GLOBAL STANDARDS FOR RESPONSIBLE DEFENCE GOVERNANCE

Transparency International (TI) is the world's leading non-governmental anti-corruption organisation. With more than 100 chapters worldwide, TI has extensive global expertise and understanding of corruption.

Transparency International Defence and Security (TI-DS) works to reduce corruption in defence and security worldwide.

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The "Global Standards" initiative envisages the creation of an international political declaration, which would universalise norms around what it means to be a responsible power in the 21st Century, including commitments to basic transparency and accountability in one of the most opaque and closed-off sectors in the world. Such a global consensus would set a clear standard in the international community that militaries should be accountable domestically to people and other institutions of state. Unlike other international instruments concerning proliferation or the use of force, the "Declaration for the Responsible Governance of Military Power" will not prescribe rules for what sovereign states can do, but will set out the principles of what responsible governance and decision-making looks like at the domestic level.

The aim? To ensure people are in charge of militaries, not militaries in charge of people.

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ACRONYMS

EU	European Union
G7	Group of Seven
G77	Group of 77
GDP	Gross Domestic Product
NATO	North Atlantic Treaty Organisation
OECD	Organisation for Economic Co-operation and Development
OSCE	Organisation for Security and Co-operation in Europe
UK	United Kingdom
UN	United Nations
US	United States

IN A NUTSHELL

The governance of military power presents one of the great global challenges of our age. Powerful, secretive, and the guardians of the world's most destructive capabilities, when governance of militaries fails, it fails spectacularly. Small groups of elites have, across the globe, diverted state resources and controlled the institutions of the state for their personal enrichment and to retain power over their populations. This leads to the suffering of people worldwide, and – as these elites influence global politics and security – threatens the foundations of the rules-based global order.

In early 2016, Transparency International began exploring whether an approach could be set in motion that would ultimately lead to broad international acceptance of what constitutes good governance in defence. This was first discussed publicly at the International Anti-Corruption Conference in Panama, with senior military figures welcoming the concept.

The idea was to improve domestic governance of defence and security on a global scale – not demanding that countries cede their sovereign rights to any supranational body, but acknowledging that military power in any country should ultimately be accountable to people. A diverse group of responsible nations would need to join forces in drafting a political Declaration on the Responsible Governance of Military Power, thus creating a common international understanding of acceptable ways of managing defence.

Global norms for good governance exist, as do agreements to reduce risks in the arms trade or military conduct. But there is no international framework defining what constitutes responsible governance of the defence and security sector. Good governance initiatives often exclude defence on the grounds of national security, while security initiatives are often too narrowly focused or geographically restricted. The "Global Standards" address these gaps, and fit neatly in the existing architecture.

Based on consultations with senior defence and foreign policy experts, with analysis also drawn from a DFID-funded study, this paper presents the ways in which Global Standards for Responsible Defence Governance can be turned from an ambitious vision into a fully implementable global initiative:

- The initiative should be state-led and supported by civil society;
- The declaration should be declarative and voluntary, not treaty-based and legally binding;
- The declaration should be more general and behavioural than technical and specific;
- It should be implemented and monitored primarily through domestic mechanisms;
- The Global Standards should be ambitious in scope to ensure maximum impact.

A diverse group of five to seven founding members would be the ideal sized drafting group for the declaration. Founding states should fulfil three criteria: first, they need to have a level of credibility in the area of good governance and anti-corruption; second, they should play a prominent role in the defence and security landscape; third, they should have the political influence and diplomatic ability to unite a diverse group of states behind a topic as sensitive and complex as defence.

The prospect of Global Standards is real. As of June 2018, Colombia was the first state to commit to joining the drafting group and several others have already expressed interest.

A LACK OF GOOD GOVERNANCE IN DEFENCE POSES HUGE RISKS

Global defence spending is rising - by 15 per cent in the past decade. The BRICs are investing significantly; both China and Russia have embarked on major programmes to modernise and upgrade their militaries, increasing military spending 118 per cent and 87 per cent over the last decade. Many other states are following suit. In Asia, at four countries have doubled their defence expenditure over the last decade; in the Middle East, defence comprises an average 15 per cent of state spending.

Defence is generally a significant area of government expenditure and in some cases is the largest single area of spending. But it is not just the size of defence budgets that matters. Global military expenditure is rising most rapidly in exactly those places where standards of governance are weakest. And where checks and balances are weak, vast proportions of public funding are spent in completely opaque ways.

Outsized and poorly governed defence budgets are disproportionately found in countries where development is most needed, or inequality most acute; more than two thirds of African states spend over five per cent of their budgets on defence, with seven countries spending over 10 per cent.

The misappropriation of the state security apparatus can create major risks to a state's stability. A state may end up with a highly equipped defence ministry force, but the biggest security threat the country faces may be internal. In many instances, powerful militaries are running vast and secretive business empires exempt from oversight. In others, they are involved in resource extraction, organised crime, and the trafficking of drugs, arms, and people. This special status of the military can translate into significant economic advantages, with armies repurposed towards wealth extraction or creation to benefit military and government elites, which in turn removes economic opportunity from the majority, driving public frustration and, in some cases, extreme violent reactions. At the same time, poorly governed, corrupt militaries become unable to respond to national security threats, such as the rise of violent extremism or the risk of proliferation.

The appropriation of defence institutions by narrow interest groups is not just an issue in obviously authoritarian states. Militaries across many parts of the globe are subject to little oversight. While Parliamentary committees, judiciaries, audit offices, and anti-corruption bodies may be growing in authority in many countries from South Africa to Brazil, defence matters are often entirely off limits, Defence purchases are exempt from procurement legislation, auditors do not venture within the walls of defence ministries, and personnel act with comparative impunity. This secrecy is often unjustified, and can be used to mask corruption, misuse of resources, and incompetence. In some cases, civil society organisations are reticent to challenge this overwhelming concentration of wealth and power; in others, they are simply silenced.

Defence is so often the last governance frontier even in countries with seemingly functioning democracies. In many cases, corrupt practices have funded and influenced political campaigns. South Africa's notorious 'Strategic Defence Package' cost the economy almost ZAR55 billion (approximately US$4.5 billion), with allegations that Thabo Mbeki personally received around ZAR30 million to finance the African National Congress' general election campaign in 1999.

The issue of poor defence governance cuts deeply into the major challenge of our age: how to accommodate the shifts in global power, while at the same time maintaining the stability of the rules-based international system on which many open societies depend to prosper. There is a now widening gulf between the military capabilities of many emerging powers and the checks and balances placed upon those presiding over this new defence capability. More often than not, the growth in global military power is characterised by high levels of secrecy and low levels of accountability, oversight, and transparency. Across the globe, over a third of military expenditure is by countries with zero meaningful budget transparency. The same countries were responsible for less than 18 per cent of expenditure ten years ago.

This gulf between growing military spending and adequate checks and balances on military elites poses a threat to global stability, and not just as a result of domestic state stability. When the growth of hard power is characterised by high levels of secrecy, and low levels of accountability, oversight, and transparency, the intention underlying an expansion of military capability is not always clear to a country's own people, never mind their neighbours and the outside world. Excessive secrecy over capability and intent has obvious implications for fuelling state competition and arms races, including in regions characterised by insecurity such as the Middle East and North Africa, and South and South East Asia.

Defence governance cuts to the heart of state power. Military forces can be protectors or predators, proliferators or controllers, aggressors or defenders. Stability within nations depends on those with such unique privileges serving whole populations, rather than the powerful few.

HOW DO THE GLOBAL STANDARDS FIT IN WITH EXISTING FRAMEWORKS?

There are a number of existing international instruments which relate to the issue of defence governance. Broadly, they might be divided into two categories: first, security-related instruments, which provide some framework for the behaviour of states and militaries on a specific theme, but do not offer comprehensive approaches to defence governance or have limited geographical reach; and second, anti-corruption or governance related instruments, which have limitations in terms of their application to the defence sector.

Security related instruments

Many of the following initiatives have placed significant constraints on the behaviour of militaries, and demonstrate what the international community is capable of achieving with the right level of political ambition at the right time.

International humanitarian law, including the Geneva Conventions and their additional protocols, regulates the behaviour of militaries in conflict, in particular with regard the protection of civilians in and around war zones. Many provisions of international humanitarian law are now accepted as customary law. Disarmament treaties such as Ottawa Treaty on anti-personnel landmines, the Biological Weapons Convention and the Chemical Weapons Convention prohibit certain technologies entirely while others such as the non-proliferation treaty place strict limits on their development, trade and use. These and others, like the Convention on Cluster Munitions, have proven to be highly effective, evidenced by the fact that even states which have not signed them have avoided being accused of contravening them. However, as effective as these instruments may have been, they do not venture into the domestic processes around which states should govern their militaries.

The most recent relevant development is the Arms Trade Treaty, which was adopted on 2 April 2013 during the 67th session of the General Assembly of the United Nations. In contrast to other arms-related initiatives, the Treaty contains some specific provisions that relate to defence governance. For example, states must establish export approval procedures that regulate the flow of arms and munitions across international borders, including the designation of competent national authorities to have an effective and transparent national control system regulating the transfer of conventional arms.

The OSCE Code of Conduct is the only multilateral instrument that contains a more systematic effort to encompass norms and principles relating to governance, attempting to establish standards for the democratic control of armed forces, clearly referring to democratic military governance as a critical contributor to security and stability. Provisions of the Code also underpinned one of the most significant defence governance transformations in Europe, brought about by the post-Cold War enlargement of NATO. Aiming to integrate former Warsaw Pact countries into European political, economic and military structures, NATO made improved democratic governance of the defence sector a condition of entry for new members. Both NATO and OSCE provisions are necessarily restricted in terms of geographic scope. The OSCE has 57 participating states from Europe, Central Asia and North America, and NATO's core geographical reach is restricted to the Euro-Atlantic area.

Governance related instruments

Many of the following initiatives have led to significant progress in the way states act domestically, but few have had significant impact on the defence and security sector.

The UN Convention Against Corruption is the broadest overarching international agreement relating to anti-corruption. The Convention requires state parties to implement anti-corruption measures that focus on five main areas: preventative measures, criminalisation and law enforcement, international cooperation, asset recovery, and technical assistance and information exchange. The Convention was considered ground-breaking in its presentation and redefinition of corruption as a global problem with global solutions. However, it makes explicit national security exemptions. For instance, the state's obligation to protect freedom of information is restricted if it touches on the protection of national security, an exemption which governments can and do deploy sweepingly to justify blanket secrecy.

Similarly, the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions requires states to criminalise the bribery of foreign officials in international business transactions and to prosecute companies suspected of bribing public officials abroad. The Convention does not explicitly provide for or prohibit national security exemptions, containing no mention of 'security'. This lack of clarity has been problematic, with states successfully arguing that the lack of a prohibition means that they can invoke national security to drop prosecutions and bypass the convention's requirements.

The Open Government Partnership is a multilateral initiative working to promote transparency, civic participation, professional integrity, and accountability, as set out in its 'Open Government Declaration'. It is a government-owned initiative involving over 70 participating states in a voluntary and non-binding partnership, with implementation resting on governments developing and adopting, under their own steam, National Action Plans. While the Partnership puts forward 'model commitments' for reform in the defence and security, that sector has historically not been one of its focus areas.

Looking across the spectrum of governance or security-related initiatives, there is a clear gap in terms of tackling poor governance in defence and security. The closest attempt is the OSCE's Code of Conduct. However it is limited in its geographical scope and restricted in the impact of its implementation. The Global Standards fill this gap and can draw on and complement the thematic emphasis, the implementation mechanisms and geographical focus of existing initiatives.

TURNING THE GLOBAL STANDARDS FROM A VISION INTO REALITY

Normative regimes are only as successful as the extent to which they are broadly accepted and meaningfully implemented. These two factors are often in conflict; pushing for universal acceptance of a norm can threaten the likelihood of it being effectively implemented, as standards are often softened or made more general in order to bring on board waverers. On the other hand, insisting on heavy prescriptions in a normative regime is likely to restrict its adoption. In many cases, new norms are created but then simply ignored or implemented poorly, so prescriptive and enforcement mechanisms need to be thought through carefully at the outset.

1. The initiative should be state-led, and supported by civil society

Civil society involvement and campaigning is crucial in catalysing and sustaining the momentum for many international initiatives. This initiative is no different, but it will also require state-level leadership. The process of formalising global standards for responsible defence governance should be government-owned, and driven by a drafting group of founding states, yet be open to civil society input, participation, and scrutiny.

2. The declaration should be declarative and voluntary, not treaty-based and legally binding

Ambitious, binding, treaty-based initiatives are rare in an area like defence governance, where concerns over national sovereignty and security are paramount. Achieving anything more than a declaratory agreement on defence governance - at least for the foreseeable future – will be very challenging, if not impossible. But this need not prevent a set of powerful declaratory principles having impact, particularly if they are easily understood and capture the global imagination.

3. The declaration should be more general and behavioural than technical and specific

Technical approaches are effective where there is already strong political will for reform. This is not the case in defence governance, where acceptance of the value of independent oversight is contested. The initiative should set broad-based international acceptance for the principles of transparency and accountability as its goal. This is the foundation upon which the technical implementation can be overlaid, including through the use of existing technical guidance, such as Transparency International's Government Defence Anti-Corruption Index or NATO's Building Integrity Programme.

4. Implementation through domestic mechanisms

The most effective and sustainable means of implementing the Declaration will be at domestic level, with the principles entrenched into domestic legislation and practice. It will be vital to involve national civil society organisations and coalitions, which in many cases enjoy strong legitimacy with state institutions and the public, in the process of building the "enforcement pressure" necessary to secure effective domestic implementation mechanisms. International agreement on the declaration will embolden them, adding significant weight to their demands for a role in the governance of their militaries.

5. The standards should be ambitious in scope to ensure maximum impact

Universal acceptance through the institutions of the UN is the ideal end-state for a global normative regime. But in an area as sensitive as defence, there is a risk of norms being watered down if broad acceptance is the priority. In the immediate future it is unrealistic for any meaningful set of standards in this area to be agreed in such a forum; the initiative is at the very edge of what is achievable. So the aim should be to establish a consensus among a smaller group of international champions for reasonably ambitious principles, and then build support gradually within regional and multilateral fora, perhaps keeping the door open to UN endorsement at a later stage once support for the idea has solidified and the initiative has momentum.

Recruit the founding states

Launch the initiative

Draft the Declaration

Generate broad support

Sign the Declaration

Implement the standards and monitor progress.

Founding group

Starting small, a group of five to seven founding members would be the ideal sized drafting group. The group needs to be diverse, to ensure impact and relevance across very different regions. In addition, founding states should fulfil three criteria. First, they need the credibility in the area of good governance and anti-corruption. Second, states involved in the founding of the initiative should play a reasonably prominent role in the defence and security landscape, within their respective regions or globally. Third, formalising global standards for defence governance requires the political clout and diplomatic ability to unite a diverse group of states behind a topic as sensitive and complex as defence.

Within the group, the founders will negotiate and formulate the principles that will form the basis for the political Declaration. At a later stage, the founders will play a vital role in recruiting more signatory states to ensure a high impact launch of the political declaration once finalised.

> Transparency International identified states in each region which displayed these leadership qualities: a strong track record in good governance and anti-corruption, a prominent role in defence and security, and the political influence necessary to make such an ambitious endeavour happen. The concept has been received with enthusiasm by senior government officials from many leading nations across the globe – who are now collaborating with Transparency International to make the Global Standards for Responsible Defence Governance a reality. Colombia has committed to being the initiative's first founding member.

Negotiating the Declaration

Once confirmed, the founding group can begin negotiations for the actual principles of the declaration. The group will convene, where possible using existing multilateral fora, to negotiate the content of the political declaration. The process of negotiating the principles will be most effective, and its outcome most useful, if it includes consultations with external groups, such as international organisations, academics and civil society organisations - as well as potential spoilers. The Declaration will consist of articles affirming a state's commitment to transparency and oversight of military power. Although not legally binding in themselves, international legitimacy will help ensure these articles are elaborated on in subsequent international treaties, economic transfers, regional instruments, national constitutions, and other laws.

The output of the negotiation phase will be the "Declaration on the Responsible Governance of Military Power", ready to be signed and implemented, and an agreement on possible more formal arrangements to support implementation. It will be the first document to formalise universal principles that address the risks of corrupt, unaccountable militaries.

Recruiting signatories for a critical mass

Once the Declaration is drafted, founding states and supporting organisations will need to gather momentum amongst potential signatories to press towards the universalisation of these emerging norms. In their respective regions, founding members might activate regional bodies and use relationships with their own neighbours to help build the largest group of signatories possible. 20 or more additional signatories will provide the necessary critical mass to turn this initiative from a small agreement amongst a few states into a powerful Declaration with global impact.

Signing the Declaration

The signature event will be a critical milestone in the initiative, a moment at which the signatory states will make declare their commitment to a new set of global norms. Ideally, the group will be making the Declaration at an existing international forum, such as the United Nations, Open Government Partnership or the Organisation for Economic Co-operation and Development.

To achieve maximum impact, the Declaration will require significant public support. Civil society organisations, oversight bodies, and even government ministries in non-participating countries need to be aware of this crucial development if it is to empower them to use the signing of the Declaration as a vehicle to encourage their own government's implementation, or to use the existence and credibility of the Declaration to encourage their governments to sign up as well.

Implementation

To ensure that the risks of corrupt and unaccountable defence and security forces are addressed, the Declaration needs to be actionable.

There are a number of ways to encourage implementation:

- On the multilateral/international level, the Declaration will have impact if it is recognised as a useful tool to encourage good governance. For example, bodies such as the United Nations Department for Peacekeeping Operations could make implementation of the Declaration a condition for troop-contributing nations. NATO could use the implementation of the Declaration to identify potential member and partner states.

- On the bilateral level, the implementation of the Declaration could be encouraged if governments make it a condition of trade or joint missions, for example by only exporting defence capability to implementing nations.

- On the domestic level, anti-corruption bodies, as well as parliamentary committees and even government ministries could use the Declaration to push for more responsible defence governance and hold their own defence and security sectors to account.

Existing research by civil society organisations, think-tanks and other leading institutions will provide the necessary tools to implement the principles enshrined in the Declaration, as will peer support amongst signatories and the support of regional and multilateral bodies.

BIG POWERS AND THE CURRENT POLITICAL CLIMATE

The global political climate in 2018 is in some respects hostile to multilateralism and global agreements. Populist leaders of middle powers from the Philippines to Turkey and Hungary have fiercely attacked international institutions for attempting to influence their policies on sensitive issues such as law enforcement, migration and military intervention. There are certainly concerns that the very states most in need of greater transparency and accountability in defence might also be the most inclined to reject these principles.

Additionally, the three biggest powers – the US, Russia and China – are unlikely to help drive the adoption of the Global Standards. Russia has invested in undermining the political and security architecture provided by NATO and the EU, while the United States has over the last year pulled out of the Paris Agreement on climate, the Iran nuclear agreement, the UN Human Rights Council and to some extent the G7. As the Trump administration signals its withdrawal from global institutions, it is unclear how the space it leaves behind will be filled.

The solution to the dual challenges of nationalist sovereignty narratives and big power apathy or antipathy are new international coalitions. The initiative will only stand a chance of success if it is supported and driven by influential middle powers within their respective regions. The position of leading G77 countries will also be important. In particular, support from Brazil, Indonesia and South Africa would powerfully demonstrate to smaller states that committing to responsible governance of the defence sector does not entail ceding sovereignty. It would also avoid the initiative becoming part of polarising debates around non-proliferation and disarmament.

There is some cause for optimism. Brazil's history of military rule means the global standards might have resonance among the public and policymakers, while memories of the clandestine activities of the apartheid-era armed forces might reinforce support in South Africa for democratic control of the military. India might see it as in its interest to promote the Standards within South and Southeast Asia, as they align much more closely with India's model of governance than with that of China.

Multiple conversations with experts in Washington suggest that US policymakers are unlikely to actively undermine or block the promotion of the standards, which do not seek to establish a new legally binding framework. The underlying principles of the initiative are highly aligned to those of NATO. The US is likely, even under the current administration, to view initiatives that increase controls around defence spending in emerging powers as in line with its foreign policy goals.

Russia and China, however, can reasonably be expected to remain outside the initiative. The challenge will be to ensure the initiative does not become politicised, particularly through the drafting stages. But while the balance of international opinion will be important to the ultimate success of the initiative, opposition in some quarters – even important ones – should not be understood as failure.

The codification of ambitious norms can, over time, have a seismic impact on international behaviour if a significant majority of the international community coalesce around a set of ideas – the Universal Declaration on Human Rights is an excellent example. This initiative can have a similar impact on the way states view their responsibilities in managing their monopoly on the use of force, if a significant number of middle and emerging powers choose to support it. This support can help establish a common understanding of what being a "responsible power" means; with the prospect of tying the international legitimacy in the exercise of hard power to the strength of public accountability at home.

PROGRESS TO DATE AND LOOKING AHEAD

In 2017, Transparency International conducted a feasibility study for this endeavour funded by the UK Department for International Development. The study included conversations with more than 150 senior governance, defence and foreign policy experts from governments, civil society, think-tanks and international organisations. In parallel, Transparency International started to scope potential governments to join a core group of founding states.

We also introduced the initiative to organisations who work in the areas of defence and security, crisis intervention, human rights and development, including the International Committee of the Red Cross, Oxfam, Global Witness, Amnesty International, SaferWorld, and Control Arms. We furthermore discussed the initiative with leading think tanks and universities based in the UK, US, Canada, South Africa, Colombia, and across South East Asia and Western Europe.

The response from states has at this early stage been encouraging. Colombia, where the leadership of the armed forces and the Ministry of Defence have publicly highlighted the importance of responsible defence governance, was the first state to commit to joining the group of founders. Ministers of Defence in European and African states have signalled that they would likely support the Global Standards, while Transparency International has initiated discussions with officials in Asia and the Pacific to encourage wider participation.

At this stage in the process, the main priority is to secure a group of founders who will drive the state-led process of drafting and formalising the Global Standards. Transparency International will continue to collaborate with senior officials in Ministries of Defence and Ministries of Foreign Affairs around the globe, including those countries that have already signalled interest. We also plan to continue reaching out to other governments and to test interest at the senior level.

Transparency International will continue to work with nationally operating non-governmental organisations in focus countries as well as with international civil society organisations. Jointly with national organisations, we will develop national advocacy plans, identifying priority areas and main points our partner could include in the work with their government. On the global level, Transparency International will partner with a smaller number of international civil society organisations to discuss and develop global approaches to advocacy around the global standards, making use of synergies and benefiting from partner organisations' level of expertise in specific areas as well as their access to governments, international organisations and high-level fora.

AT A GLANCE: WHAT THE GLOBAL STANDARDS COULD LOOK LIKE

Declaration on the Responsible Governance of Military Power

Recognising the vital role of a well-governed defence sector in preserving national security and in enhancing international peace and security,

Sharing a belief that the defence sector should be governed in the interest of people, and that effective militaries are representative of the whole spectrum of society,

Acknowledging the risks of waste, abuse, and diversion that might materialise if the defence sector lacks transparency and independent oversight,

Accepting that rapid military growth without transparency can lead to distrust and competition amongst states, undermining regional and international security,

Noting that all states have a right to individual and collective self-defence as defined in Article 51 of the Charter of the United Nations, and to acquire the necessary equipment to exercise this right,

Recalling that the management of defence and security, for the benefit of a nation's people, is in the domain of sovereign governments, to be exercised in the interests of their national development,

Affirming that the rules-based international order, founded upon common agreements on behaviour, has increased security cooperation, encouraged predictable behaviour by states and the non-violent management of disputes, in accordance with Article 2(3) of the Charter of the United Nations,

The undersigned commit to the following principles:

1. [Wording on defence budget transparency] (E.g. "Publishing detailed, clear and transparent information on defence spending so that defence forces are governed efficiently and effectively.)

2. [Wording on defence strategy and policy] (E.g. "Promoting inclusive public debate and involvement in the formulation of national security policy to ensure the defence sector/the military responds to legitimate national security needs.")

3. [Wording on independent oversight] (E.g. "Facilitating effective and independent oversight, autonomous of the military and the executive, as a necessary element of effective governance.")

4. [Wording on defence expenditure] (E.g. "Ensuring transparent decision-making on defence expenditure and income [which is open to scrutiny] to enable effective oversight of the defence sector.")

5. [Wording on external defence impact] (E.g. "Minimising harm through high standards of military engagement and independent oversight of defence exports.")

6. [Wording on meritocratic personnel systems] (E.g. "Basing high integrity military institutions on transparent, objective processes for recruitment and promotion.")

7. [Wording on diversion] (E.g. "Taking all necessary steps to ensure that no public money or assets, are misused or diverted to serve private or individual interests.")

8. [Wording on reporting persons] (E.g. "Providing safe reporting channels and protection of any person who reports in good faith and on reasonable grounds to the appropriate military institution any evidence of wrongdoing as established in this declaration.")