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National Security and  
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Congressional Requesters

Subject: Foreign Assistance: Status of Rule of Law Program Coordination

One of the three core objectives of the U.S. national security strategy is to promote democracy and human rights.<sup>1</sup> A key element of this objective is to help foreign governments that are moving away from repressive leadership strengthen their commitment and institutional capacity to implement democratic reforms. Establishing the rule of law is essential to these reforms.

U.S. rule of law assistance has supported a broad array of programs intended to improve foreign countries' justice systems, including but not limited to judicial institutions and police and other law enforcement institutions. According to the Department of State's 1999 Strategic Plan for International Affairs, rule of law programs should support the development of transparent and accountable government institutions, including an independent judiciary, neutral and professional law enforcement, and a professional military under civilian direction. In June 1999, we reported that the United States provided at least \$970 million in rule of law assistance to more than 180 countries throughout the world during fiscal years 1993-98.<sup>2</sup> While the Department of State has overall responsibility for coordinating U.S. rule of law policy and programs, the Department of Justice, the U.S. Agency for International Development (USAID), and more than 30 other departments and agencies also have a role in providing rule of law assistance.

In 1995, the Chairman of the House Committee on International Relations noted that U.S. support of democracy assistance programs—with the goal of promoting democratic government under the rule of law—represented the fastest-growing segment of U.S. foreign assistance.<sup>3</sup> The Chairman raised concerns that funds had been provided through so many channels that the total effort had become inefficient and uncoordinated. As you requested, we examined State's efforts since 1995 to coordinate rule of law assistance programs at the Washington, D.C., headquarters

<sup>1</sup>A National Security Strategy for a New Century, the White House (Washington, D.C.: Oct. 1998).

<sup>2</sup>Foreign Assistance: Rule of Law Funding Worldwide for Fiscal Years 1993-98 (GAO/NSIAD-99-158, June 30, 1999). In August 1999, we also reported on the status of U.S. rule of law assistance programs in Colombia, El Salvador, Guatemala, Honduras, and Panama. See Foreign Assistance: U.S. Rule of Law Assistance to Five Latin American Countries (GAO/NSIAD-99-195, Aug. 4, 1999).

<sup>3</sup>Hearings before the House Committee on International Relations, 104<sup>th</sup> Congress (Dec. 7, 1995). Similar concerns were raised earlier before the House Committee on Foreign Affairs, 103<sup>rd</sup> Congress (Sept. 14, 1993).

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level. You also asked that we report on the status of State and Justice efforts to resolve issues raised about Justice's International Criminal Investigative Training Assistance Program, which provides police training and related assistance. You were specifically interested in those issues related to Justice's role in planning police training and certain personnel matters that may have adversely affected the program's activities.

### RESULTS IN BRIEF

In recent years, State has made some progress in coordinating rule of law assistance programs with other federal agencies, including Justice and USAID. In March 1998, the Secretary of State and the Attorney General agreed to coordinate their law enforcement priorities in preparation for the fiscal year 2001 budget. As a result, State attempted to inventory governmentwide rule of law programs and established a new position, Senior Coordinator for the Rule of Law, and Justice developed a plan for identifying and articulating worldwide law enforcement priorities. In addition, in September 1999, State, Justice, USAID, and other departments and agencies involved in rule of law assistance participated in an interagency coordination meeting intended to be a first step to help ensure that international rule of law activities support U.S. foreign policy objectives and that they make the most effective use of available resources.

In August 1998, State formed an interagency committee consisting of State, Justice, and USAID officials to review the operations of Justice's International Criminal Investigative Training Assistance Program. Justice had raised concerns about the program's limited role in planning international police training, and State had concerns about the program's operations because of management issues, some of which are under investigation by the Justice Department's Inspector General. Although State and USAID circulated a draft report in December 1998, Justice officials did not concur because they objected to many of the recommendations as going beyond the committee's mandate. Despite Justice's rejection of the draft report, cooperation seems to be improving, as evidenced by Justice's selection of a new director for the program, after full consultation with State and USAID officials. In addition, Justice officials point to program improvements, some of which were arrived at by the interagency committee. Justice officials also told us that any remaining planning and coordination problems could be resolved within the proposed series of interagency meetings that were initiated in September 1999.

### BACKGROUND

The Congress funds rule of law programs and related activities primarily through international affairs appropriations for USAID and State. State has overall responsibility for coordinating rule of law programs and activities. USAID and Justice are the primary implementing agencies. Justice receives funds from State and USAID<sup>1</sup> to carry out its activities, including those implemented by its International

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<sup>1</sup> USAID funds police and law enforcement programs from non-development assistance funds.

Criminal Investigative Training Assistance Program (ICITAP). State also funds other rule of law activities implemented by U.S. law enforcement agencies.

During fiscal years 1993-98, Justice and USAID implemented 70 percent of all U.S. rule of law assistance activities, accounting for about \$215 million and \$468 million, respectively. Most of Justice's rule of law activities were carried out by its two international training sections, ICITAP, and the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). ICITAP focuses on enhancing the overall police and investigative capabilities of foreign law enforcement organizations, and OPDAT concentrates on improving the judicial and prosecutorial functions of foreign criminal justice institutions. USAID focuses its rule of law assistance on improving the capabilities of judges, prosecutors, and public defenders and their respective institutions as well as increasing citizens' access to justice.

#### FEDERAL AGENCIES BEGINNING TO DISCUSS RULE OF LAW COORDINATION

As stated at the December 1995 hearing, the Under Secretary of State for Global Affairs established, at the direction of the National Security Council, an interagency working group chaired by the Assistant Secretary of State, Bureau of Democracy, Human Rights and Labor to coordinate rule of law programs. However, the group met only a few times in 1996. According to State officials, the participants agreed that further meetings were not warranted. Instead, agencies continued to manage their rule of law activities independently, with some informal coordination and through working groups that addressed a variety of specific regional and issue-related concerns.

By early 1998, the Attorney General had again raised the need for better coordination of international law enforcement training with State. In March 1998, the Attorney General met with the Secretary of State to discuss the need to improve the coordination of U.S. policy, program planning, and associated budget and finance issues related to rule of law foreign assistance. They agreed that allocating rule of law training funds in the most strategic manner possible was a mutual goal and directed that steps be taken to bring about meaningful coordination for fiscal year 2001.

- In mid-1998, State attempted to inventory all U.S. rule of law training programs to help ensure that activities were coherent and achieving concrete results and to help integrate law enforcement and other rule of law programs. According to State officials, the inventory was an ad hoc effort to identify and catalogue all U.S. rule of law training programs for fiscal year 1997 and part of fiscal year 1998. They found that not all the involved departments and agencies could provide program information on their rule of law activities; as a result, the compilation was not complete.<sup>5</sup>

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<sup>5</sup>The complexity of this undertaking is reflected in our report Foreign Assistance (GAO/NSIAD-99-158, June 30, 1999).

- In February 1999, State appointed a former Justice official to a 2-year position of Senior Coordinator for the Rule of Law. The Coordinator's mandate is to (1) develop a framework to guide international rule of law activities throughout the U.S. government, (2) establish interagency coordination mechanisms, and (3) lead a process to develop integrated rule of law strategies for selected countries. The Coordinator also told us he will serve as the principal U.S. liaison for rule of law issues with other donor countries and private sector organizations and that he plans to help develop a model demonstrating effective coordination in four countries—Colombia, Indonesia, Nigeria, and Ukraine—designated by the Secretary of State. In addition, he will also pay particular attention to U.S. rule of law assistance efforts in China, Russia, and El Salvador because of the importance of these countries to the United States.
- In August 1999, Justice distributed its plan—called Map the World—to State and USAID. Justice is seeking to use this document to indicate its priorities for international law enforcement assistance activities and as its initial input to State's fiscal year 2001 budget cycle for law enforcement programs. According to the Rule of Law Coordinator, Justice has had preliminary meetings with USAID and State's International Narcotics and Law Enforcement Affairs Bureau to discuss its plan. In addition, in September 1999, the Coordinator convened the first formal meeting of the principal departments and agencies involved with U.S. rule of law assistance activities to discuss how U.S. priorities for such activities might be agreed upon and implemented or coordinated among all concerned. The Coordinator told us that he will facilitate further meetings throughout fiscal year 2000.

#### State Attempts to Improve Its Rule of Law Funding Allocation Process

In a separate but related effort, State's International Narcotics and Law Enforcement Affairs Bureau revised the way it allocates funding among the agencies that provide police training and related law enforcement assistance, such as the Federal Bureau of Investigation, the Drug Enforcement Administration, and ICITAP. During the past year, State tried to make the allocation process more transparent and inclusive by seeking input from embassies, federal agencies, and host country governments. It also tried to ensure that funds were allocated based on agencies' priorities.

State asked embassies to rank their country-specific law enforcement training requirements; State then ranked the training priorities by region based on the President's International Crime Control Strategy.<sup>6</sup> Further, it asked U.S. law enforcement agencies to list the training assistance they wanted to offer, by country, and then matched needs with training availability within the funding constraints of the bureau's budget. State officials told us that they plan to use this process again, with some modifications, for fiscal year 2000.

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<sup>6</sup>The White House (Washington, D.C.: May 1998).

## INTERAGENCY COMMITTEE IS ADDRESSING MANAGEMENT CONCERNS AT JUSTICE

In August 1998, an interagency committee comprising State, USAID, and Justice officials began meeting to review ICITAP operations. In recent years, some disagreement had developed between Justice and State concerning State's role in directing ICITAP's police training program. In particular, Justice wanted a larger role in developing law enforcement policy and program priorities instead of being limited in effect to the role of a contractor. At the same time, State and USAID officials were troubled by certain internal personnel and other management problems that had arisen at Justice regarding ICITAP. Some of those matters are the subject of an ongoing Justice Inspector General investigation begun in April 1997.

After meeting during the fall of 1998, State and USAID developed and circulated a draft report in December 1998. The draft report contained a number of proposed recommendations to improve the management and operations at ICITAP. However, Justice officials told us that although they participated in the committee's deliberations, they did not participate in drafting the report and did not support it. Justice officials stated that many of the recommendations in the draft report were beyond the committee's mandate, which Justice officials said was primarily to address administrative issues. As a result, the report has not been issued.

Despite disagreement about the draft report, the relationship between State and Justice appears to be improving. For example, officials from State, Justice, and USAID formed a committee that interviewed candidates for the director of ICITAP. Based on the process and the advice of its ICITAP partners, Justice selected a new director in September 1999. In addition, the three agencies have agreed to develop a demonstration project for integrating their rule of law programs, including developing a multiyear strategic plan for supporting judicial reform and rule of law, in El Salvador. Moreover, some State officials told us that they look favorably on the recent Justice effort to identify its law enforcement priorities and discuss them with State in interagency meetings involving other agencies doing rule of law activities. In addition, one Justice official suggested that broader management issues at ICITAP could appropriately be addressed in the interagency coordination meetings now being facilitated by State's Rule of Law Coordinator.

## SCOPE AND METHODOLOGY

To determine State's efforts to coordinate rule of law programs, we spoke to cognizant officials at State, Justice, and USAID. At State, we interviewed the Under Secretary for Global Affairs, the Senior Coordinator for Rule of Law, and representatives of the Bureaus of Democracy, Human Rights and Labor; International Narcotics and Law Enforcement Affairs; and Western Hemisphere Affairs. At Justice, we spoke with officials in the Criminal Division, the Office of the Deputy Attorney General, and ICITAP. At USAID, we met with officials in the Global Bureau's Center for Democracy and Governance. We also reviewed related documentation from our

recent reports on rule of law assistance and the records of the 1993 and 1995 congressional hearings.

To determine the status of State and Justice efforts to resolve coordination concerns at ICITAP, we met with the past Director of ICITAP and staff at Justice's Office of the Inspector General as well as the officials identified above. We also reviewed relevant documents provided by ICITAP and others.

We performed our work from July through September 1999 in accordance with generally accepted government auditing standards.

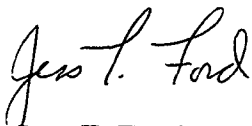
#### AGENCY COMMENTS

We provided a draft of this letter to officials at State, Justice, and USAID. In general, they concurred with our description of rule of law coordination at the headquarters level. They also gave us technical corrections to clarify several points in the letter, and we incorporated their comments, as appropriate.

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Unless you publicly announce its contents earlier, we plan no further distribution of this letter until 30 days after its issue date. At that time, we will send copies to the Honorable Madeleine K. Albright, Secretary of State; the Honorable Janet Reno, Attorney General; the Honorable J. Brady Anderson, Administrator of USAID; and interested congressional committees. We will make copies available to others upon request.

Please contact me at (202) 512-4128 or Albert H. Huntington, III, Assistant Director, at (202) 512-4140 if you or your staff have any questions about this letter. Other key contributors to this assignment were Judith Knepper and Ann Baker.



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