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# SECURITY ASSISTANCE PERSPECTIVES

## Expanded International Military Education and Training: Matching Military Means to Policy Ends

By

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We have no eternal allies—nor perpetual friends.  
We do have interests, both eternal and perpetual.  
And those it is our duty to follow.

Henry, Lord Palmerston<sup>1</sup>

### INTRODUCTION

As the United States “downsizes” its military and increasingly perceives its own security to be linked with broader measures of international stability and security then the containment of Soviet expansion,<sup>2</sup> the need for low-cost, effective means of international influence and leverage will expand. In this new, post-Cold War environment, U.S. security assistance training programs have assumed greater importance and have received increased Congressional scrutiny.<sup>3</sup> The “worldwide march toward democracy”<sup>4</sup> has generated an increased emphasis on providing support to these emerging democracies. The Congressional focus in providing this support is to aid in providing for the establishment of democratic institutions, civilian control of the military, accountable defense resource management, and the establishment of effective judicial systems and military codes of conduct, including the observance of internationally recognized human rights.<sup>5</sup>

In fact, U.S. foreign policy experts have consistently maintained that American training of and assistance to foreign militaries is an extremely useful if not critical instrument of our national security policy.<sup>6</sup> It has been assumed that U.S. training and military assistance advances American

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<sup>1</sup> Harold A. Hovey, *United States Military Assistance: A Study of Policies and Practices*, at v (1965).

<sup>2</sup> William J. Clinton, *A New Covenant for American Security*, Georgetown University, December 21, 1991.

<sup>3</sup> See P.L. 101-513 Debate, 136 Congressional Record, 101st Congress, 2d Session - 1990; GAO Report to Congressional Requesters, *Security Assistance Observations on Post-Cold War Program Changes*, GAO/NSIAD-92-248 (September, 1992).

<sup>4</sup> Clinton, *supra*.

<sup>5</sup> P.L. 101-513 Debate, *supra*.

<sup>6</sup> The Security Assistance Program began primarily in response to the Soviet threat. Its purpose was to provide military and economic assistance to nations friendly to United States interests. See *Commitment to Freedom: Security Assistance as a U.S. Policy Instrument in the Third World*, A Report for the Commission on Integrated Long-Term Strategy, Publication Draft 4/10/88.

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foreign policy objectives by providing political leverage in recipient nations, encouraging organizational and behavioral changes in host country militaries, and promoting the development of democratic institutions. This assistance is perceived to be a cost-effective means of achieving these goals, since it does not involve the commitment of large U.S. military forces or require the maintenance of overseas installations.

In practice, over 80% of the entire security assistance program,<sup>7</sup> which includes the Foreign Military Financing Program, the Foreign Military Sales Program, the International Military Education and Training Program (IMET), and the Economic Support Fund, has been spent on six countries - Egypt, Israel, Greece, Turkey, the Philippines and Portugal.<sup>8</sup> Recently added to this list of major recipients are the former communist bloc and Soviet republics.<sup>9</sup> In the past, these programs have largely been used to assist foreign governments in purchasing U.S. weapons systems and in providing technical training in the use and maintenance of those weapons. Out of the approximately \$7.5 billion in security assistance appropriated for 116 countries in fiscal year 1993, only \$42.5 million was provided under the auspices of the IMET program. In addition, military training provided under Title 20 security assistance programs has not been closely coordinated with similar training sponsored by the unified commanders utilizing Title 10 CINC initiative funds<sup>10</sup> and activities sponsored under the military-to-military contacts program.<sup>11</sup>

Recently the Clinton administration has proposed a complete overhaul of the U.S. foreign assistance programs to use foreign aid to foster such broad policy objectives as promoting peace, building democracy, encouraging free trade, and combating terrorism and nuclear proliferation, rather than to promote weapons sales and technical training. Included in that proposal is the repeal of the Foreign Assistance Act of 1961,<sup>12</sup> and the amendments and country-specific provisions that have been added to it.<sup>13</sup> Earlier, the Clinton administration announced plans to reorganize the Department of Defense, creating within the office of the undersecretary of policy a new post of

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<sup>7</sup> The Clinton administration has recently proposed the Peace, Prosperity, and Democracy Act under which the historical security assistance programs have been recast in the proposed FY 1995 Budget Request as programs for Promoting Peace and Building Democracy. See Congressional Presentation for Promoting Peace and Congressional Presentation for Building Democracy, FY 1995, Jointly Prepared by the Department of State and the Department of Defense.

<sup>8</sup> GAO/NSIAD-92-248, *supra* pp. 16-17. For example, in FY 93 these six countries received \$6.2 billion (including \$358.2 million of concessional loans) or 83 percent of the total \$7.5 billion in Security Assistance funding. These figures do not include direct military sales to Saudi Arabia, Kuwait, or other cash purchaser countries.

<sup>9</sup> *Ibid.* For example, the DoD budget for FY 93 included \$15 million for military to military contacts with former communist bloc and Soviet republics. P.L. 102-396.

<sup>10</sup> 10 U.S.C. Section 166a. This program supports a host of military-to-military contact programs, but has recently been focused on promoting democracy and improved observance of human rights. DoD's budget request for FY 95 includes \$46.3 million for support of this program, which represents a 460 percent increase over the \$10 million authorized and appropriated in FY 94. See *Military to Military Contacts and Comparable Activities*, DoD draft report, version 1.1 as of January 27, 1994.

<sup>11</sup> For example the so-called "Nunn-Lugar" program set forth in the Defense Appropriations Act for FY 1993, Public Law 102-396, provides \$15 million for military-to-military contacts with the newly independent nations of the former Soviet Union.

<sup>12</sup> See Foreign Assistance Act of 1961, Sections 501-577, 75 Stat. 424, 424-42 (codified as amended 22 U.S.C. Sections 2301 to 2349aa-9 (1988)).

<sup>13</sup> "Foreign Aid Shift Sought by Clinton," *The Washington Post*, Saturday, November 27, 1993, Section A, page 1. Under this proposal aid for Egypt and Israel (which absorbed 67.5% of the allocated FY 93 security assistance dollars) would be protected and plans to finance Russia's move toward a free market economy would be preserved. See proposed Peace, Prosperity, and Democracy Act; see also GAO/NSIAD-92-248, *supra* pp. 17-18 in which an unnamed State Department official speculated that if a Middle East peace is negotiated, the level of aid provided to Egypt and Israel will be more difficult to justify.

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Assistant Secretary of Defense for Democracy and Human Rights.<sup>14</sup> However, the administration's nomination for that position was sent back to the White House without Senate action after a November 19, 1993 confirmation hearing.<sup>15</sup> The nomination was eventually withdrawn and the creation of the Assistant Secretariat position abandoned.

There appears to be agreement both in the White House and on Capitol Hill that the time for restructuring the foreign aid program has come, but, as yet, there is no consensus on the direction which that restructuring should take. In the current international environment—in which rapid changes are resulting in dramatic reappraisals of security assistance priorities and military expenditures and force structure—U.S. training of international military students should assume new importance as a relatively inexpensive, yet potentially crucial means of future national interest projection. However, the role of the U.S. military in training students in such areas as human rights, civil-military relations, and effective judicial systems does not, at first blush, appear to conform to the traditional purpose and orientation of military training. If such training is to be an effective instrument of American influence and leverage, the President and Congress need to be assured that it meets both the needs of the international students and the goals of the United States. The tremendous initial success of the expanded IMET programs, which this paper seeks to document, certainly argues for their retention under whatever foreign aid and/or security assistance program is finally adopted.

## IMPLEMENTATION OF THE E-IMET PROGRAM

The IMET portion of security assistance is a grant program that allows military personnel from allied and friendly foreign nations to attend U.S. military schools and for U.S. forces to provide training at overseas sites with mobile education and training teams.<sup>16</sup> Since 1950, the IMET program and its predecessor programs have trained over 500,000 foreign officers and enlisted personnel in areas ranging from professional military education to basic technical skills.<sup>17</sup>

In fiscal year 1991, the scope and purposes of the IMET Program were expanded to include funding for training civilian officials who work with foreign defense establishments and to earmark not less than \$1 million of appropriated funds to provide training in: (1) defense resource management; (2) basic democratic principals including civilian control of the military; and (3) military justice systems and human rights.<sup>18</sup> In fiscal year 1993, Congress opened the program

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<sup>14</sup> "Aspin Overhauls Pentagon to Bolster Policy Role," *The New York Times*, Thursday, January 28, 1993, Section A, p. 17.

<sup>15</sup> "Law Group Urges Probe of Pentagon Nominee," Reuters, December 29, 1993; "US-Nomination Limbo," *Associated Press Worldstream*, November 27, 1993.

<sup>16</sup> 22 U.S.C. Sections 2347-2347d. The IMET program was established to facilitate relationships between the U.S. military and foreign military leaders by providing professional education and training to selected foreign officers. In FY 93, 122 countries received IMET funding totalling \$42.5 million. Because of changes in the focus of the IMET program, countries such as Cambodia, Belarus, Bulgaria, Poland, Czech and Slovak Federal Republic, Estonia, Latvia, Lithuania, Hungary, Turkmenistan, and Albania have been included in the program to facilitate U.S. support for democracy and the rule of law. Source: DSAA report dtd 28 Oct 93.

<sup>17</sup> *The FY 1993 Security Assistance Budget Request*; see also Manolas & Samelson, "The United States International Military Education and Training (IMET) Program," *DISAM Journal*, Spring 1990 at 1 (discussing the value of IMET as a means of advancing United States interests and promoting human rights in a cost effective manner).

<sup>18</sup> Foreign Appropriations, Export Financing, and Related Programs Appropriations Act of 1991, Pub. L. No. 101-513, Title III, Military Assistance, 1991 U.S.C.C.A.N. (104 Stat.) 1979, at 1997, provides that IMET funds be set aside for: ". . . developing, initiating, conducting and evaluating courses and other programs for training foreign civilian and military officials in managing and administering foreign military establishments and budgets, and for training foreign military and civilian officials in creating and maintaining effective military judicial systems and military codes of conduct, including observance of internationally recognized human rights . . . [civilian personnel]

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for participation by "national legislators who are responsible for the oversight and the management of the military."<sup>19</sup>

The Defense Security Assistance Agency (DSAA), has the overall responsibility within the Department of Defense for implementing the IMET program.<sup>20</sup> In an effort to meet the new congressional objectives, DSAA tasked the Naval Postgraduate School, Monterey, California, to determine which courses, if any, already available at Department of Defense training facilities could be considered as meeting the E-IMET criteria.<sup>21</sup> It also designated the Defense Resource Management Institute (DRMI), Monterey, California, to develop and administer a mobile education team for the resource management aspects of the program, and the Naval Justice School (NJS), Newport, Rhode Island, as "the [DoD] agency to develop a course on military justice systems, respect for civilian control of the military, and techniques to implement systems which contribute to respect for internationally recognized human rights, as well as course modules on this subject for inclusion in other Expanded IMET course offerings."<sup>22</sup> Both of these Navy teaching institutions immediately set about developing specific courses to address these criteria.

DRMI was already providing stateside training focused on enhancing the understanding, competence, and capabilities of U.S. and foreign military and civilian personnel in the development, operation, and maintenance of public sector management systems. Its existing 4-week graduate level course was easily modified into a two-week course capable of being taught overseas by a mobile education team. During fiscal years 1992 and 1993, DRMI teams taught in 14 countries located in Central and South America, Africa, Central Europe, and the Pacific.<sup>23</sup> For example, three courses have been offered in Honduras, with the first team instructing civilian and military personnel who are now serving as professors in Honduras' National Defense College. This college was established with U.S. aid, at the request of the Honduran Congress, to train civilians in defense resource management and presented a perfect opportunity to provide E-IMET training.<sup>24</sup>

The NJS, although possessing expertise in teaching military justice courses to senior U.S. naval officers in CONUS and overseas with mobile education teams, had to develop and refine its E-IMET curricula. By the end of calendar year 1992, NJS had: (1) developed a three-phase executive course on human rights, civilian control of the military, and military justice systems; (2)

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shall include foreign government personnel of ministries other than ministries of defense if the military education and training would (i) contribute to responsible defense resource management, (ii) foster greater respect for and understanding of the principle of civilian control of the military, or (iii) improve military justice systems and procedures in accordance with internationally recognized human rights."

<sup>19</sup> P.L. 102-391, Title III, Military Assistance, International Military Education and Training.

<sup>20</sup> Department of Defense Manual 5105.38-M, Security Assistance Management Manual, para. 30,001A (Oct. 1, 1988) [hereinafter SAMM].

<sup>21</sup> Report to the United States Congress Development of the Expanded IMET Initiative, Defense Security Assistance Agency, July 15, 1991; see also "The development of the Expanded IMET Initiative," DISAM Journal, Fall, 1991; U.S. Department of Defense, Defense Security Assistance Agency, E-IMET Course Catalog, Fiscal Year 1993. Of the over 2,000 courses taught at approximately 150 U.S. military schools and installations and through on-the-job training, observer training, and mobile education teams, only 61 were initially found to qualify under the expanded IMET criteria.

<sup>22</sup> Msg 291623Z Jul 91 from SECDEF to AIG7814; Memo I-003315/91 dtd 27 Aug 91 from Act Dir, DSAA re E-IMET.

<sup>23</sup> Countries receiving training include Honduras (four times), Argentina (three times), Botswana (regional conference), Czechoslovakia, Hungary (twice), Poland, Chile, Bulgaria, Ghana, Zimbabwe (regional conference), Sri Lanka, Czech Republic, Senegal (regional conference), and Lithuania (regional conference). Overall, 552 military and 255 civilian personnel have received instruction as of December, 1993. Source: Telephone conversation with Mary Anders, DRMI, January 21, 1994.

<sup>24</sup> GAO/NSIAD-92-248, *supra* page 22.

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developed a 3-day course to train U.S. military educators and program coordinators how to train U.S. military personnel on human rights;<sup>25</sup> and (3) produced an Expanded Informational Program Handbook on U.S. constitutional rights and responsibilities and U.S. history for use in conjunction with Informational Program<sup>26</sup> activities for international students training in the U.S. In addition, numerous presentations on these subjects had been delivered both in CONUS and at conferences overseas.<sup>27</sup>

The centerpiece of the NJS effort has been the five-day, three-phase, executive training program.<sup>28</sup> By early 1994, the multiphased program had been completed in eight countries and similar seminars had been presented to the international students at the Air War College, the Air Command and Staff College and the Navy Hydrographic School.<sup>29</sup> The unique features of this course are its phased development, the heavy utilization of small group discussion problems, and the ability of the Naval Justice School staff to make the seminar host-country specific.

In developing the curricula for this course of instruction, the NJS staff quickly realized that the typical "off the shelf, one course fits all" approach to military technical training would not meet the objectives set by Congress and that, in fact, any effort to "preach human rights" to the high

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<sup>25</sup> The three-day, human rights trainers' course was developed at the request of numerous commands that were tasked with training Americans to go overseas as part of the Security Assistance program. Commander-in-Chief, Southern Command has a specific requirement that service members ordered to its operational area receive this training prior to leaving the U.S. and it is clearly desirable for all personnel who are required to spend time in a foreign country. This course was taught in December, 1992 and April, 1993, at NJS and in June, 1993 at Little Creek, Virginia. [See USSOUTHCOM Human Rights Policy (Policy Memo #5-91); An ongoing program of human rights training emphasizing reporting requirements has also been implemented by the U.S. State Department for its diplomatic personnel assigned overseas.]

<sup>26</sup> DoD Directive 5410.17, "An Informational Program for Foreign Military Trainees in the United States," March 1, 1985. This directive requires that all international students attending a formal military course be exposed to a DoD-managed Informational Program designed to assist them in acquiring an understanding of U.S. society, institutions, and values, including an awareness of the U.S. military's role in a democratic society and an appreciation of our respect for internationally recognized human rights.

<sup>27</sup> In addition, the NJS staff has offered to work with any U.S. military educational institution to design specific modules of training on human rights, civilian control of the military in a democracy and military judicial systems to meet the needs of the institution focusing either on teaching U.S. or international students. Such modules have already been designed for the Army JAG School in conjunction with a USSOUTHCOM funded initiative with the Peruvian military [See Jeffrey F. Addicott & Andrew M. Warner, "New Missions for JAGs: Promoting the Rule of Law in Militaries of Emerging Democracies," *National Security Law Report*, March, 1993]. Significant assistance was rendered by NJS to the development of the teaching materials utilized in the Army's Peruvian program. Similar modular development has been discussed with the Defense Institute of Security Assistance Management for many of their courses. During FY 1993, NJS developed a five-day course on Human Rights and Military Operations for line officers of any military force. This course is targeted for both international and U.S. officers and is designed to teach not only the basics of human rights, but also how these considerations fit into the planning and conduct of military operations. The course includes consideration of such fundamental concerns as Rules of Engagement, the Law of Armed Conflict, and the role of a military justice system in the accomplishment of military objectives.

<sup>28</sup> Recent efforts to better coordinate the military-to-military contacts program and IMET/E-IMET training programs have resulted in the execution of a memorandum of understanding delineating the scope and purposes of each program. Military-to-military monies will be used for conferences and seminars to develop contact with and improve communication with the foreign militaries, while IMET/E-IMET funds will be used to implement programs for direct training of foreign militaries and, in the case of E-IMET, senior civilian and legislative representatives.

<sup>29</sup> Those countries include Sri Lanka (twice), Papua New Guinea (twice), Guatemala, Senegal, Madagascar, Rwanda (twice), Philippines, and Bolivia. Seminars in progress include Sierra Leone, Lithuania, Ukraine, Latvia, Honduras, Hungary, and Zimbabwe. Additional countries scheduled for training in FY 94 include Niger and Columbia. Overall, 343 military and 156 civilian students have received this training. The number of courses actually taught would have been greater if funds had not been withheld by Congress from Peru, El Salvador, and Guatemala.

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level civilian and military members attending this course would, at best, fall on deaf ears. By using a phased approach in the course development, the teaching team is better able to understand both how the host country's legal system actually works and the problems being faced by the host country's military in the field. Further, by fully discussing and refining the course content with the host country's representatives and inviting them to give presentations on their judicial system during the seminar, the course becomes host-country specific and is "owned" by that country.

In the first phase of the Naval Justice School's three-phase program, a Naval Justice School survey team of two to three joint service instructors visits the host country to meet with military, governmental and non-governmental personnel, and organizations in order to assess the present status of human rights and civilian control of the military in the host country, and to evaluate its military justice system in practice. This "in country" survey is closely coordinated with DSAA, the area unified commander, and the local office of the Security Assistance Organization,<sup>30</sup> as well as with the desk officer for the host country at the U.S. State Department and the local State Department team. The initial survey is followed by a visit by four to six representatives of the host country (again with proper State Department and DoD approval) to a CONUS based site<sup>31</sup> where they are given the opportunity to observe the U.S. military and civilian criminal justice system both being taught to U.S. students and, in action, through visits to local military and civilian courts and detention centers. In addition, the proposed curriculum for that nation, developed from the information gathered in the initial survey, is fully discussed and refined with the visiting representatives so that it is host-country specific. Frequently, one or more of the host country representatives is tasked with preparing one-hour segments for Phase III of the seminar, usually dealing with that country's military and civilian justice system. By the time the host country representatives leave the U.S., it is intended that they will have come to regard the seminar program as at least partially their own creation. In Phase III, a joint service team of three to four instructors returns to the host country to present the seminar to 40-60 relatively senior military and civilian government officials.

Another of the unique features of the course is that the class is divided into three to four heterogeneous discussion groups which are tasked to solve numerous hypothetical problems and role-playing situations specifically founded on the host nation's present circumstance. These discussion problems, which are assigned following blocks of informational lecture, provide all participants the opportunity to relate the concepts taught to actual "real time" situations and to participate in the problem solution. Each group then presents its solution for general group discussion when the class is reunited in the problem "wrap-up."<sup>32</sup> The discussion group method of learning, although heretofore typically unused as a military teaching technique in most host nations, is quickly appreciated and fully exploited by the participants.

The Executive Training Program and follow-on courses of instruction<sup>33</sup> have been favorably received by both the students and the sponsoring agency or host country.<sup>34</sup> While there

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<sup>30</sup> SAMM, *supra* paras. 30,002.C.8, 30,002.C.10-C.12.

<sup>31</sup> Phase II has been hosted by the NJS, Newport, RI, the Air Force JAG School in Montgomery, AL and the Naval Legal Service Office in San Francisco, CA. It is anticipated that the Army JAG School in Charlottesville, VA will begin hosting some Phase II visits in FY 94.

<sup>32</sup> See Appendix A for examples of the curriculum for the Executive Seminar as taught in Bolivia, the Philippines, and Rwanda. Although all three seminars obviously emphasized the key course concepts of civilian control of the military, effective military judicial systems, and the application of human rights concepts to the military, each course of instruction was structured to concentrate upon the unique problems being confronted by that country's military forces and judicial structure.

<sup>33</sup> See Appendix B for an example of the follow-on "train the trainer" seminar presented in Sri Lanka. The NJS training team spent two days conducting a survey of the existing teaching materials available in country. The next three days, which are reflected in Appendix B, were spent training over 40 military personnel selected by the Sri Lankan government in how to teach our core curriculum. The following week, the team assisted the Sri Lankan

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will always be some reluctance to receiving instruction in these subject areas, it is the ability of the mobile education teams, such as those from DRMI and NJS, to tailor their training to the specific country concerns that overcomes the initial resistance. Furthermore, particularly in Third World countries, this training is often seized upon by the host nation as a means to create a dialogue within their military and civilian leadership concerning fundamental issues of human existence and the role that the military plays in their society. For example, the presence of the Area Coordinators for the Sri Lankan human rights investigators in the seminar served as the first instance in which there had been any coordinated training between the Sri Lankan military and the Area Coordinators, despite the fact that the Area Coordinators were technically responsible for investigating alleged human rights violations arising out of the Sri Lankan civil war. In Papua New Guinea, the government defense establishment is very small. Therefore, unlike the U.S., most civilian employees are replaced based on the most recent election and do not interact on a frequent basis with their military counterparts. This training presented a rare opportunity for civilian administrators and judicial members to interact with military officers. In Rwanda, the Naval Justice School training was conducted under the auspices of the United States Embassy with the cooperation of the United Nations Peacekeeping Force and represented the first time, subsequent to the agreement to the peace accord in that country, that the opposing forces in that country's civil war had conducted mutual training as they began planning for the integrated military force envisioned in the cease-fire agreement.<sup>35</sup> In no country has anyone taken the position that training in defense resource management or in human rights would be detrimental to either their defense establishment or their civilian leadership.

However, despite this history of success, the fiscal year 1994 budget contained a 50% cut in the IMET program.<sup>36</sup> This severe reduction in funding could have a severe impact on the amount of human rights/military justice training that is conducted under E-IMET.<sup>37</sup>

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trainers in developing their own teaching materials for use in follow-on "in-country" training and in conducting mock classroom situations for the Sri Lankans to try out their new course materials.

<sup>34</sup> U.S. Senate Report of the Committee on Appropriations to Accompany H.R. 5368, *Foreign Operations, Export Financing, and Related Programs Appropriations Bill, 1993*. 102d Congress, 2d Session, Report No. 1102-419, September 23, 1992; Manolas, *supra* Appendix K; GAO/NSIAD-92-248, *supra* pages 23-25; Msg 221215Z Oct 92 from USCINCPAC to SECDEF; Ltr from Senator Claiborne Pell to CO, NJS, dtd January 15, 1993; Msg 131835Z Nov 93 from USCINCPAC to NAVJUSTSCOL; Msg 011252Z Feb 94 from AMEMBASSY KIGALI to NAVJUSTSCOL.

<sup>35</sup> Recent events in Rwanda, in which the leaders of Burundi and Rwanda were assassinated, illustrates that the threats to regional stability and peace have not faded with the demise of the Soviet Union, and, in fact, that the present threats to peace and democratic institutions are diffuse and frequently insidious in nature.

<sup>36</sup> The FY 94 IMET allocation was reduced to \$21.25 million from FY 93 funding of \$42.5 million. However, proposed funding for "direct training" in FY 95 has been increased to \$26.35 million of which \$850,000 is earmarked for peacekeeping. Source: DSAA, report dated 28 Oct 93 and *Congressional Presentation for Promoting Peace, Fiscal Year 1995*.

<sup>37</sup> Although \$4.0 million of the FY 94 IMET budget has been tentatively allocated to E-IMET programs, over 20 courses have been identified as qualifying for E-IMET funding, including the National Defense University. (Source: FY94 Expanded IMET Course Summary.) Thus, the newly created programs specifically geared to meeting the E-IMET requirements, such as the Program on Civil-Military Relations at the Naval Postgraduate School in Monterey and the Executive Training Program developed by the Naval Justice School may not receive funding priority by in-country Security Assistance teams presented with the current smorgasbord of possible course options. In addition, the overall IMET budget reduction coupled with the earmarking of funds for E-IMET has had the unintended consequence of forcing the security assistance officers to choose between "hard" technical and professional courses and "soft" programs such as human rights and civil-military relations. This has resulted in a request from SOUTHCOM that the courses identified as qualifying for E-IMET funding be expanded to include all of the senior professional military education courses. (See Msg 121320Z Apr 94 from USCINCSO SCJ5 to SECDEF//DSAA-PLANS-PMG/RSA-IA, expressing the opinion that DSAA's "earmarking" funds for E-IMET programs is cutting into already limited training dollars and that DSAA is "force-feeding" the current E-IMET programs to the host nations.)

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## PROPOSED POLICY AND TRAINING CHANGES

The Clinton administration has recently put forward a wide variety of proposals for specific legislative and regulatory changes in this area. The common objective is to transform security assistance into a more effective instrument of U.S. foreign policy. Part of the discussion draft sent to Congress would allow the Secretary of State to decide whether the aid package for any country should include military assistance and specifies that the Secretary of State would direct policy for all U.S. international aid programs. This proposal largely abandons foreign assistance programs conceived during the Cold War and gives the President broad flexibility to promote the administration's foreign policy objectives of "promoting sustainable development..., promoting democracy..., promoting peace..., providing humanitarian assistance..[and] advancing diplomacy."<sup>38</sup>

If this "discussion draft" is enacted it may necessitate profound changes in security assistance administration and, as a result, will be fiercely resisted both because of the sweeping organizational changes that it may require and because of legitimate congressional concern that the proposal concentrates too much discretionary authority in the White House and the State Department.

However, the executive and legislative branches can take a number of immediate steps that will put the United States on the road to an integrated national security policy. First and foremost, the President needs to clearly articulate his national security policy and ensure that the Secretary of Defense is capable of carrying out his vision. If military assistance is part of the strategy to implement that policy [and it is hard to imagine that some form of military security assistance will not be part of the program adopted], then the recent trend toward a disproportionate cutting of the funding for such programs must be reversed. This is particularly true for military education and training programs focused on the expanded IMET criteria.<sup>39</sup>

A mechanism also needs to be found to coordinate the widely disparate U.S. foreign security assistance efforts.<sup>40</sup> A central "clearing house" for this training must be established both within DoD and between DoD and the State Department. An attempt to implement such a position within DoD was an integral part of the proposal for the creation of the post of Assistant Secretary of Defense for Democracy and Human Rights. Although establishment of that position was subsequently abandoned by the administration, the need still remains for a person or organization to be empowered to monitor, manage and coordinate the various programs administered by DSAA, the unified commanders, and any "new" initiatives such as those formerly promoted under this administration's "Global Cooperative Initiatives" (which included funding for humanitarian assistance, disaster relief, peacekeeping, and the promotion of democracy).<sup>41</sup> For example, each of the various unified commanders controls a separate discretionary training budget for use within

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<sup>38</sup> *Foreign Aid Shift*, *supra* page 6.

<sup>39</sup> Recent 50% cuts in IMET funding for countries outside of Eastern Europe and the CIS, coupled with the "fencing" of additional remaining monies for E-IMET, has had the unintended result of forcing the in-country security assistance teams to "push" a course on Human Rights and Military Justice over technical and professional military training that the host country needs to maintain the readiness of its armed forces. These pressures may create an insurmountable barrier to the teaching or implementation of the concepts covered in the 5-day executive seminar.

<sup>40</sup> For example, in FY 92 sixteen separate government agencies spent in excess of \$660 million on over 80 different international training programs—many of which contained a human rights or democratization component. See GAO Testimony GAO/T-NSIAD-93-7, "Exchange Programs Observations," dtd March 23, 1993.

<sup>41</sup> One of the new policy initiatives recently studied by DoD was the consolidation of humanitarian assistance, disaster relief, peacekeeping, and the promotion of democracy under the budgetary heading "Global Cooperative Initiatives." See Department of the Navy, FY 1995 OSD/OMB Budget Review, Routing Information Sheet, dtd 29 Nov 1993 10:49:20.53. This initiative has apparently been abandoned by the Clinton administration.

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his area of responsibility, which is not subject to DSAA control or review, and which the CINCs are free to utilize in fostering military-to-military contacts. The monies allocated to this CINC discretionary fund exceed, in aggregate, the total monies allocated by DSAA to E-IMET and, as proposed for Fiscal Year 1995, will be more than double the entire Fiscal Year 1994 IMET budget.<sup>42</sup> Recently, these funds have been utilized to promote *ad hoc* democratization and military justice programs, with little apparent coordination within DoD for the type and quality of programs delivered.<sup>43</sup> As competition for scarce training resources increases, the need for careful coordination of effort within DoD through the establishment of a "clearing house" to plan each country's training schedule becomes imperative. In particular, there is a growing need for one central point both for congressional liaison and in order to establish appropriate criteria to validate the academic and military usefulness of the numerous courses presently being touted as "democracy" or "human rights" training. The person in this position should also be empowered to coordinate DoD training initiatives with his or her counterpart at State.

A further recommendation would be to create a similar position at the State Department to preside over the other U.S. international aid programs both in the Agency for International Development and in related agencies such as the Overseas Private Investment Corporation and the Export-Import Bank.

Congress needs to reassess the growing number of restrictions, limitations and prohibitions that are attached to U.S. assistance programs.<sup>44</sup> The restrictions, often imposed in response to allegations of human rights abuses, have the catch-22 effect of denying human rights, democratization and resource management training to the countries that historically are the most in need of, and theoretically could benefit the most from receiving such training.<sup>45</sup>

Congress also needs to scale back on the increasing number of reporting requirements which are encumbering the administration of the security assistance programs. Although Congress appears to be generally pleased with DoD's implementation of the program,<sup>46</sup> it has consistently required additional reports regarding the program's implementation and "criteria for evaluating human rights training programs."<sup>47</sup> These reporting requirements are in addition to the detailed annual human rights report required by section 116(d) of the Foreign Assistance Act of 1961. The U.S. State Department's Annual Report on Human Rights, prepared in compliance with this statutory requirement, is a widely publicized and respected document that provides a country-by-country analysis of this subject. However, measuring the effectiveness of training in this area is extremely difficult. The question is not just how many human rights violations were reported but whether those reports were valid and, if valid, whether they were properly investigated and appropriately prosecuted. There is no guarantee that just because some military members receive training in human rights that conditions throughout the country will improve. Issues of this type

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<sup>42</sup> See footnote 9, *supra*.

<sup>43</sup> For example, these funds have been expended to send a team of EUCOM military attorneys into Eastern Europe to give presentations on the U.S. military justice system and to deploy a military lawyer to Albania for six months where she is assisting in drafting a new Albanian Constitution and in establishing a new Albanian code of military justice.

<sup>44</sup> Louis J. Samelson, "New Security Assistance Legislation for Fiscal Year 1993," *DISAM Journal*, Winter 1992/93, p. 29; *SAC Report*, *supra* p. 147. Section 502B, FAA, states that "no security assistance may be provided to any country the government of which engages in a consistent practice of gross violations of internationally recognized human rights."

<sup>45</sup> For example, funding for a proposed second Executive Seminar in Guatemala was withheld and then withdrawn due to congressional resistance to providing any training to the Guatemalan military. See also footnotes 22 and 26, *supra*.

<sup>46</sup> *US Senate Report*, *supra* pp. 145-146.

<sup>47</sup> *Ibid*, p. 147.

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require a broad spectrum of statutory changes, military instructional changes, a broad-range training effort, and a commitment to change by the entire power structure within the country.<sup>48</sup> Measurement of success must be long range and designed to evaluate trends and gradual movement versus “numbers” of reported violations or military personnel “trained.” Congress needs to adopt a long range approach in their evaluation of this training, and to continue to encourage the implementation of the expanded IMET criteria by endorsing and fully funding the new expanded IMET courses and the proposed Peace, Prosperity and Democracy Act.

Finally, and arguably most importantly, the Department of Defense needs to reevaluate the method by which international military training is delivered and coordinated in the field. The service Judge Advocates have taken the lead with respect to international legal training and exchange programs through the signing of a Memorandum for International Military Legal Education and the establishment of a Joint Committee to monitor the training. The establishment of this committee was a direct outgrowth of the Naval Justice School's E-IMET initiatives and the perceived need to monitor and coordinate the planning, programming, and implementation of all JAG activities including E-IMET, Subject Matter Expert Exchanges (SMEEs), and military to military contact programs funded by CINC initiative funds. Unfortunately, this joint service coordination of training only extends to legal training sponsored by the service JAGs and does not apply to the ad hoc democratization and human rights training being offered under the sponsorship of the various unified commanders. In particular, courses offered by the U.S. Army Reserve's civil affairs units, while purporting to cover similar areas of subject matter expertise as those assigned to the E-IMET program (eg. civil-military relations and the role of the military in a democracy) are not subject to any scrutiny by the State Department, DoD Training Commands or DSAA or monitoring either prior to or after their implementation. In fact, in several cases, these courses have been offered in direct competition with and to the ultimate exclusion of approved E-IMET courses.

Changes in both the international and domestic political environment have created a rare opportunity to refine, concentrate and refocus the entire security assistance program that the President, Congress and DoD cannot afford to ignore. At the very least, DoD should seize this opportunity to expand DSAA's authority, as DoD's centralized joint service agency for security assistance training, to include the review, validation, coordination and evaluation of the disparate international military training courses presently being offered with Title 10 and Title 22 monies. The training provided to each country receiving assistance should be centrally monitored by DSAA and reviewed with the unified commander. The goal should be to eliminate duplication of training efforts and other educational programs and to ensure that the composite DoD program provided to each country is both appropriate and carefully planned and evaluated. In an era in which the allocation of resources for international military training is apparently declining, the streamlining and coordination of America's security assistance effort is imperative if such efforts are to continue to be an effective instrument of American influence and leverage.

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<sup>48</sup> Measures of success utilized by the Naval Justice School include: 1) an assessment of the course by the in-country team after the course is completed and 2) host country requests for follow-on training. Out of the first three countries receiving the executive seminar, each one has requested additional training. Sri Lanka requested and received an additional two week course aimed at teaching their junior officers and senior enlisted. Papua New Guinea received an additional executive training program and has recently requested assistance in redrafting their military judicial system. Guatemala has requested a second executive training program and legal training for their Naval officers, but because of Congressional resistance to funding any training for the Guatemalan military due to previously alleged human rights violations, that follow-on training has yet to be delivered.