publ338/pdf/PLAW-105publ338.pdf.

[33] Michael R. Gordon and Bernard E. Trainor, *Cobra II* (New York: Pantheon Books, 2006), pp. 106-107. Cited in Joyce Battle, "The Iraq War -- Part I: The U.S. Prepares for Conflict, 2001," National Security Archive Electronic Briefing Book No. 326, September 22, 2010. As of September 13, 2013: http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB326/.

[34] Major General Raymond D. Barrett, Jr., Deputy Chief of Staff of the Army for Operations and Training, U.S. Army Training and Doctrine Command (TRADOC), "After Action Review, Training and Equipping of Free Iraqi Forces (FIF)," Memo to Commander, Forces Command (FORSCOM), May 21, 2003. As of September 13, 2013: http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB326/doc13.pdf.

[35] Kelly Wright, Teri Schultz, Bret Bair, Ian McCaleb, Catherine Donaldson-Evans, Andrew Hard and The Associated Press, ""'Rock Solid' Evidence Chalabi Spied for Iran," Fox News, May 21, 2004. As of September 19, 2013: http://www.foxnews.com/story/2004/05/21/rock-solid-evidence-chalabi-spied-for-iran/. Jane Mayer, "The Manipulator," *The New Yorker*, June 7, 2004. As of September 13, 2013: http://www.newyorker.com/archive/2004/06/07/040607fa_fact1.

Frequent differences between the U.S. Congress and the executive branch – which opposed the INC assistance program under the Clinton Administration – represent another dynamic which hinders the United States' ability to provide security assistance in the midst of political uncertainty: the fact that multiple U.S. government actors, in both the executive and legislative branches, have to coalesce around a single partner (or group of partners) and agree upon consistent goals.[36]

Certainly, the executive and legislative branches often disagree on whether to intervene in foreign disputes and whom to support, as demonstrated by the robust debates regarding whether and in what ways the United States should participate in the revolution against Libyan leader Muammar Qaddafi and Syrian president Bashar al-Assad. Such disagreements between the Administration and the Congress can delay or derail U.S. security cooperation efforts. For example, after the White House decided to provide arms to selected groups of Syrian rebels in June 2012, Congress blocked funding out of concern that weapons would be diverted to Islamist militants.[37]

Differences of opinion among executive branch agencies can also hinder security cooperation. It is exceptionally challenging to advance U.S. interests in a conflict if multiple U.S. agencies pursue different policy goals and offer support to different local actors – as occurred in Nicaragua when National Security Council (NSC) officials provided covert lethal aid to the anti-communist Contras without coordinating such support with other agencies. More recently, although all U.S. foreign policy agencies agree that the nascent government of Somalia needs to be strengthened, some agencies have pursued opportunities to engage the breakaway semi-autonomous republics of Puntland and Somaliland – for example, in efforts to combat piracy off the coast – which undermine the central government's claim to represent the entire country.[38]

*Muddling Through*

Sometimes, the best option available to the U.S. government is to forge a partnership and do the best it can despite incomplete or adverse information regarding potential partners. In many cases, no partner is ideal. In Syria, for example, scholars from the Washington Institute for Near East Policy argue that

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[36] David A. Patten, "Using Small Powers to Great Effect: How States Use Insurgent Proxies to Achieve Foreign Policy Goals" (Master's Thesis, Georgetown University, 2011), p. 8 As of August 30, 2013: http://repository.library.georgetown.edu/bitstream/handle/10822/553558/pattenDavid.pdf?sequence=1

[37] Mark Hosenball and Phil Stewart, "Exclusive: Congress delaying U.S. aid to Syrian rebels – sources," Reuters, July 8, 2013. As of September 11, 2013: http://www.reuters.com/article/2013/07/08/us-usa-syria-arms-idUSBRE96713N20130708. Susan Cornwall, "U.S. providing some lethal aid to Syrian rebels: opposition spokesman, Reuters, September 10, 2013. As of September 11, 2013: http://www.reuters.com/article/2013/09/10/us-syria-crisis-usa-rebels-idUSBRE9891EZ20130910.

[38] "Puntland's govt welcomes U.S. policy change on Somalia: Report," Radio Garowe, September 26, 2010. As of September 13, 2013: http://www.garoweonline.com/artman2/publish/Somalia_27/Puntland_s_govt_welcomes_U_S_policy_change_on_Somalia_Report.shtml.

> the rebels are held back by much more than a shortage of heavy weapons; they suffer as well from inadequate logistics, weak command structures, deep ideological divisions, and disconnection from the political opposition…. They have no unifying ideology beyond unseating the regime and are riven with ideological fault lines…. Furthermore, the political leadership of the opposition can barely be said to exist. It has no coherent plan or program for the rebellion, no prioritized set of goals, no strategy for achieving them, no agreed-upon end-game. No effective linkage exists between what passes for political leadership and the highest level military structure of the rebellion, the Supreme Military Council, which itself is not in command of the forces operating within Syria.[39]

Occasionally, the United States will need to consider whether to work with multiple partners – such as a government and aligned militia factions – who do not pursue identical objectives or act entirely in concert. In post-Qaddafi Libya, for example, the United States formed a partnership with militias who collaborated with, but acted independently from, the nascent government – primarily because the government's inherent capabilities were limited. At the time of the September 11, 2012, attack on the U.S. diplomatic mission in Benghazi that resulted in the death of U.S. Ambassador Chris Stevens and three other U.S. officials, the Embassy was relying on government-affiliated militias (Libya's Shield Brigade and the 17th February Martyr's Brigade) to provide security for Mission facilities and respond to the attack.[40]

Similarly, the U.S. also provides military assistance to the Tripoli government despite its ties to militias that are hostile to the United States. The Libyan government works with range of armed groups – including Ansar al-Sharia, which has expressed sympathy with al-Qaeda and which endorsed (and possibly participated in) the assault on the US diplomatic mission in Benghazi – to provide security. "We've no choice but to use the militias," said an adviser to Libyan Prime Minister Ali Zeidan. "Security has deteriorated and we have to find ways to establish law and order."[41]

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[39] Patrick Clawson, "Introduction: Posing the Question," in Jeffrey White, Andrew J. Tabler, and Aaron Y. Zelin, *Syria's Military Opposition: How Effective, United, or Extremist?* Policy Focus No. 128 (Washington, DC: Washington Institute for Near East Policy, September 2013). As of September 11, 2013: http://www.washingtoninstitute.org/uploads/Documents/pubs/PolicyFocus128WhiteTablerZelin.pdf. Also Jeffrey White, "The Military Opposition on the Ground," in in Jeffrey White, Andrew J. Tabler, and Aaron Y. Zelin, *Syria's Military Opposition: How Effective, United, or Extremist?* Policy Focus No. 128 (Washington, DC: Washington Institute for Near East Policy, September 2013), pp. 15-16. As of September 11, 2013: http://www.washingtoninstitute.org/uploads/Documents/pubs/PolicyFocus128WhiteTablerZelin.pdf.

[40] Christopher M. Blanchard, "Libya: Transition and U.S. Policy," Congressional Research Service report RL33142, October 18, 2012, p. 2. As of September 11, 2013: http://www.fas.org/sgp/crs/row/RL33142.pdf. Hadeel Al Shalchi, "Libya rescue squad ran into fierce, accurate ambush," Reuters, September 12, 2012. As of September 11, 2013: http://www.reuters.com/article/2012/09/12/libya-ambassador-battle-idAFL5E8KCMYB20120912

[41] Jamie Dettmer, "Libyan Government Turns to Ansar Al-Sharia Militia for Crime-Fighting Help," *The Daily Beast*, February 26, 2013. As of September 9, 2013: http://www.thedailybeast.com/articles/2013/02/25/libyan-government-turns-to-ansar-al-sharia-militia-for-crime-fighting-help.html.

# 3. Parameters that Guide Security Cooperation Decisions

Military assistance is subject to legal constraints that establish how, and to whom, it can be provided. Security cooperation is also subject to political constraints that can make it impractical or hazardous to engage with certain partners, or to provide them with certain type of assistance. This section examines the legal authorities that apply to overt and covert action, with a focus on three specific triggers: human rights violations, the use of child soldiers, and the existence of a coup. It also highlights the political influences that the U.S. government must take into account when deciding to pursue or suspend security cooperation activities.

## Legal Authorities

The Foreign Assistance Act (FAA) of 1961 and the Arms Export Control Act set out the legal conditions for the provision of U.S. foreign assistance, including military aid. Congress can enact additional legal constraints through the Authorization Acts and Appropriations Acts of any U.S. Department that provides military assistance, for any given fiscal year.[42] Presidential executive orders can authorize specific assistance programs within the limits set by these statutory authorities.

Covert U.S. assistance to a foreign actor, which is undertaken by the Central Intelligence Agency (occasionally with assistance from other agencies) requires a Presidential "Finding" stating that the activity is important to national security and prior notification of the congressional intelligence oversight committees.

Overt military assistance is generally directed at countries and international organizations, as stated in Section 503 of the FAA: "The President is authorized to furnish military assistance, on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance." Over the past ten years, however, Congress enacted language that authorized DoD to provide assistance to certain foreign groups that are not state actors under certain circumstances. This change allowed DoD to undertake a new range of activities that would have previously been covert. This ability has some limits, however. In Syria, the "legal restraints on supplying arms for attacks against another government without approval by an international body such as the

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[42] These authorities cover both lethal and non-lethal assistance.

United Nations"[43] explains why the CIA coordinating the provision of lethal aid to the Supreme Military Council in Syria.[44]

## Legal "Triggers"

These authorities contain several provisions that can trigger the suspension of military assistance under certain circumstances. Section 620 of the FAA on "Prohibitions against furnishing assistance" ensures for instance that no assistance is provided to Cuba or to countries that expropriated a U.S. entity. In the case of a coup, civil war or succession crisis, three such triggers may be activated: the prohibition to provide military assistance to entities that: engage in human rights violations; use child soldiers; or are responsible for overthrowing a democratically-elected government.

Provisions in the FAA and AECA suspending military assistance do not apply to covert activities. Since such activities have separate sources of funding, prohibitions of assistance worded as "None of the funds made available by this Act may be used to support…" do not apply to them.

### Human Rights Violations

Military assistance is automatically suspended when the State Department establishes that a security force unit, or individuals within a unit, has committed human right violations. Known as the Leahy Law after the name of the senator who sponsored it in 1997, this restriction was initially an amendment to the foreign appropriations bill in relation to U.S. counternarcotics assistance to Colombia.[45] It was passed into law and now applies to all types of U.S. military assistance. Section 620M of the FAA, as amended, states that "No assistance shall be furnished … to any unit of the security forces of a foreign country if the Secretary of State has credible information that such unit has committed a gross violation of human rights."[46] The Department of Defense Appropriation Act for FY12 provides a similar restriction, stating that "None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken."[47] The Leahy Law does not apply to

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[43] Karen DeYoung and Anne Gearan, U.S., Citing Use of Chemical Weapons by Syria, To Provide Direct Military Support to Rebels, *Washington Post*, June 13, 2013.

[44] Mark Mazzetti, Michael R. Gordon and Mark Landler, "U.S. Is Said to Plan to Send Weapons to Syrian Rebels," *New York Times*, June 13, 2013.

[45] Winifred Tate, Human Rights Law and Military Aid Delivery: A Case Study of the Leahy Law, *Political and Legal Anthropology Review*, Vol. 34, No. 2, November 2011, p. 338.

[46] U.S. Department of State, "Leahy Vetting: Law, Policy, Process," April 15, 2013. Accessed September 2013 at: http://www.humanrights.gov/wp-content/uploads/2011/10/Leahy-Vetting-Law-Policy-and-Process.pdf

[47] Public Law 112-74, Sec. 8058; U.S. Department of State, "Leahy Vetting: Law, Policy, Process," April 15, 2013.

Foreign Military Sales (FMS) or Direct Commercial Sales (DCS), since these funds are not appropriations.[48]

The Secretary of State determines what units are ineligible for assistance because of gross violations of human rights. Aid can resume when countries have taken corrective action.[49] The bar for determining when aid can be resumed seems to be set lower for the State Department than for the Department of Defense. For the State Department, it is enough to show that the partner country government "is taking effective steps to bring the responsible members of the security forces unit to justice." For the Department of Defense, aid can resume when "all necessary corrective steps have been taken."[50]

This prohibition can be lifted by a waiver. DoD Appropriations Act for FY12 Section 8058(c) states that "The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances." Section (d) states that: "Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver." There is also a fast track for Leahy vetting: "Countries that are functional democracies with no significant human rights concerns may be considered for Leahy Fast Track status. Vetting for such countries is done at post and not in Washington."[51]

Over the years, the Leahy Law has been applied to a wide range of U.S. partners including Turkey, Bolivia, Mexico, Colombia, Indonesia, and Pakistan.[52] Citing the State Department, The New York Times notes that "In 2011, 1,766 individuals and units from 46 countries, out of total of about 200,000 cases, were denied assistance because of human rights concerns."[53]

Several authors have assessed the effect of the Leahy Law on aid provision and human rights abuses. Miller (2012) examined its effectiveness in Afghanistan, the Philippines, and Colombia and concluded that it did not prevent any of the human rights violations it was meant to prevent, mainly because of the challenges to enforcing properly the law, the possibility to use a waiver, and the option to provide assistance covertly instead.[54] Tate (2011) studied the case of military assistance to Colombia, and listed as key challenges the difficulties of negotiating an end-user agreement with the Colombian government, defining "credible" information when it comes to human rights abuses, the potential misuse of the law by governments (e.g., using false

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[48] Nathanael Tenorio Miller, The Leahy Law: Congressional Failure, Executive Overreach, and the Consequences, *Cornell International Law Journal*, 667 (2012), p. 671.

[49] "Human Rights, Senator Patrick Leahy website, accessed September 2013 at: http://www.leahy.senate.gov/issues/human-rights

[50] Cited in U.S. Department of State, "Leahy Vetting: Law, Policy, Process," April 15, 2013.

[51] Cited in U.S. Department of State, "Leahy Vetting: Law, Policy, Process," April 15, 2013.

[52] Tate, 2011, p. 337; Miller, 2012, p. 669.

[53] Eric Schmitt, Military Says Law Barring U.S. Aid to Rights Violators Hurts Training Mission, *New York Times*, June 20, 2013.

[54] Miller, 2012, pp. 670 and 686.

accusations of human rights violations to purge the armed forces), and uncertainty regarding the "effective measures" required to demonstrate that the situation is being addressed.

More criticism of the Leahy Law has recently come from DoD's ranks. In June 2013, several U.S. military officers including Commander, U.S. Special Operations Command Admiral William McRaven complained that the law prevents the U.S. military from training some of the units most in need to be trained and sanctions the entire unit when only some individuals are at fault. The unit vetting and rehabilitation processes were also deemed too slow.[55] These concerns were echoed by the House Subcommittee on Intelligence, Emerging Threats and Capabilities, which in the FY14 National Defense Authorization Bill highlighted a discrepancy between the "intent of the law" and "its application to certain Department of Defense security assistance activities," arguing that the Pentagon has been prevented from training nations that the Departments of State and Defense think need to be trained.[56] The Subcommittee mandated a briefing on the current implementation of the Leahy Law and ways to improve it.[57]

### Child Soldiers

The 2008 Child Soldiers Prevention Act (CSPA) prohibits the provision of assistance under Section 516 (Authority to transfer excess defense articles) or 541 (International military education and training) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j and 2347); under section 23 (credit sales of defense articles and services) of the Arms Export Control Act (22 U.S.C. 2763); and the provision of licenses for direct commercial sales of military equipment, to countries that have "governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces, that recruit and use child soldiers."

The determination of the use of child soldiers is made by the Secretary of State (Section 404(b)). Two exceptions exist. The President can grant a waiver to a country if he "determines that such waiver is in the national interest of the United States" (Section 404(c)). U.S. assistance aimed at "addressing the problem of child soldiers or professionalization of the military" are excluded from this prohibition (Section 404(e)). Assistance can be reinstated if sufficient evidence exists that the partner country government has implemented actual steps to remedy the situation and prevent its future occurrence (Section 404(d)).[58]

A Presidential Memorandum outlining what countries receive a waiver is issued every year. In FY2013, the President granted waivers to Libya, South Sudan, and Yemen, as well as a partial

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[55] Eric Schmitt, Military Says Law Barring U.S. Aid to Rights Violators Hurts Training Mission, *New York Times*, June 20, 2013.

[56] Subcommittee on Intelligence, Emerging Threats, and Capabilities, H.R. 1960 FY14—National Defense Authorization Bill, p. 80. Accessed in September 2013 at: http://armedservices.house.gov/index.cfm/files/serve?File_id=d9978d14-4f0f-4af2-aaef-ff315d003db8

[57] Subcommittee on Intelligence, Emerging Threats, and Capabilities, H.R. 1960 FY14—National Defense Authorization Bill, p. 81.

[58] For an assessment of the effectiveness of the Child Soldier Prevention Act, see David M. Rosen, *Child Soldiers*, Santa Barbara, CA: ABC-CLIO, 2012, pp. 85 – 110 and Clayton A. Hartjen and S. Priyadarsini, *The Global Victimization of Children*, Springer, 2012, Chapter 4.

waiver to the DRC, which was authorized to receive International Military Education and Training (IMET) courses, nonlethal excess defense articles, and licenses for direct commercial sales of U.S. defense articles.[59]

## *Coups*

Section 7008 of the FY2012 Consolidated Appropriations Act, P.L. 112-74 provides that "None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup d'état or decree or, after the date of enactment of this Act, a coup d'état or decree in which the military plays a decisive role." It sets the following conditions for the resumption of aid: "That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office." "Assistance to promote democratic elections or public participation in democratic processes" is excluded from this provision. No presidential waiver is mentioned.

The case of Mali, where a coup took place in March 2012, created a legal difficulty for the U.S. government. Providing logistical support to the French military intervention would have indirectly supported the Malian government borne out of the coup against the Islamist groups that threatened to take over the country.[60] Eventually, the view prevailed that such support was allowed under the Authorization for the Use of Military Force (AUMF) passed in 2001 in the wake of the 9/11 attacks.[61]

The prohibition to provide military assistance in the case of a coup is entirely dependent on the U.S. government determining that there was one. Following the violent overthrow of Egyptian President Mohamed Morsi on July 3, 2013, the United States has refrained from using a terminology that would commit it to suspending military assistance.[62] A similar issue arose in 2009 when the U.S. government had to determine whether Honduras had been undergoing a coup or not.[63] Because of its potentially far-reaching legal implications, such determination is only made extremely carefully and sometimes weeks or months after the event that prompted it.

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[59] "Memorandum—Presidential Determination With Respect to the Child Soldiers Prevention Act of 2008," The White House, Office of the Press Secretary, September 28, 2012. http://www.whitehouse.gov/the-press-office/2012/09/28/presidential-memorandum-presidential-determination-respect-child-soldier

[60] Jeffrey Mansbach, "Foreign Assistance Funds or Direct Military Assistance: The Questionable Legality of the U.S. Mission in Mali," National Security Law Brief, American University Washington College of Law, March 20, 2013. Accessed September 2013 at: http://nationalsecuritylawbrief.com/2013/03/20/foreign-assistance-funds-or-direct-military-assistance-the-questionable-legality-of-the-u-s-mission-in-mali/

[61] Anne Gearan and Craig Whitlock, "Panetta 'Confident' That U.S. Will Clear Legal Hurdles to Helping France in Mali," *Washington Post*, January 16, 2013; Ernesto Londoño, "U.S. Expands Aid to French Mission in Mali," Washington Post, January 26, 2013.

[62] Max Fisher, Law Says the U.S. is Required to Cut Aid After Coups. Will It? *Washington Post*, July 3, 2013.

[63] With Deputy State Department Spokesman Robert Wood declaring: "We have called it a coup. What we have said is that we legally can't determine it to be a military coup. That review is still ongoing." (U.S. Department of State Daily Press Briefing, Washington D.C., August 6, 2009, accessed September 2013 at

## Political Influences

Since legal constraints to military assistance can often be lifted by a presidential waiver (except in the case of a coup), the main triggers to withhold or continue aid tend to be political rather than legal. Political triggers are more flexible. It is possible, for instance, to suspend some assistance activities for a time without committing to halt aid entirely. In mid-2013, the United States withheld the delivery of four F-16 planes to Egypt and cancelled a biennial U.S.-Egyptian military exercise without making any decision regarding the delivery of the remaining half—$585 million—of the military assistance programmed in FY13.[64] The end of the fiscal year, however, makes a decision on overall aid inevitable, since all funds appropriated for military assistance for a specific country must be spent before then. Failure to spend money appropriated by September 30 would amount to a de facto halting of military assistance.

Military assistance can also be stopped abruptly. The 1988 repression by the state of Myanmar of a popular uprising that resulted in thousands of deaths led the United States to stop its military assistance, which included military sales (for a value of $4.7 million from 1980 to 1988) and IMET (to which 167 officers from Myanmar had taken part).[65] Military assistance went from $440,000 obligated in 1988 to nothing the following year.[66]

Aid termination may incur some financial costs. In the case of Egypt, concerns have been raised that the U.S. government would have to pay penalties to U.S. manufacturers or contractors if their contracts for items that were to be delivered to Egypt get cancelled. Reducing production chains that were largely reliant on foreign demand may create additional costs. A complete halt to military assistance to Egypt could cost the U.S. government an estimated $2–3 billion.[67] For the partner nation, financial loss depends on the type of aid received. Beyond the financial value of the aid package itself, it may be difficult for a country that has been buying U.S. weapon systems to train its operators to use them, or to purchase spare parts, if the United States is cutting train and equip programs—unless the partner country has built its own sustainment capability.

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http://www.state.gov/r/pa/prs/dpb/2009/aug/126950.htm, cited in Greg Weeks, "'Military' Coup," Two Weeks Notice: A Latin American Politics Blog, August 7, 2009).

[64] Associated Press, White House Sets Cabinet-level Meeting to Discuss Cutting Some U.S. Aid to Egypt, August 20, 2013.

[65] Matthew Pennington, Lawmakers Uneasy Over US-Myanmar Military Ties, Associated Press, September 5, 2013.

[66] In constant 2011 U.S. dollars. Source: U.S. Overseas Loans and Grants ("Greenbook"), USAID website, accessed September 2013 at http://gbk.eads.usaidallnet.gov/.

[67] Reuters, U.S. Faces Substantial Losses If Egypt Aid Halted: Official, September 4, 2013; Eric Schmitt, Cairo Military Firmly Hooked to U.S. Lifeline, New York Times, August 20, 2013.

# 4. Usefulness of Security Cooperation Tools

The U.S. government has developed a large number of security cooperation programs over the years that range from professional military training to multilateral exercises or infrastructure building. Are these tools appropriate to situations of political uncertainty? Are there guidelines for policy-makers to decide which tools would be most useful in the aftermath of a coup, a civil war, or any other situation where the potential U.S. partner is a weak and contested entity? This section examines the tools of security cooperation before applying the security cooperation activities typology developed by RAND to different scenarios of political uncertainty. A last section highlights tools others than overt security cooperation.

## Tools for Promoting Security Cooperation

A broad range of security cooperation tools are available for supporting a government partner. The U.S. Army counterinsurgency field manual identifies several tools for training partner nation forces, including U.S. professional military education (PME) institutions, mobile training teams (MTTs), deployed U.S. advisors, and embedded contractors.[68] Military assistance can be direct (troops, strikes, trainers) or indirect (T&E, funding).[69] The USG can even take partner forces to third countries for military training; for instance, the United States proposed training 8,000 Libyan troops at joint US-Bulgarian bases in Bulgaria between 2013 and roughly 2021.[70]

Indirect aid can include assistance that helps a government or non-state partner solidify its control over disputed areas by delivering services (such as civil affairs or humanitarian assistance). According to Connable and Libicki (2010), a combination of military and non-military tools may be highly beneficial to security cooperation.[71] Some conflict resolution literature likewise suggests mixed military & economic intervention is more successful than either military or economic intervention alone.[72]

A number of security cooperation programs have restrictions with regard to how and where they can be implemented. Some programs are specific to a certain geographical area or recipient, like the Andean Counterdrug Initiative, or the program to build the capacity of the Pakistan Frontier Corps. Processes, too, vary widely. Some programs only require an exchange of letters

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[68] U.S. Army, Field Manual 3-24: Counterinsurgency, December 15, 2006, P. 6-14. As of September 3, 2013: http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/fm3_24.pdf.

[69] Ben Connable and Martin C. Libicki, *How Insurgencies End* (Santa Monica, Ca.: RAND, 2010), p. xiii.

[70] "Libyan Troops To Train at Joint US-Bulgarian Bases," Agence France Presse, September 13, 2013. As of September 13, 2013: http://www.defensenews.com/article/20130912/DEFREG04/309120017/Libyan-Troops-Train-Joint-US-Bulgarian-Bases.

[71] Ben Connable and Martin C. Libicki, *How Insurgencies End* (Santa Monica, Ca.: RAND, 2010).

[72] Patrick M. Regan, "Conditions of Successful Third-Party Intervention in Intrastate Conflicts," *Journal of Conflict Resolution*, Vol. 40 (1996), p. 352. As of September 3, 2013: http://jcr.sagepub.com/content/40/2/336.

of request and letters of agreement. Others are more demanding. The Pakistan Frontier Corps program, for instance, requires a 15-day notification to Congressional Defense Committees prior to obligating funds to provide the assistance, and the Secretary of Defense must obtain the Secretary of State's concurrence.[73]

## Choosing the Right Tool for the Right Situation

In a RAND study on *Building Partner Capacity to Combat Weapons of Mass Destruction*,[74] the authors categorize security cooperation activities appropriate for partners with different levels of ability, dividing them into "crawl," "walk," and "run" phases. Different phases have different priorities: "Crawl" is to establish a relationship and help build indigenous capabilities; "run" is to improve interoperability. Indicators to characterize relationship with the United States (crawl, walk, or run) depend on the purpose of the assistance (e.g., counter-WMD, counter-terrorism, ability to deploy peacekeeping troops).

A related 2012 RAND study, *Integrating the Full Range of Security Cooperation Programs into Air Force Planning: An Analytic Primer,* embellishes this framework in an effort to identify the most appropriate security cooperation activities for a given partner.[75] Key criteria include the maturity of the U.S. relationship with the partner nation and the state of the partner's current capabilities and capacity.[76] The framework categorizes both as "nascent," "developing," or "advanced." Security cooperation activities suitable for a country with a nascent bilateral relationship or capacity would include needs/capabilities assessments, tactical training, conferences and workshops, information exchanges, and a program of defense/military contacts. Activities appropriate for a country with a developing bilateral relationship or capacity would include professional military education, combined exercises, equipment, construction, and supplies. A country with advanced ties to the U.S. or advanced military capabilities would merit personnel exchanges, experimentation, provision of air/sealift, and military research, development, testing, and evaluation (RDT&E) collaboration.

These guidelines on what security cooperation tools should be used with whom are not simply based on the partner country's capacity but also recognize that some security cooperation tools have a higher risk of backfiring at the United States if they are misemployed by the partner country. For instance, information exchanges offer opportunities to share relevant expertise and build relationships with minimal political or military risk, so it is usually in the interest of the United States to engage countries through such mechanisms. Tactical training, however, can

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[73] Security cooperation tools database in Jennifer D.P. Moroney, Joe Hogler, Lianne Kennedy-Boudali, and Stephanie Pezard, *Integrating the Full Range of Security Cooperation Programs into Air Force Planning: An Analytic Primer*, RAND: Santa Monica, CA, 2012.

[74] Jennifer D.P. Moroney and Joe Hogler, *Building Partner Capacity to Combat Weapons of Mass Destruction*, RAND: Santa Monica, CA, 2009.

[75] Jennifer D.P. Moroney, Joe Hogler, Lianne Kennedy-Boudali, and Stephanie Pezard, *Integrating the Full Range of Security Cooperation Programs into Air Force Planning: An Analytic Primer*, RAND: Santa Monica, CA, 2012.

[76] If partner's relationship level and capability do not match, security cooperation activities should correspond to the lowest level achieved in either category (pp. 47–48).

become a liability for the United States if the units trained engage in human rights abuses or overthrow a democratic government. In the late 1990s, for example, the United States faced considerable pressure to end its Joint Combined Exchange Training (JCET) program with Indonesian special forces, who were accused of abusing civilians in East Timor.[77] The provision of international military education can also prove embarrassing when foreign students turn out to act less than virtuously after their graduation, as when an IMET graduate carried out a coup d'état in Mali in 2012[78] and a graduate of the Defense Department's Asia-Pacific Center for Security Studies (APCSS) overthrew an elected government in Fiji in 2006.[79]

Most programs include several activities. IMET, for instance, includes education, training, and defense/military contacts. Education programs generally include defense/military contacts as well, since inviting foreign officers to the Army War College or doing a student exchange between the USMA and a foreign military academy necessarily creates a relationship between U.S. and foreign militaries. The reverse does not hold true, as some programs have initiating or sustaining contacts between military and defense personnel as their sole purpose. An example is the Cooperative Threat Reduction (CTR) Defense and Military Contacts (DMC) Program, which aims at establishing relationships with FSU officials to promote demilitarization, defense reform and counter-proliferation.[80]

Because of the large number of existing programs (more than a hundred),[81] it is easier to focus on activities rather than programs when deciding what security cooperation tools to use with a given partner. The following section examines three different sets of circumstances that provide distinct security cooperation scenarios for the United States. It highlights for each the most appropriate security cooperation tools, keeping in mind that some of them may be useful only for a certain period of time and should be adapted when the U.S. partner gains more capabilities and more territorial control.

## *U.S. Support to a Faction to Gain Control of Territory/Government*

When the United States is supporting an insurgent group that is trying to gain power (e.g., Syria), security cooperation should focus on activities that have short-term benefits, since long-term benefits may be meaningless if the faction gets defeated in the short-term by the government it is fighting. Security cooperation activities most useful in these circumstances are military training and equipping. Defense/military contacts and information exchange can be

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[77] International Crisis Group, "Indonesian-U.S. Military Ties," July 17, 2001, p. 4. As of September 26, 2013: http://www.crisisgroup.org/~/media/files/asia/south-east-asia/indonesia/indonesian%20us%20military%20ties.ashx.

[78] Craig Whitlock, "Leader of Mali military coup trained in U.S.," *Washington Post*, March 23, 2012. As of September 26, 2013: http://articles.washingtonpost.com/2012-03-23/world/35447186_1_amadou-haya-sanogo-military-schools-malian.

[79] Interview with U.S. Pacific Command officials, Honolulu, February 5, 2013.

[80] Security cooperation tools database in Jennifer D.P. Moroney, Joe Hogler, Lianne Kennedy-Boudali, and Stephanie Pezard, *Integrating the Full Range of Security Cooperation Programs into Air Force Planning: An Analytic Primer*, RAND: Santa Monica, CA, 2012.

[81] Security cooperation tools database in Jennifer D.P. Moroney, Joe Hogler, Lianne Kennedy-Boudali, and Stephanie Pezard, *Integrating the Full Range of Security Cooperation Programs into Air Force Planning: An Analytic Primer*, RAND: Santa Monica, CA, 2012.

useful to establish a relationship with key individuals in the faction that the United States expects to see in power soon, as this can form the basis of a strong bilateral relationship later on.

### U.S. Support to a Faction That Already has Tenuous Control Over Territory/Government

The U.S. government may choose to support a faction that has tenuous control over its territory of government in several cases: for instance, if it previously supported this faction when it was trying to gain power; or if the faction emerged after a succession crisis. In either case, the United States would be supporting a faction that holds some power but does not yet have a full grasp on the state's institutions. An example would be the Libyan government that came to power after the fall of Muhammad Qaddafi.  The key objective of security cooperation, in this case, would be to help the faction in power build its institutions, increase its capacity, and either defeat or co-opt potential rivals. These medium- to long-term objectives can be fulfilled through needs and capabilities assessments, professional military education, conferences and workshops, and training. Because the U.S. partner is in control, at least partially, of the state apparatus, other activities such as infrastructure building, information exchange and personnel exchanges, and invitations to observe exercises become possible as well.

### U.S. Support to a Government That has Lost Significant Control Over Territory or That Is Trying to Maintain it

Security cooperation activities that would be most useful in the case of a government that has lost significant control over its territory include military training and equipping. Here again, assistance should focus on activities that provide benefits in the short-term rather than the long-term, since the government the United States is trying to help is facing an immediate threat. Information exchange and defense/military contacts are less important in this case, since their purpose is either to start a relationship with a partner or provide long-term benefits through sustained communication and cooperation.

Finally, some activities are not a good fit for situations of political uncertainty, as they require high levels of trust between partners and some clear indications that the U.S. partner is capable of absorbing assistance. Such activities include exercises that promote interoperability as well as activities of extended duration such as Research, Development Test and Evaluation (RDT&E), which may require some technology transfers. Both activities require partners that have been tested and are politically stable.

## Tools Other Than Overt Security Cooperation

In some instances, overt tools in the U.S. military's toolbox may not be the best way to build partner capacity, especially in a crisis. Former Secretary of Defense Robert Gates noted in 2010 that "The U.S. military was designed to defeat other armies, navies, and air forces, not to advise,

train, and equip them. Likewise, the United States' civilian instruments of power were designed primarily to manage relationships between states, rather than to help build states from within."[82] In many cases in which the U.S. government provided military assistance to a group, it often did so first (or even exclusively) through the CIA, from the support of the Iraq National Congress in the 1980s to the recent and current U.S. support to Syrian and Libyan oppositions. Covert support may also be the first step to building a long lasting, overt relationship. The CIA, for instance, helped bring Mobutu to power in Zaire in 1965 before the United States provided millions in security assistance over the following decades.[83]

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[82] Robert M. Gates, "Helping Others Defend Themselves," *Foreign Affairs,* 89:3 (May/June 2010), p. 2.

[83] Tim Weiner, ""America's Ally Mobutu Thrives On Corruption As His Nation Crumbles," *Philadelphia Inquirer*, October 30, 1991. As of September 12, 2013: http://articles.philly.com/1991-10-30/news/25812893_1_president-mobutu-sese-seko-zaire-kinshasa-last-week. Also Howard French, "Mobutu Sese Seko, 66, Longtime Dictator of Zaire," obituary, *New York Times*, September 8, 2997. As of September 12, 2013: http://partners.nytimes.com/library/world/090897obit-mobutu.html.

# 5. Policy Implications

There is no clear agreement among analysts as to whether security cooperation is an effective tool for influencing events amidst political uncertainty.

Some analysts argue that U.S. assistance is often counterproductive. CATO Institute senior fellow Ted Galen Carpenter, for example, asserts that recipients of U.S. assistance can appear to locals as American puppets and thus lose legitimacy.[84]

Some analysts argue that external military assistance can indeed have a constructive influence on events, whether the partner is a government or a non-government entity. State sponsors, argues David Patten in a master's thesis, "appear to gain the most influence through ideological indoctrination, organizational aid, military training, embedded advisors, materiel and political support, and intelligence."[85] Mara Karlin argues that the United States impact on a partner's capabilities is greatest when it gets intensely involved in the most sensitive areas of its military affairs, such as personnel and organization.[86]

Non-state actors, RAND analysts wrote in 2001, also benefit from organizational assistance. "When outsiders help an insurgency organize," they wrote, "the group is often better able to attract recruits, sustain operations, or otherwise perform basic functions essential to long-term success…. [T]his assistance is most valuable in the early stages of an insurgency but appears less significant over time and even peripheral to well-established movements."[87]

U.S. partners can also benefit from intelligence-related assistance. While the networks established by both grassroots movements and state intelligence apparatuses generally produce better intelligence than outsiders can provide, an external patron can provide intelligence collection and analysis training and technical equipment (sensors, computers, software) to help make better sense of its own intelligence information.

Others argue, in contrast, that security cooperation is best suited for stable environments with capable partners. In a 2013 study, RAND analysts report that capacity-building efforts are more effective when the "PN [partner nation] invests its own funds to support or sustain capacity; PN has sufficient absorptive capacity; PN has high governance indicators; PN has a strong economy;

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[84] Ted Galen Carpenter, "U.S. Needs a Low Profile in Libya," *Politico*, March 4, 2011. As of September 10, 2013: http://www.cato.org/publications/commentary/us-needs-low-profile-libya.

[85] David A. Patten, "Using Small Powers to Great Effect: How States Use Insurgent Proxies to Achieve Foreign Policy Goals" (Master's Thesis, Georgetown University, 2011), p. 3. As of August 30, 2013: http://repository.library.georgetown.edu/bitstream/handle/10822/553558/pattenDavid.pdf?sequence=1.

[86] Mara E. Karlin, "Training and Equipping is Not Transforming: An Assessment of U.S. Programs to Build Partner Militaries," unpublished doctoral dissertation (Baltimore, MD: Johns Hopkins University, 2012), pp. 17-18.

[87] Daniel Byman, Peter Chalk, Bruce Hoffman, William Rosenau, David Brannan, *Trends in Outside Support for Insurgent Movements* (Santa Monica, Calif.: RAND Corporation, 2001), pp. xviii, 98.

and PN shares security interests with the United States."[88]  In a country experiencing political uncertainty, however, these criteria are unlikely to exist.  As a 2006 RAND study noted, "Political violence is most common in countries with weak institutions, oppressive security structures, incompetent and corrupt officials, and limited freedoms."[89]

Moreover, security cooperation may not be a useful tool for supporting a government in the midst of a crisis, as it takes a substantial amount of time to design, implement, and follow-through on a comprehensive security cooperation plan.[90]  In a forthcoming report, RAND analysts claim, "a commitment to security cooperation presumes that the U.S. has the luxury of time and limited commitments. Security cooperation improves partner nation capabilities on the margins and over long periods of time. Where the partner nation is at immediate risk of collapse or becoming the victim of external aggression, security cooperation will almost certainly be inadequate to the task."[91]  Furthermore, Mara Karlin notes, such long-term security cooperation engagement may be difficult for the U.S. to sustain given political opposition, funding constraints, and electoral cycles.[92]

Many types of assistance, particularly when working with a rebel group, yield a mix of constructive and counterproductive results.   Money, RAND analysts wrote in 2001, "can be used to buy weapons, bribe local officials, pay operatives to write propaganda, provide a social network that builds a popular base, and otherwise serve a myriad of purposes.  Because conflict areas are often cash-poor, even a little financial support often goes a long way."[93]  However, the authors note that both cash and weapons have destructive influences as well.  "A large influx of money to insurgents can contribute to corruption, attendant criminality, feuding, and internal discord," they note, and weapons can cause rebels to change their tactics with negative effects on their overall effectiveness; advanced weapons can enable long-range attacks, for example, which lead to indiscriminate shelling and civilian casualties that undermine the rebels' cause.[94]

No matter what, it seems, once the United States has committed to providing security assistance to one side in a conflict, it must continue such assistance until the conflict ends or else risk the collapse of its client.  "Withdrawal of state sponsorship cripples an insurgency and

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[88] Christopher Paul, Colin P. Clarke, Beth Grill, Stephanie Young, Jennifer D.P. Moroney, Joe Hogler, and Christine Leah, *What Works Best When Building Partner Capacity and Under What Circumstances?* MG-1253/1-OSD (Santa Monica, Calif.: RAND Corporation, 2013), p. xvii.

[89] Alan J. Vick, Adam Grissom, William Rosenau, Beth Grill, Karl P. Mueller, *Air Power in the New Counterinsurgency Era: The Strategic Importance of USAF Advisory and Assistance Missions*, MG-509-AF  (Santa Monica, Calif.: RAND Corporation, 2006), p. 100.

[90] Christopher Paul, Colin P. Clarke, Beth Grill, Stephanie Young, Jennifer D.P. Moroney, Joe Hogler, and Christine Leah, *What Works Best When Building Partner Capacity and Under What Circumstances?* MG-1253/1-OSD (Santa Monica, Calif.: RAND Corporation, 2013), p. 4.

[91] Unpublished RAND research by Stephen Watts, Olga Oliker, Stacie Pettyjohn, Caroline Baxter, Michael McNerney, Derek Eaton, Patrick Mills, Stephen Worman, and Richard Brennan on increasing the effectiveness of Army presence.

[92] Mara E. Karlin, "Training and Equipping is Not Transforming: An Assessment of U.S. Programs to Build Partner Militaries," unpublished doctoral dissertation (Baltimore, MD: Johns Hopkins University, 2012), p. 16.

[93] Daniel Byman, Peter Chalk, Bruce Hoffman, William Rosenau, David Brannan, *Trends in outside Support for Insurgent Movements* (Santa Monica, Calif.: RAND Corporation, 2001), p. xvii.

[94] Daniel Byman, Peter Chalk, Bruce Hoffman, William Rosenau, David Brannan, *Trends in outside Support for Insurgent Movements* (Santa Monica, Calif.: RAND Corporation, 2001), pp. xviii, 100-101.

typically leads to its defeat," write Ben Connable and Martin Libicki, to such a great extent that "loss of state sponsorship correlates with a tipping point" in a conflict. Government recipients, they write, become similarly dependent on flows of external assistance once they begin.[95]

## Challenges of Security Cooperation Amidst Political Uncertainty

The United States must take a number of steps to mitigate the shortcomings of potential partners – or at least address the uncertainties regarding them – before it wades into a politically uncertain environment with offers of security assistance. First, it must tailor any aid so that it enables a partner to further mutual objectives. It should provide only training and materiel necessary to carry out agreed-upon shared goals and provide only assistance that partner can actually absorb and sustain.[96] Second, it should monitor the ways in which the partner uses whatever U.S. aid is provided. This is likely to be easier when working with a state entity, as formal mechanisms exist to define and validate the destinations for and intended uses for materiel; written agreements and end-user certificates make clear who is to receive the equipment, and embedded U.S. military trainers or embassy-based security assistance officers (SAOs) can often follow-up and verify that materiel is being used for its intended purpose. Verification is harder with non-state partners. A rebel group's organization is more amorphous and subject to change than a government apparatus, and so it may be more difficult to define ahead of time which units should receive specific forms of assistance. Embedded U.S. advisors are more likely to consist of small teams of Special Forces teams or CIA officers operating under covert action authorities (rather than security cooperation authorities) who are unlikely to have the resources needed to evaluate how U.S.-origin equipment is being put to use.

In order to influence a partner's use of military aid, RAND researchers argue in a forthcoming report, the United States must be able to issue a credible threat that it will stop assistance if its directions are not followed. However, the authors write, "whether because the United States is afraid that other actors will step in if the U.S. withdraws, or because of a reluctance to admit failure, or because of bureaucratic pressures, the U.S. has difficulty terminating its presence activities in partner nations, even when the benefits of that presence have been squandered or abused."[97] As an example of this phenomenon, the United States provided military and economic support to Mobutu Sese Seko in Zaire long after he consolidated power and long after the threat of Soviet influence was eliminated.

If assistance is to be provided to a party to a conflict, the timing of such aid is critically important. A 2001 RAND study on insurgent movements states, "Different factors matter at

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[95] Ben Connable and Martin C. Libicki, *How Insurgencies End* (Santa Monica, Ca.: RAND, 2010), p. xiii.

[96] Christopher Paul, Colin P. Clarke, Beth Grill, Stephanie Young, Jennifer D.P. Moroney, Joe Hogler, and Christine Leah, *What Works Best When Building Partner Capacity and Under What Circumstances?* MG-1253/1-OSD (Santa Monica, Calif.: RAND Corporation, 2013), p. 87.

[97] Unpublished RAND research by Stephen Watts, Olga Oliker, Stacie Pettyjohn, Caroline Baxter, Michael McNerney, Derek Eaton, Patrick Mills, Stephen Worman, and Richard Brennan on increasing the effectiveness of Army presence.

different times and different effects according to the strength of government, terrain, overall balance of forces, and a host of other factors."[98]  The RAND authors write that assistance to an insurgency is particularly valuable early in the conflict, "when it can prove central in establishing the insurgent group's viability and thus enhancing its longevity."[99] The same may be true if external backing is provided to an incumbent state actor early in a conflict, when it might be able to nip an insurgency in the bud before it attracts wider support or wins control of territory. Historian Thomas R. Mockaitis, noting that the United States often intervenes at different points for different types of partners, writes, "The United States generally supports rebels who are growing in strength but supports threatened governments only when they show signs of weakness.  This delay may explain why intervention to support regimes threatened by insurgency have often failed."[100]  It might be useful to compare U.S. interventions on behalf of state partners to assess how military assistance appeared to have aided partner nations at different points in in a conflict.

## Damned If You Do, and Damned If You Don't

### *Consequences of Choosing the "Wrong" Partner*

When faced with political uncertainty in a country of strategic significance, the United States has good reasons for wanting to shape the outcome of events to its advantage.  The U.S. is likely to gain in the long-run by providing assistance to the party that ultimately gains (or maintains) control of the government.  That said, there are potential consequences to choosing the "wrong" partner in a conflict.

First, as Ben Connable and Martin Libicki note in their 2010 report, *How Insurgencies End*, conflicts with multiple protagonists often end in an incomplete resolution, meaning that U.S. intervention on behalf of one faction may not help bring about stability.  "Insurgencies with more than two clear parties involved have longer, more-violent, and more-complex endings," they write.  "While not all parties must be satisfied to bring an end to the immediate conflict, the dissatisfaction of one or more parties will probably complicate the ending and may allow the insurgency to smolder and eventually reignite."[101]

Second, if a partner faces internal divisions, there is little likelihood that U.S. security assistance alone will forge a consensus.  Various Syrian and Libyan opposition groups, for example, remain at odds despite the provision of U.S. training, weapons, and intelligence.

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[98] Daniel Byman, Peter Chalk, Bruce Hoffman, William Rosenau, David Brannan, *Trends in outside Support for Insurgent Movements* (Santa Monica, Calif.: RAND Corporation, 2001), p. 107.

[99] Daniel Byman, Peter Chalk, Bruce Hoffman, William Rosenau, David Brannan, *Trends in outside Support for Insurgent Movements* (Santa Monica, Calif.: RAND Corporation, 2001), p. 10.

[100] Thomas R. Mockaitis, *Avoiding the Slippery Slope: Conducting Effective Interventions* (Carlisle, PA: Strategic Studies Institute and U.S. Army War College Press, June 2013), p. 11.  As of September 20, 2013: http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1154.

[101] Ben Connable and Martin C. Libicki, *How Insurgencies End* (Santa Monica, Ca.: RAND, 2010), p. xvi.

Similarly, U.S. aid to the anti-Saddam Iraqi National Congress in the late 1990s did little to surmount the divisions that existed between its Sunni, Shi'a, Kurdish, and other factions.

Third, if the conflict ends indecisively, it is possible that a dispersion of power among multiple groups leads to greater instability than existed before the dispute. As the *Washington Post* wrote in a September 2013 editorial, "Two years after the overthrow of the Gaddafi regime, the country is still mostly controlled by a patchwork of militias that organized during the revolution and never disbanded…. [S]ome are paid by and officially report to the government, but they don't necessarily take its orders."[102] (Such a scenario is reminiscent of the way in which James Woolsey described the fall of the Soviet Union in his Senate confirmation hearing to be CIA director. "Yes, we have slain a large dragon," Mr. Woolsey testified. "But we live now in a jungle filled with a bewildering variety of poisonous snakes. And in many ways, the dragon was easier to keep track of."[103]) If the United States commits to supporting a nascent central government, it is not clear whether or how it should continue to work with individual militias in order to bolster security and stability in areas outside the central government's effective control. Would doing so improve stability or worsen it by undermining the authority of the new regime?

Fourth, even successful interventions can cause changes in the political-military environment that generate unintended consequences. As in Afghanistan, for example, the elimination of one faction to a conflict could create a security or governance vacuum that Washington's proxy cannot fill, thereby creating additional security challenges.

## Consequences of Not Getting Involved at All

Despite the challenges associated with providing security assistance in the midst of political uncertainty, there are also pitfalls associated with not getting involved. When faced only with bad choices, inaction can itself be a bad choice, as doing nothing allows events to continue unfolding without even marginal U.S. input. Discussing the rise of Islamists among the anti-Assad Syrian opposition, for example, the Washington Institute for Near East Policy's Aaron Zelin writes that "the Salafis' ascendency can be attributed in part to the vacuum created by the lack of Western leadership and action in late 2011 and the first half of 2012."[104]

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[102] "U.S., Europe have more work to do in Libya," editorial, Washington Post, September 12, 2013. As of September 12, 2013: http://www.washingtonpost.com/opinions/us-europe-have-more-work-to-do-in-libya/2013/09/11/4fde7684-1b04-11e3-8685-5021e0c41964_story.html.

[103] Douglas Jehl, "C.I.A. Nominee Wary of Budget Cuts," *New York Times*, February 3, 1993. As of September 23, 2013: http://www.nytimes.com/1993/02/03/us/cia-nominee-wary-of-budget-cuts.html.

[104] Aaron Y. Zelin, "Causes for Pause: Spoilers and Risks," in in Jeffrey White, Andrew J. Tabler, and Aaron Y. Zelin, *Syria's Military Opposition: How Effective, United, or Extremist?* Policy Focus No. 128 (Washington, DC: Washington Institute for Near East Policy, September 2013). As of September 11, 2013: http://www.washingtoninstitute.org/uploads/Documents/pubs/PolicyFocus128WhiteTablerZelin.pdf.

# 6. Next Steps for Future Research

The provision of military training, advice, and assistance in the midst of political uncertainty offers opportunities to shape an unfolding crisis to the United States' advantages but also presents a wide range of risks. Further study is needed to assess the circumstances in which U.S. security cooperation to a partner in the midst of a political or military conflict can most significantly advance U.S. interests while minimizing the potential for negative consequences.

One element of such additional research would be to assess whether and to what extent the provision of security cooperation in such scenarios has, in fact, actually advanced U.S. interests. By compiling data on the types of assistance provided to various types of partners, the stages of conflict at which such assistance was given, and the short- and long-term impacts of such assistance, such a study could identify the conditions in which security cooperation has proven most fruitful, as well as the conditions in which it seems to have little or no impact.

Secondly, further research could assess how the United States can use security cooperation resources to establish and maintain leverage over foreign partners. As noted, observers have concluded that both state and non-state actors become dependent on flows of training and materiel once they start. It would be valuable to assess the actual points of leverage that security cooperation gives the United States over its partners and the factors that enhance or undermine such influence, such as the stage of the conflict, the types of aid being given (e.g., extended training vs. weapons/equipment vs. cash), and the availability of materiel from other outside patrons.

Third, additional study could examine the relative value of overt vs. covert types of military assistance. Many U.S. interventions in foreign conflicts – particularly when supporting non-state actors – were initially undertaken as covert actions by the CIA; some of these relationships later transitioned to overt security cooperation engagements managed by the Departments of Defense and State. Further research – using declassified materials from historical case studies – could evaluate the relative merits of using covert vs. overt legal authorities, the most effective time for transitioning from covert to overt assistance, the impact of interacting with intelligence as opposed to military partners, and the contributions that each type of assistance made (if any) to longer-term nation-building and institutional development.

Fourth, it would be valuable to assess the consequences of supporting the losing side in a political or military conflict, since such support is unlikely to win friends for the United States among those who emerge in control of the state apparatus. How does past U.S. opposition to a government's ascent to power affect relations with the new government and the ability of the United States to advance its interests in that country? Can future security cooperation or other tools bridge whatever mistrust might have been created? If military materiel provided to the former opposition is incorporated into a country's post-conflict armed forces, can the United

States take advantage of the new government's desire to service, supply, and use U.S.-origin equipment?

Fifth, it would be worthwhile to assess the consequences of suspending security cooperation in the midst of political uncertainty, as is often required by statute. U.S. laws bar military assistance to governments that have come to power in a coup, for example, or that have committed significant human rights abuses. However, the suspension of such assistance can impede the United States' ability to maintain ties with partner governments, which is one of the reasons why the U.S. government refused to label the overthrow of Egyptian President Mohammed Morsi a "coup".[105] Aid cutoffs can also hinder the United States' ability to advance other interests; when Washington suspended aid to Mali after a cadre of military officers overthrew the democratically elected government in March 2012, it relinquished tools that could help combat terrorist threats and support the central government's efforts to regain territory controlled by Tuareg separatists and Islamist extremists linked to al-Qaeda.[106] Using the U.S. Overseas Loans and Grants ("Greenbook") database to identify cases of suspension of U.S. military assistance, such a study could explore whether the United States experienced any military, political, or economic adverse effects, including the potential substitution of U.S. assistance for training, equipment, and programs from another country.

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[105] Mark Landler, "Aid to Egypt Can Keep Flowing, Despite Overthrow, White House Decides," *New York Times*, July 25, 2013. As of September 27, 2013: http://www.nytimes.com/2013/07/26/world/middleeast/aid-to-egypt-can-keep-flowing-despite-overthrow-white-house-decides.html?_r=0. Also Shahar Aziz, "U.S. Foreign Aid and Morsi's Ouster," Middle East Institute web commentary, July 31, 2013. As of September 27, 2013: http://www.mei.edu/content/us-foreign-aid-and-morsis-ouster.

[106] Deputy Assistant Secretary of Defense for African Affairs Amanda Dory, "*Addressing Developments in Mali: Restoring Democracy and Reclaiming the North,"* Testimony before the Subcommittee on African Affairs, Committee on Foreign Relations, U.S. Senate, December 5, 2012. As of September 27, 2013: http://www.foreign.senate.gov/imo/media/doc/Amanda_Dory_Testimony.pdf.