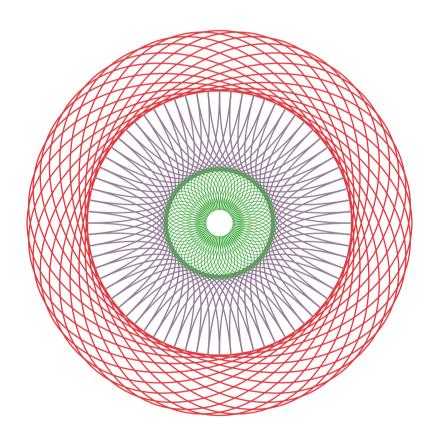
A New Generation of Public Control

Edited by Eduardo Bohórquez and Nora Etxaniz







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A New Generation of Public Control

Ways of promoting open governments: Concepts, tools and experiences

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Unveiling the 'Shadow World': Civil society engagement and Public Control of the Defense Sector

TEHMINA ABBAS » CONSULTANT, International Labour Organisation

LEAH WAWRO » PROJECT OFFICER, Transparency International Defense and Security Programme

ABSTRACT

Defense has historically been seen as one of the most closed and secretive sectors, with little transparency and posing significant challenges to gaining access to information and holding the sector accountable. Because of the nature of the sector's activities, as well as the sheer size and technical complexity, it often seems impenetrable to citizens and civil society organizations (CSOs). Yet there are two facts that fundamentally challenge the idea that public control of the defense sector is too difficult or unachievable: first, the defense sector and their establishments exist to protect and defend a country and its citizens and therefore, they are ultimately accountable to their citizens. Second, many people within defense institutions are interested in fighting corruption, because it is in their best interests. Corruption wastes defense institutions' resources, hurts their operational effectiveness, and reduces public trust in them. This article argues that greater transparency is needed in defense and security, and that civil society has a key role to play in demanding integrity and ensuring that defense and security establishments are accountable to citizens. Civil society activities are not limited to external monitoring and activism, but to be effective should also include active engagement and collaboration with defense institutions, both to catalyze and support reform within such establishments.

dvancing towards the ideals of human freedom, good governance and international security in the current age of globalization requires careful monitoring of national defense and security establishments and defense companies. The sensitivity associated with defense corruption has decreased since the Cold War era, and the security landscape is increasingly conducive to reform. It is a sector cloaked in secrecy and as such it is rife for corruption with dangerous consequences. The protection of the lives of citizens, nations' territorial integrity, armed forces' ethical integrity, vast sums of money, and the international security environment are all at stake.

National defense and security forces exist to serve and protect a state's citizens and territory; this makes them fundamentally accountable to the people. At a practical level, defense and security forces are – for the most part – funded by the taxpayer. However, given the technical and often secretive nature of the sector, there are significant challenges to citizen oversight of the sector.

The defense and security sector has historically presented ample opportunities for corruption to prosper as it has lacked levels of transparency necessary to ensure propriety. The shroud of secrecy surrounding most defense activities often extends beyond necessity. "National security interests" has become a widely used term and —can be widely abused, yet challenging the validity of whether these interests justify secrecy is inevitably difficult. Furthermore, the urgency associated with meeting operational and defense re-

quirements can allow for the circumvention of established rules and procedures. Combined with secrecy, this creates a fertile ground for opacity and uninformed decision-making.

The concentration of power enjoyed by the sector is an important factor to be considered. Enormous influence is wielded by defense companies in countries such as the US. Russia, UK. France, Germany, Sweden, Holland, Italy, Israel and China.1 Government defense establishments, and the military in particular, are often insulated from outside command. Although the military in many countries might be perceived as corrupt, it is often a highly respected by the general public and almost as trusted in terms of corruption as religious bodies and non governmental organizations (NGOs), as indicated in Transparency International's Global Corruption Barometer, 2006.2 The military's exclusive and patriotic role of protecting a country's citizens, national territory and interests can create an image of infallibility.3

Such characteristics defining the defense and security sector, in combination and in isolation, can lead to full or partial exemption from oversight and accountability to society. A lack of technical knowledge of defense budgets and military operations may affect the ability of parliamentarians to perform critical oversight.4 Efforts by civil society organizations (CSOs) to increase transparency and accountability in the defense sector may be blocked on the reasoning that CSOs lack the competence and expertise required to engage in the sector. Andrew Feinstein's characterization of the arms trade as a "shadow world," could well be applied to the entire defense and security sector; a world cloaked in secrecy, difficult to penetrate and obscure to comprehend and question.

¹ A. Feinstein, "The Shadow World: Inside the Global Arms Trade," Farrar, Straus & Giroux, 2011.

² Transparency International, "Building Integrity and Reducing Corruption Risk in Defense Establishments," Global Corruption Barometer 2006.

^{3 &}quot;Building Integrity and Reducing Corruption in Defense: A Compendium of Best Practices," Geneva Centre for the Democratic Control of the Armed Forces, Geneva, 2010.

⁴ Ibid.

An accountable defense sector requires transparency of information to citizens, enabling debate and dialogue on defense issues; oversight and monitoring by parliament and civil society of defense procurement, reform processes, or other activities; and anti-corruption mechanisms and relevant legislation that strengthens the integrity of defense institutions.

Demanding accountability to citizens and reducing defense corruption

The ultimate aim of anti-corruption efforts and initiatives to strengthen integrity in the defense and security sector is a world where governments, armed forces and arms transfers are free from corruption and impropriety. Corruption in the defense sector can take many forms; examples might include a defense policy that is unfairly influenced by a particular defense company, to bribery in major arms deals, to nepotism determining appointments and promotions, to corrupt behavior by soldiers or peacekeeping forces. Tackling corruption in this seemingly impervious sector cannot be achieved overnight; it is a complex and multifaceted undertaking, which can only be accomplished through a sustained process. Awareness and acknowledgement of the problem of defense corruption in the defense and security sector, and the high risks associated with it is a first step in working towards a solution.

The importance and danger posed by corruption in the security sector is of serious public concern, so CSOs are a natural source for bringing about change. The traditional image of civil society's role is as an external watchdog; an NGO may advocate for changes at a policy level and oversee reform processes from a distance, for example, or an investigative journalist may uncover specific cases of corruption. But in exerting civil control of the defense sector there is another role that civil society can play, which is to influence defense institutions and personnel by actively engaging them in the process of building integrity and countering corruption. In this way civil society not only puts pressure from

National defense and security forces exist to serve and protect a state's citizens and territory; this makes them fundamentally accountable to the people

the outside, but also acts as a catalyst or supports a force for change from the inside.

The Transparency International Defense and Security Programme (TI-DSP) has been working towards an accountable, transparent defense sector since 2004. This article draws largely on its work and lessons that have been learned through its experience working directly with governments and in partnership with other NGOs and chapters of TI. TI-DSP works in two main ways: first, by putting pressure on defense establishments from the outside to change and reform. This includes research and advocacy efforts, such as the Defense Anti-Corruption Indices, and lobbying for anticorruption mechanisms in the UN Arms Trade Treaty. The second aspect of TI-DSP's work is to support reform through engagement with defense institutions, including training, workshops, and practical advice. TI-DSP has found that this is a powerful combination of tactics that contributes to increased awareness of corruption in the sector and practical steps taken to reduce it, as well as a growing belief that it can be tackled.

In addition to the experiences and research of TI-DSP, this article draws upon the work of other NGOs dedicated to building a more accountable security sector. Though this article focuses primarily on the defense sector specifically, rather than security more broadly (which is generally considered to include institutions such as the judiciary, police and border control), it refers to information related to civil society oversight of security, as many of the lessons learned are applicable to defense. One useful civil society resource for broad advice and information is the Geneva Centre for the Democratic Control of the Armed Forces (DCAF)'s publication, *Public*

Oversight of the Security Sector: A Handbook for Civil Society Organisations.⁵

Engaging defense institutions

While defense personnel may be well aware of the problem of corruption and recognise it as a systemic issue, which is both morally and professionally wrong, their acknowledgement tends to be behind closed doors, rather than in the public sphere. Developing a dialogue on the subject of corruption, and acknowledging within the ministry that it is a problem that can be solved, is a key step towards greater openness and transparency to the public, and ultimately towards building a more effective defense institution. Creating a platform for discussion of the issue at the level of the leadership is of utmost importance. A combination of strong political will and clear, resolute anti-corruption messaging from leadership and determined "change agents" are an ideal basis for the sustainable reduction of corruption risks.

Defense establishments often seem impenetrable to civil society; conversely, defense institutions, are used to seeing civil society as external watchdogs. They may see civil society as inimical and resist open dialogue and engagement. Tinatin Mikiashvili describes the shared function of civil society as both watchdog and supporter of legitimate, strong governance in Georgia: "[W]hile NGOs and media representatives can often be critical of governments, they should not automatically be seen as a threat. Rather, their aim is to ensure that security institutions act in transparent and democratic ways, which usually bolsters the legitimacy and strength of the state." When seeking engagement with defense and security officials, TI-DSP emphasises the shared aims between defense institutions and civil society. It uses three main messages to emphasise the importance of tackling corruption from a defense perspective:

Defense corruption wastes scarce resources;

- Defense corruption reduces operational effectiveness:
- 3. Defense corruption reduces public trust in the defense sector. ⁶

These messages define the simple reasons why combating corruption is in defense institutions' interest and helps open a dialogue that is based on mutual aims.

At a practical level, the TI-DSP team includes several retired senior military personnel; they share a background and speak a common "military language," which builds trust, facilitates dialogue, and may alter the traditional image of civil society as antagonistic.

Where there is already acknowledgement of defense and security corruption, it may still be perceived as an overwhelming and unconquerable issue. TI-DSP has developed a typology of corruption risks, which identifies 29 areas of corruption risk in five key categories: political risk, financial risk, personnel risk, operational risk, and procurement risk. Breaking down the subject in its various shapes and forms is helpful in instilling confidence that each problem can be understood, confronted, and repaired. This typology can provide a base from which governments and civil society organisations can identify areas in need of reform and develop plans to tackle it, which should include civil society oversight and monitoring of progress.

The potential for positive engagement between CSOs and defense institutions is clear. However, in general, the practice tends to be limited. The Government Defense Anti-Corruption Index, which looks in-depth into the corruption risk levels in 82 national defense establishments worldwide, includes a question regarding defense and security institutions' openness towards CSOs. Only one country, Australia, scored a top score (4, on a scale 0-4) on this question, indicating that "there is a policy or strong evidence that defense and security institutions are open towards CSOs, protects

⁵ E. Cole, K. Eppert and K. Kinzelbach, "Public Oversight of the Security Sector: A Handbook for Civil Society Organisations," Valeur ,2008, http://www.dcaf.ch/Publications/Public-Oversight-of-the-Security-Sector

⁶ M. Pyman, "Building Integrity and Reducing Corruption in Defense and Security: 20 Practical Reforms," Transparency International UK, http://www.ti-defense.org/publications/88-building-integrity-and-reducing-corruption-in-defense-and-security--20-practical-reforms

Image 1:

| POLITICAL | PERSONNEL | PROCUREMENT |
|------------------------------------|---|---|
| DEFENCE & SECURITY POLICY | LEADERSHIP BEHAVIOUR | TECHNICAL REQUIREMENTS / SPECIFICATIONS |
| DEFENCE BUDGETS | PAYROLL, PROMOTIONS, APPOINTMENTS, REWARDS | SINGLE SOURCING |
| NEXUS OF DEFENCE & NATIONAL ASSETS | CONSCRIPTION | AGENTS/BROKERS |
| ORGANISED CRIME | SALARY CHAIN | COLLUSIVE BIDDERS |
| CONTROL OF INTELLIGENCE SERVICES | VALUES AND STANDARDS | FINANCING PACKAGE |
| EXPORT CONTROLS | SMALL BRIBES | OFFSETS |
| | | CONTRACT AWARD, DELIVERY |
| FINANCE | OPERATIONS | SUBCONTRACTORS |
| ASSET DISPOSALS | DISREGARD OF CORRUPTION IN COUNTRY | SELLER INFLUENCE |
| SECRET BUDGETS | CORRUPTION WITHIN MISSION | |
| MILITARY-OWNED BUSINESS | CONTRACTING | |
| ILLEGAL PRIVATE ENTERPRISES | PRIVATE SECURITY COMPANIES | |

them legally, and that they encourage their engagement. They have specifically engaged with CSOs on corruption issues." Just six countries scored a '3', which indicates engagement without formal protection for CSOs' involvement.

In Australia, civil society engagement is formalized in doctrine as a strategic issue. The Civil-Military Operations doctrine of the Australian Defense Forces states "effective civil-military cooperation (CIMIC) systems will enhance force protection. CIMIC is necessary to develop a robust interface with the local population and develop trust and respect for the military force."

Another example of cooperation between civil society and defense organizations is found in Argentina, where the Ministry of Defense (MOD) has signed formal agreements for collaborative work with two national NGOs, the Civil Association for Equality and Justice (ACIJ) and the Center for the Investigation and Prevention of Economic Crimes (CIPCE), as well as engaging with the international anti-corruption NGO Global Integrity on research. A joint campaign was held with the MOD and ACIJ to raise awareness of corruption reporting mechanisms. The MOD and CIPCE collaborated to develop detection mechanisms for potential

^{7 &}quot;ADF Operations Series ADDP 3.11 Civil- Military Operations," Edition 2, Defense Publishing Service, Department of Defense, Canberra ACT 2600, 2009 https://www.defense.gov.au/adfwc/Documents/DoctrineLibrary/ ADDP/ADDP3.11-Civil-MilitaryOperations.pdf .The Australian Defense Forces define civil-military operations as follows: "The ADF approach to CMO encompasses interaction with government agencies, international organizations, NGOs, host nation concerns, the media and civil community at the strategic or operational level."

⁸ Argentina Assessment, Government Defense Anti-Corruption Index, May 15, 2013, http://government.defenceindex.org/results/countries/argentina, Question 4 and Thomas Shipley, Anne-Christine Wegener, Mark Pyman, Codes of Conduct in Defense Ministries and Armed Forces: What makes a good code of conduct? June 2011, available online: http://www.ti-defence.org/publications/90-codes-of-conduct-in-defence-ministries-and-armed-forces

cases of incompatibilities and conflicts of interest." In interviews for the Government Defense Anti-Corruption Index, representatives of the NGOs "emphasized the willingness and cooperation of the Ministry of Defense's Transparency Department during the negotiation processes."

Along with the general challenges that NGOs face in many countries that may hinder engagement with defense establishments limited resources, a lack of capacity or expertise in particular areas, and sometimes risks posed by addressing sensitive issues - the Government Defense Anti-Corruption Index assessments of other countries shed light on some of the challenges and potential pitfalls of civil society collaboration with defense institutions. In Bulgaria, for example, there have been steps taken to involve CSOs in MOD anticorruption efforts, including CSO monitoring of defense procurement. However, questions have been raised regarding the selection of CSOs included in these processes, with indications that they may be chosen "on the basis of their supportive attitude to the policies of the Ministry." 9 Similarly, the Sri Lankan government is believed to limit its engagement to pro-government CSOs. A lack of political bias is key to a CSO's role as a fair representation of the public's interests; without that independence and, moreover, the reputation for such independence, many of the public trust-related benefits of MOD-CSO collaboration are lost. In Zimbabwe, international political sensitivities are detrimental to engagement, as many officials view CSOs as Western agents, and "therefore, any attempt to engage with them would be perceived as an attempt to compromise national security. 10 Navigating the complex political and security environment that surrounds the defense sector may pose a challenge for CSOs, but can be eased by maintaining clear objectives, and ensuring that research and assessments are non-partisan and critical.

Finding allies: parliamentarians, the defense industry and international organizations

There are a range of stakeholders involved in the sector beyond defense establishments, including government bodies, companies, and international organizations; these crucial actors have the ability to influence levels of corruption and should be seen by CSOs as potential allies in increasing the accountability of the defense sector overall. Each organization is likely to have leverage with another: for example, an international or regional organization such as the EU or NATO may put pressure on a national government as part of the accession process; a government's export controls may restrict a defense companies' sales.

Holding legislators and legislative defense committees accountable for their role in oversight of the national defense and security policy, the armed forces, and the intelligence agencies is crucial. As elected representatives of citizens, legislators are in place to ensure that the public's needs are protected, and that taxpayer funds are spent effectively.

Governmental bodies tasked with monitoring budgeting processes or anti-corruption can be potential allies for CSOs. Audit and finance organizations can play vital roles in detecting and preventing abuse of the large budgets allocated to defense expenditure. National anticorruption commissions, which have emerged in several countries should allocate significant importance to the issue of defense and security corruption. Sector-specific and context-specific reforms and strategies should be emphasised. In some countries such governmental bodies may lack the institutional support, resources, or political backing needed to carry out their tasks effectively, and support from civil society - either through public backing or by providing expertise - may be welcomed. Following the launch of the Government Defense Anti-Corruption Index in Malaysia, awareness-raising by Transparency International Malaysia and media attention, the Malaysian Anti-Corruption Government Transformation Programme's Performance Management and Delivery Unit

⁹ Bulgaria Assessment, Government Defense Anti-Corruption Index, Question 4, April 3, 2013, https://govern-ment.defenseindex.org/results/countries/bulgaria

¹⁰ Zimbabwe Assessment, Government Defense Anti-Corruption Index, Question 4, http://government.defenseindex.org/results/countries/zimbabwe

contacted TI to learn more about the Index methodology and findings, and have requested recommendations to include the defense sector in a government-wide reform process.

An example of public and NGO support for a governmental anti-corruption body can be found in Indonesia. In 2003, the Indonesian Corruption Eradication Commission (KPK) had a reputation for investigating corruption and convicting top governmental elite.11 By 2009, the KPK came under attack from the police and parliament. Civil society leaders came together to protect the KPK, through "demonstrations, marches to the Presidential palace, petitions," and many other tactics of nonviolent resistance; the pressure succeeded in sustaining the KPK and initiating an investigation that succeeded in securing the resignation of officials in the police and attorney general's office, and getting the charges against KPK officials dropped. The KPK was not limited to defense, though security leaders were included in its anti-corruption efforts, but such tactics can be transferable to support governmental bodies that play a role in holding defense establishments to account.

Working with the defense industry is also key to countering corruption in the global arms trade, and it is in the best interest of the industry to prevent and counter corruption in defense companies. Significant attempts in this regard have been the creation of the Common Industry Standards (CIS), which were adopted by almost all the European aerospace and defense associations in 2003 and the global initiative of the International Forum on Business Ethics (IFBEC) in 2010. Company CEOs, boards of directors and compliance officers benefit from strengthening integrity

nonviolent-conflict.org/images/stories/pdfs/people_count.pdf

(accessed 03/04/13).

measures within their firms and avoiding engagement with governments with poor standards of integrity.

International parties play a special role in monitoring corruption in different sectors and in initiating efforts to rectify emergent problems. International organizations and aid agencies such as the UN, the OECD, NATO, the African Union, DFID, and USAID have taken steps to acknowledge the problem of corruption and to promote anti-corruption conventions relevance to it by playing a monitoring role and by creating relevant dialogue on the subject. There remains, however, space for a more nuanced approach, an increase in the scale of activity, and increased prioritization of tackling corruption specific to the sector.

Civil society advocacy can
effect change through collective
pressure by making the status
quo untenable and exposing
the problems and impact
of corruption

External Pressure: Research and advocacy on defense

Where governments are intransigent or hostile to CSOs, engaging with the defense sector is likely to prove difficult. The lack of political will to address defense corruption may seem insurmountable. But civil society advocacy can effect change through collective pressure, which demands accountability from the sector and change by those in power, by making the status quo untenable and exposing the problems and impact of corruption. Such external pressure may lead to engagement with the defense institutions or other government bodies.

One example of external pressure transforming into engagement comes from the National Foundation for Democracy and Human

¹¹ S. Beyerle, "People Count: how citizen engagement and action challenge corruption and abuse," Paper presented at the International Peace Research Association Conference, Sydney, Australia, July 2010, http://www.

¹² M. Pyman, "Gaining ground on the anti-corruption front," Janes Defense Weekly, November 16, 2011, http://www.ti-defense.org/publications/965-external--opinion-piece-in-jane%27s--gaining-ground-on-the-anticorruption-front, accessed May 28, 2012.

While defense corruption is notoriously difficult to overcome, accountability and integrity are pre-conditions for recovering the confidence and trust of citizens in public institutions

Rights in Uganda (NAFODU), an NGO working to increase accountability in the security sector and civic engagement in Uganda. One of their projects aimed at reducing police corruption in South Western Uganda, where the police were seen as the most corrupt institution, unwilling to engage with citizens or civil society.13 The project initially combined research, including a survey of bribe payment to police, with citizen engagement. NAFODU created a call-in radio program and text message service through which the public could contribute their experiences of police corruption. But NAFODU's focus was on improving police behavior, not just attacking it; Korugyendo Joseline, head of programs, stated "we hope the established forum will promote police integrity, promote policecommunity relations thereby building public trust and confidence...this will lead to competent, courageous, committed and incorruptible officers."14 Public pressure and shaming for corrupt conduct changed the balance of power, and from a public campaign by NAFODU shifted to include direct engagement with the police, at their request, including training on integrity and good conduct. Citizen complaints about police corruption have since been reduced and NAFODU has seen a rise in positive call-ins to the radio program; the dialogue that has been built places citizens at the heart of holding the police to account.

Conclusions

While defense corruption is notoriously difficult to overcome, accountability and integrity are pre-conditions for recovering the confidence and trust of citizens in public institutions, in addition to provision of defense and security at an affordable cost and with acceptable risk. Defense corruption is a central risk issue in building international security and one, which to date, has been largely overlooked. When considering the precise role for civil society in building a more accountable defense sector, the strategies used will depend on the political and social environment of the country or region; however, examples of both external pressure on defense and security institutions and collaborative support for reform within institutions exist that show that civil society engagement in this sector is possible. We live today in an era conducive to great transformation and sweeping changes, and civil society has an increasingly active and visible role in demanding accountability by governments and companies. Defense accountability is not a subject too monumental to tackle. It is within the interests of national security, citizens, defense officials, and soldiers alike that collaboration increase and progress towards integrity is made.

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¹³ J. Korugyendo, "Laws are not enough: citizens against corruption in police and judicial institutions," Police Community Partnership Forum. NAFODU, Presentation for the 14th International Anti-Corruption Conference 2010, 14iacc. org/wp-content/.../DownloadFullPresentationII.doc

¹⁴ Ibid.

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