

# Elite Capture and Corruption of Security Sectors



UNITED STATES  
INSTITUTE OF PEACE  
Making Peace Possible

## WORKING GROUP ON ELITE CAPTURE AND CORRUPTION OF SECURITY SECTORS

The United States Institute of Peace (USIP) Working Group on Elite Capture and Corruption of Security Sectors was guided by four co-chairs. Each co-chair is a former US Ambassador who has operated at the intersection between US policy and security assistance, and has long-standing experience in either diplomacy, defense, or development. In addition, the Working Group was composed of an Executive Secretariat featuring USIP staff and researchers. The Working Group convened affinity group sessions—comprising a wide range of subject matter experts from the US government, multilateral organizations, think tanks, nongovernmental organizations, private sector organizations, academia, and civil society—to strengthen its research and analysis.

## ACKNOWLEDGMENTS

The United States Institute of Peace Working Group on Elite Capture and Corruption of Security Sectors is grateful for its partnership with the US Agency for International Development. This report would not have been possible without the deep expertise, time commitment, and guidance of the many experts at USIP and across the many US government agencies who have contributed their knowledge to guide our efforts, as well as the many individuals who have provided valuable advice and feedback throughout the course of affinity group sessions.

## DISCLAIMER

This report was collaboratively drafted by a Working Group with diverse expertise and affiliations. No member may be satisfied with every formulation and argument in isolation. The findings of this report are those of the Working Group.

Cover includes adapted artwork by Evannovostro, Rawpixel.com, and Black Creator 24/Shutterstock.

© 2023 by the United States Institute of Peace

### United States Institute of Peace

2301 Constitution Avenue NW  
Washington, DC 20037

Phone: 202.457.1700

Fax: 202.429.6063

E-mail: [usip\\_requests@usip.org](mailto:usip_requests@usip.org)

Web: [www.usip.org](http://www.usip.org)

First published February 2023

ISBN: 978-1-60127-907-1



UNITED STATES  
INSTITUTE OF PEACE  
Making Peace Possible

# Elite Capture and Corruption of Security Sectors

## CONTENTS

Working Group Members .....	iii
Glossary .....	v
List of Abbreviations .....	vii
Letter from the Co-chairs .....	xi
Executive Summary .....	xiii

### **Section I: Synthesis Report**

Part 1. Introduction: Closing the Effectiveness Gap in Security Sector Assistance .....	3
Part 2. What the Lens of Elite Capture Reveals: Missing Pieces Hiding in Plain Sight .....	9
Part 3. What the Lens of Elite Capture Reveals: Corruption, Power Competition, and the Politics of Elite Capture .....	11
Part 4. What the Lens of Elite Capture Reveals: Elite Capture and Its Consequences .....	15
Part 5. What the Lens of Elite Capture Reveals: Considering Elite Capture Can Help Avoid Unintended Consequences .....	27

**Section II: Case Studies**

Case Study: Afghanistan ..... 35  
Case Study: Mexico ..... 59  
Case Study: Uganda ..... 89  
Case Study: Ukraine ..... 113

**Section III: Recommendations**

Recommendations .....145

**Section IV: Annexes**

Annex 1: Patterns of Unintended Consequences..... 155  
Annex 2: Affinity Group Members..... 161

# Working Group Members

## Co-chairs

Ambassador Karl Eikenberry  
Ambassador Dawn M. Liberi

Ambassador Anne W. Patterson  
Ambassador William B. Taylor

## Executive Secretariat

Dr. Louis-Alexandre Berg  
Mr. Philippe Leroux-Martin  
Mr. Ian Platz  
Ms. Leanne Erdberg Steadman

Dr. Calin Trenkov-Wermuth  
Ms. Sarah Yager  
Mr. Jacob Zack

## Research Team

Ms. Nicole Cochran  
Dr. Cecilia Farfán-Méndez  
Dr. Erica Gaston  
Dr. Moses Khisa

Dr. Michael Lettieri  
Dr. Sabastiano Rwengabo  
Dr. Mykhailo Zhernakov

## Editorial Support and Graphics

Ms. Amy Clipp  
Ms. Anna Lawrence

Mr. Daniel Kohan (Sensical Design)



# Glossary

**Corruption** refers to the abuse of entrusted power and influence for private gain.

**Elites** are individuals or groups who hold a disproportionate amount of political power, wealth, or influence over policy decisions or their implementation. Political elites hold positions of authority in the state or political parties and are best placed to influence policy. Political elites typically have influence over broader constituencies or networks of supporters who underpin their power. Economic elites own sufficient wealth—through control of major industries, corporations, or natural resources—to influence policy. Political and economic elites often overlap or connect, but their interests are sometimes distinct. Political elites are more likely to use their authority to block policy or institutional change that might threaten their power or control over resources.

**Elite capture** describes a type of corruption whereby individuals with influence at the highest level of government extract private benefit from public office. It involves various interests, including political and financial. Elite capture often fuels corruption at all levels of an institution as elites use institutions to distribute public resources to supporters or seek to keep the security forces too weak to pose a threat.

**Governance** consists of different principles that form an overarching framework for how to organize a state and a state's relationship with its citizens—that is, the process through which state and nonstate actors interact and influence the formulation and implementation of policies. This process takes place according to formal and informal rules that shape and are in turn shaped by power. The term good governance refers to the idea that the principles of transparency, responsibility, accountability, and participatory governance that is responsive to the needs of all members of society are exercised.

**Justice** refers to a fair and accountable system of norms and institutions that effectively protect and vindicate rights as well as prevent and punish wrongs.

**Security** is the fundamental right of people to live in dignity and freedom from danger, fear, and want and to develop their human potential. The enjoyment of these rights cannot be achieved without the ability of a state to ensure the security of its territory and institutions.

The **security sector** refers to the institutions, structures, and forces responsible for providing state and human security. Security sector actors include state security providers, such as military, paramilitary, intelligence, border control, and police services, as well as civilian organizations and civil society groups responsible for oversight, management, and control of the security forces and for the administration and provision of justice.

**Security sector assistance** refers to “the policies, programs, and activities the United States uses to engage with foreign partners and help shape their policies and actions in the security sector; help foreign partners build and sustain the capacity and effectiveness of legitimate institutions to provide security, safety, and justice for their people; and, enable foreign partners to contribute to efforts that address common security challenges.”<sup>a</sup> It includes “all forms of security aid and advice, including transfers of military materiel, tactical combat training, joint exercises, military education for foreign military officers, and defense institution–building (DIB); it encompasses programs led by the U.S. Department of State (normally referred to as security assistance), the U.S. Department of Defense (normally called security cooperation or security force assistance), and all other departments in the U.S. government.”<sup>b</sup>

**Security sector governance (SSG)** “refers to the process by which accountable security institutions transparently supply security as a public good via transparent policies and practices. Accountability of security institutions is affected by democratic oversight performed by a range of stakeholders including democratic institutions, government, civil society, and the media.”<sup>c</sup> It essentially “applies the governance concept to security provision in a specific national setting” and “focuses on the formal and informal influences of all the structures, institutions, and actors involved in security provision, management and oversight at the national and local levels.”<sup>d</sup>

**Security sector reform (SSR)** is a political and technical process to enhance the provision of human and state security by making it more effective, transparent, accountable, and inclusive, and consistent with principles of human rights, the rule of law, and good governance. It aims at transforming the system for the provision of security and justice in a polity and directly affects power dynamics. The SSR process transforms fragility to resilience by creating a secure and stable environment for both people and the state, and by enabling economic development.

#### Notes

- a. White House, “Fact Sheet: U.S. Security Sector Assistance Policy,” April 5, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/04/05/fact-sheet-us-security-sector-assistance-policy>.
- b. Stephen Watts et al., “Reforming Security Sector Assistance for Africa,” Research Brief no. 10028, RAND Corporation, 2018, endnote 1, [www.rand.org/pubs/research\\_briefs/RB10028.html](http://www.rand.org/pubs/research_briefs/RB10028.html).
- c. Geneva Centre for Security Sector Governance, “About Security Sector Governance,” 2009, [www.securitysectorintegrity.com/security-sector-governance/about-ssg](http://www.securitysectorintegrity.com/security-sector-governance/about-ssg).
- d. Geneva Centre for Democratic Control of Armed Forces, “Security Sector Governance,” SSR Backgrounder, 2015, [www.dcaf.ch/sites/default/files/publications/documents/DCAF\\_BG\\_1\\_Security\\_Sector\\_Governance\\_EN.pdf](http://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_1_Security_Sector_Governance_EN.pdf).



# List of Abbreviations

## AFGHANISTAN CASE STUDY

<b>AAN</b>	Afghanistan Analysts Network
<b>ALP</b>	Afghan Local Police
<b>ANA</b>	Afghan National Army
<b>ANP</b>	Afghan National Police
<b>ANSF</b>	Afghan National Security Forces
<b>CPN</b>	Criminal patronage network
<b>DDR</b>	Demobilization, disarmament and reintegration
<b>GIRoA</b>	Government of the Islamic Republic of Afghanistan
<b>ISAF</b>	International Security Assistance Force
<b>MOD</b>	Ministry of Defense
<b>MOI</b>	Ministry of Interior
<b>NDS</b>	National Directorate of Security
<b>SIGAR</b>	Special Inspector General for Afghanistan Reconstruction
<b>SOF</b>	US Special Operations Forces
<b>UNAMA</b>	United Nations Assistance Mission in Afghanistan

## MEXICO CASE STUDY

<b>BLO</b>	Beltrán Leyva Organization
<b>CJNG</b>	Jalisco New Generation Cartel
<b>DGIM</b>	General Directorate of Military Industry
<b>DTO</b>	Drug trafficking organization
<b>GATE</b>	Specialized Weapons and Tactics Group
<b>MCCI</b>	Mexicans Against Corruption and Impunity

<b>OCG</b>	Organized crime group
<b>PRI</b>	Institutional Revolutionary Party
<b>SEDENA</b>	Secretariat of National Defense (Army and Air Force)
<b>SEMAR</b>	Secretariat of the Navy (Navy and Marines)
<b>SSP</b>	State Security Ministry

## UGANDA CASE STUDY

<b>ADF</b>	Allied Democratic Forces
<b>AGOA</b>	Africa Growth and Opportunity Act
<b>AMISOM</b>	African Union Mission to Somalia
<b>AU</b>	African Union
<b>CAR</b>	Central African Republic
<b>DRC</b>	Democratic Republic of the Congo
<b>EAC</b>	East African Community
<b>EARSI</b>	East Africa Regional Strategic Initiative (now Preact)
<b>EASF</b>	East African Standby Force
<b>ECOMOG</b>	Economic Community of West African States Monitoring Group
<b>ESO</b>	External Security Organisation
<b>ICGLR</b>	International Conference on the Great Lakes Region
<b>IGAD</b>	Intergovernmental Authority on Development
<b>IGG</b>	Inspector General of Government
<b>ISO</b>	Internal Security Organisation
<b>JATF</b>	Joint Anti-Terrorism Task Force
<b>LRA</b>	Lord's Resistance Army
<b>NRA</b>	National Resistance Army
<b>NRM</b>	National Resistance Movement
<b>NSC</b>	National Security Council
<b>PGB</b>	Presidential Guard Brigade (formerly PPU)
<b>PPU</b>	Presidential Protection Unit (now PGB)
<b>PREACT</b>	Partnership for Regional East Africa Counterterrorism (formerly EARSI)
<b>RDC</b>	Resident District Commissioner
<b>SFC</b>	Special Forces Command
<b>UGX</b>	Ugandan Shilling
<b>UNLA</b>	Uganda National Liberation Army
<b>UPC</b>	Uganda People's Congress
<b>UPDF</b>	Uganda People's Defence Force
<b>UVETISO</b>	Uganda Veteran Internal Security Organization
<b>VCCU</b>	Violent Crime Crack Unit
<b>VIPPU</b>	Very Important Persons Protection Unit

## UKRAINE CASE STUDY

<b>CCU</b>	Constitutional Court of Ukraine
<b>DACK</b>	District Administrative Court of Kyiv
<b>HACC</b>	High Anti-Corruption Court
<b>HCIP</b>	High Court of Intellectual Property
<b>HCJ</b>	High Council of Justice
<b>HQCJ</b>	High Qualification Commission of Judges
<b>NABU</b>	National Anti-Corruption Bureau of Ukraine
<b>NSDC</b>	National Security and Defense Council
<b>PIC</b>	Public Integrity Council
<b>SBU</b>	Security Service of Ukraine



# Letter from the Co-chairs

Dear colleagues:

It is our great pleasure to share this report, *Elite Capture and Corruption of Security Sectors*. The four of us have extensive and varied global experience in the provision of security sector assistance, and we know its value in securing the geopolitical goals of the United States, particularly in this era of resurgent great powers competition. In countries as diverse as Germany and South Korea, security assistance has provided crucial support to partner nations while also serving US national interests. More recently, the United States helped Ukraine fend off the Russian invasion in early 2022, assisted Georgia and Albania as they modernized police and security forces, and supported Colombia as it made progress toward ending its long-standing armed conflict. These successes notwithstanding, each of us has also seen ways in which the impact of security assistance can be improved.

To find solutions, we guided the United States Institute of Peace Working Group Executive Secretariat and its superb network of high-caliber researchers. The report's rigor and credibility is underpinned by their cutting-edge research and analysis. Together we embarked on a two-year analysis of security sector assistance and its results over time. Our conclusions offer insights that can help practitioners more fully address the security challenges of the 21st century while building in a healthy dose of humility about some of our experiences with security sector assistance and acknowledging what we do not know.

We identified the need to apply a wider lens when designing and implementing security assistance programs overseas. More specifically, by looking at the phenomenon of elite capture and how it is often woven into the security systems of conflict-affected countries, we gained a more complete picture of the dynamics affecting our work. We learned how the interests of elites—defined as powerful individuals or groups with disproportionate power, wealth, or influence over policy—may

be enmeshed with security forces in ways that distort public goods for private gain. If security forces are captured in this way, assistance from donors like the United States may be misused and may even aggravate conflicts.

This line of reasoning identifies elite capture as the source of the effectiveness gap in security sector assistance. When elites use this assistance to further their political and economic aims, the results are dire: human rights abuses, democratic erosion, and the growth of extremism, to name just some of the effects. In short, if donors like the United States do not address elite capture, they may generate unintended consequences, including intensified violence and instability.

Framing the problem in this way opens new avenues for solutions: we must be thorough and ongoing students of the unique characteristics of the countries in which we work, including how the competition for power among elites may shape security decisions. Only then can we, as external actors, identify points of leverage, avoid traps, and provide useful assistance.

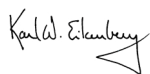
Our report includes intensive analysis grounded in real-world case studies. We are especially pleased that the document does more than list the challenges associated with security sector assistance. In its recommendations, the report suggests ways to address specific problems while acknowledging that such options must be customized for different countries and contexts.

These recommendations are based on five principles that take a large and strategic view. They invite us to detect elite capture and examine how we might be enabling it. In addition, the principles encourage us to structure our assistance in ways that confront and mitigate elite capture while remaining committed to analysis-driven action over the long haul. These principles, and the action steps derived from them, offer guidance for responding to elite capture in the security sector while highlighting the need to consider the overall societal system of which the security sector is a part. This approach recognizes that only by looking at the big picture will we see all of the opportunities for productive action.

This report does not have all the answers, nor does it promise quick results. But it does provide a new perspective for examining, preparing for, and navigating the security sector in countries experiencing conflict. Its conclusions have much to offer practitioners, policymakers, and academicians, both in the United States and abroad. All of us want to close the effectiveness gap that too often separates what needs to happen from what we actually get done.

We thank the United States Institute of Peace and USAID for embarking on this project, the case study researchers, and other colleagues who have provided expertise.

Sincerely,



Ambassador Karl  
Eikenberry



Ambassador Dawn M.  
Liberi



Ambassador Anne W.  
Patterson



Ambassador William B.  
Taylor

# Executive Summary

## Closing the Effectiveness Gap

The objective of US security sector assistance is to help build effective, accountable, responsive, transparent, and legitimate security sectors in partner nations to address common security risks. Such action ultimately benefits US national interests, as when the United States modernized West Germany's military during the Cold War; when US security sector support to South Korea helped the United States deter regional threats; and when, in Ukraine, US security sector assistance contributed to success in fending off Russian aggression in 2022. Similarly, the United States helped Georgia turn its traffic police into one of the most trusted institutions in the country, supported Albania as it updated the governance of its security forces, and assisted Colombia in making progress toward ending its long-standing armed conflict.

Despite these and other successes, policymakers and practitioners in the United States and other donor countries are also confronting an effectiveness gap between what they want security assistance to achieve and what is actually happening in the field. To close this gap, it is important to take a hard look at a recurring yet overlooked phenomenon—elite capture.

## A Wider Lens for Improving Security Sector Assistance

Elite capture happens when powerful actors in a country distort the provision of public services; what should serve everyone is turned into a means for private gain. When corruption of this kind occurs in the security sector, elites may influence police, military, or members of the judicial system and may use them to pursue their own interests. For example, elites might use the armed services to hold on to power, or they might deploy police to mobilize supporters during elections and suppress rival groups. When these forms of internal elite capture are deeply rooted in countries affected by conflict, external security aid can be misused and may even fuel more violence.

More positive outcomes are possible, however, even in countries where the security sector is captured by powerful groups. If donors take elite capture into account from the outset, they can make better decisions and reduce unintended consequences. And if more rigorous analysis occurs and course corrections are made as programs are rolled out, donors and their partners will be better able to foster impactful change.

What we learn when we look through the lens of elite capture:

- **Security forces may not be neutral.** Where elite capture prevails, security forces rarely serve as neutral service providers that stand apart from societal divisions. In most conflict-affected countries, security forces reflect and serve those divisions.
- **Building up a country's security forces does not always make the public safer.** Sometimes elites use security forces to serve their own interests, perpetrating violence and abuse and fueling drivers of conflict.
- **Governance reforms can spur resistance.** Elites often fight these reforms and use them to empower their own factions against others.

## How Elite Capture of the Security Sector Works

Although many practitioners in the field are generally aware of elite capture, its effects on the security sector have not always been fully investigated. To reverse that trend, this Working Group conducted a two-year study that included four in-depth case studies. Each case study featured a different US experience with captured security forces abroad. The following Q&As summarize what we learned.

**Q: Who are elites and why do they capture security sectors? A: Focus on incentives.** Elites are individuals or groups who hold a disproportionate amount of political power, wealth, or influence over policy decisions or their implementation. Elites rarely act on their own; they rely on allies who may have varied and hidden relationships to the security system. When they capture their countries' security resources, elites serve their own interests as well as the interests of people in their network. To better predict what elites will do, it is important to analyze common incentives.

### Incentives for elite capture

- **Coup-proof:** ensure the survival of the regime by preventing threats from the armed forces.
- **Mobilize politically:** foster political support and loyalty by favoring certain groups.
- **Accumulate wealth:** capture public resources or protect commercial monopolies.
- **Counter asymmetric security threats:** collaborate with nonstate armed groups to combat insurgency, organized crime, or terrorism.



## Patterns of Unintended Consequences

Three patterns of unintended consequences can occur when the United States and other donors provide assistance to elite captured security systems.

**Pattern 1: Limited leverage results in limited impact.** External security investments often fail because elites often shape the rules of the game, and external actors lack the leverage to change these rules.

**Pattern 2: Sometimes assistance can make things worse.** When a country is facing a severe security crisis, donors may feel pressure to achieve a quick win. Yet operations that counter short-term threats may undermine long-term solutions.

**Pattern 3: Donors face entrenched resistance to change.** Efforts to limit elite capture inevitably confront the interests of those with the most power to block or undermine reforms.

### **Q: What tactics do elites use to capture security systems? A: Mechanisms that create loyalty.**

To capture security institutions, elites manipulate the core processes and procedures of security institutions. But they often do so discreetly, in ways that make corrupt practices seem like the way things have always been done. Most of these tactics allow elites to reward allies in their networks.

#### Elite capture tactics

- **Personnel:** manipulate personnel recruitment, promotion, and appointment to favor and reward followers.
- **Financing:** manipulate financing, procurement, and resource allocation to funnel resources to followers and away from rivals.
- **Selective accountability:** weaken accountability processes to shield elites and their allies from prosecution.
- **Militarization of government:** create new opportunities for fraud and abuse by appointing active-duty military to civilian ministries, legislatures, and election campaigns.
- **Specialized units:** co-opt and use special military units to target rivals, repress protests, and protect the regime.

**Q: What are the potential consequences of elite capture? A: Violence and instability.** Elite captured security systems can often fuel violence, human rights abuse, and extremism. These effects are caused directly when compromised security forces repress, kidnap, torture, or intimidate opposition. The indirect effects caused by elites fomenting grievances or otherwise undermining security services and governments can also cause untold suffering, undermine a country's ability to respond to security threats, and may spur instability far beyond a country's borders.

## Consequences of elite capture

- **Tactical gains increase violence in the long term:** when elites allocate officer appointments and public resources to limit conflict in the short term, these exclusive arrangements lead to intergroup grievances and the risk of violence in the long run.
- **Ineffective security forces:** when elites manipulate the personnel processes and budgets of security forces, inefficiency and poor battlefield performance result.
- **Human rights abuse:** captured security forces may perpetrate abuse on behalf of elite interests.
- **Democratic erosion:** ineffective or abusive security forces weaken trust in the state.
- **Insurgency and extremism:** when captured forces exclude or target certain groups, they fuel division, the risk of civil war, and the potential emergence of criminal states or proxy war battlegrounds for competing external powers.
- **Regional and international instability:** elite capture of security forces strains regional relations and may set off complicated internal conflicts in neighboring countries.

## Recommendations for Action

The Working Group's analysis of elite capture in the security sector points to an acute challenge, one that practitioners must confront if the potential of security sector assistance is to be fully realized. Our analysis also revealed distinct opportunities for reaching that potential. As we considered how best to seize these opportunities, our thinking coalesced around five principles for action.

1. **Detect elite capture:** Integrate the elite capture lens into intelligence, political economy analysis, and other analytical tools that guide assessment, program planning, and policy decision-making.
2. **Do not enable elite capture:** Reduce the likelihood that donor policies contribute to elite capture by enhancing the transparency of security assistance, improving risk management and accountability for security sector assistance, and increasing domestic efforts to prevent elite capture in the security sector.
3. **Confront elite capture:** Use decision points and off-ramps in assistance programs, targeted sanctions, and multisectoral anticorruption and governance initiatives focused on the security sector.
4. **Mitigate elite capture:** In captured environments, operate multilaterally, strengthen civil society oversight, conduct cost-benefit analysis of providing security sector assistance and limit the scope of such programs if necessary, and support approaches that tackle the drivers of elite capture.
5. **Play the long game:** Build effective and accountable security forces, strengthen security governance, and address the drivers of elite capture and violence.

Our principles focus on achieving practical results, but they also respond to the broader system, of which the security sector is just one part. The broader system includes the economy, power competition, conflict dynamics, demography, civil society, history, and culture. All of these aspects are interwoven with security issues, requiring that we take the big picture into account when problem-solving. These connections can also foster breakthroughs, as when solutions in one area have a positive effect on others. If a dominant part of the system, such as the security sector, is able to achieve reforms, improvements in other societal realms may follow, with the net effect of reducing violence and increasing stability.

The recommendations in Section III offer action steps derived from these five principles. Our recommendations are written for the US government and other donors, multilateral organizations, civil society, and members of academia who wish to contribute to greater understanding about how elite capture works and how it can be combated.



## SECTION I

# Synthesis Report



# Part 1. Introduction: Closing the Effectiveness Gap in Security Sector Assistance

Security forces are central to peace and stability in countries affected by violent conflict. When security forces are poorly governed, they contribute to escalating civil war, human rights abuse, and political violence. That is why the United States and the international community devote substantial resources to address these challenges. The United States alone spends roughly \$18 billion a year on security sector assistance.<sup>1</sup> In making these commitments, the United States seeks not just to create a foundation for peace and stability but also to foster international alliances and institutions rooted in democratic values and the rule of law. This work has taken on new salience with the return of geopolitical competition.

To succeed in these efforts, the United States needs relationships with effective and legitimate partners in conflict-affected countries. Constraints on the United States' ability to commit its own troops abroad will likely increase reliance on these partnerships. For all of these reasons, the United States must increasingly depend on and work with the security forces of conflict-affected countries. However, in many cases, a central obstacle prevents security sector partnerships from being fully effective: elite capture.<sup>2</sup> Elite capture occurs when powerful or influential individuals use their positions to manipulate government rules, systems, and operations. If ignored, elite capture can distort external security assistance to the point where it is used to fuel violence. But if the United States and other donors recognize elite capture, prepare for it, and counter it over the long term, they can better confront security threats, including terrorism, within and among countries in conflict.

Contributing to more capable and well-governed security forces abroad yields long-term geopolitical benefits to the United States.

- **Germany:** Serving as a front line in the Cold War and with security forces rebuilt after the end of World War II, the government of what was then West Germany received substantial investments in the security sector that aided the development of a modern military. These investments were sustained and expanded by the government, which in turn has provided training in security sector governance for countries with maturing security institutions.
- **South Korea:** With the help of security sector support, the South Korean military has deterred regional threats and contributed to multilateral peacekeeping operations around the world. The country has also undertaken US-backed defense reforms that strengthened security governance and modernized its forces.
- **Albania:** US security sector support helped Albania modify outdated security governance models. Albania has since been a troop-contributing country to NATO and UN peacekeeping operations, and it has sent military personnel to Iraq in support of the Global Coalition to Defeat ISIS.
- **Colombia:** One of largest recipients of US security sector assistance outside Iraq and Afghanistan, Colombia has made progress in developing a security sector that is more responsive to state and nonstate security threats. Even though US security assistance has not created a perfect outcome, it has helped the country make progress toward ending its long-standing armed conflict.
- **Georgia:** US security sector assistance to Georgia turned the traffic police from one of the least trusted to one of the most trusted institutions in the country.
- **Ukraine:** Security sector investments helped strengthen military capability while reducing human rights abuse through stronger civilian oversight, improved administrative and command systems, and professional norms. These investments likely contributed to Ukraine's success in pushing back the Russian military in 2022.<sup>3</sup>

As these examples show, security assistance has made important contributions, even as the bar has been raised for what this assistance must deliver. Far from focusing security sector assistance mainly on train and equip initiatives, as has been common in the last few decades, the sector has expanded to include governance improvement policies and programs that bring substantial benefits. Yet despite these successes, there is room for continued learning. Policymakers and practitioners in the United States and other donor countries are all confronting an effectiveness gap between what they want security assistance to achieve and what is actually happening in the field.

What does this effectiveness gap look like? In many countries, security sector assistance programs have not only failed to promote stability but have also exacerbated corruption and conflict. Several studies have found that across countries, security sector assistance can be associated with increased risk of human rights abuse, coups d'état, and violence.<sup>4</sup> In the same vein, a study by the



RAND Corporation found no evidence that security sector assistance contributed to greater peace or stability in Africa over several decades.<sup>5</sup> Country-specific examples include the following:

- **Iraq**, where roughly \$30 billion in security assistance from 2003 to 2013 did not prevent the politicization, mismanagement, and sectarian exclusion that fueled an insurgency and led to the Iraqi Security Forces' collapse against the Islamic State;<sup>6</sup>
- **Afghanistan**, where after two decades and nearly \$90 billion in security sector support, security forces collapsed in a matter of weeks;<sup>7</sup>
- **Mali**, where the military has launched three coups d'état in the last decade despite years of Western security sector assistance, and recently rejected Western support;<sup>8</sup> and
- **Mexico**, where US support failed to overcome infiltration of criminal organizations in security and justice institutions.

Today, the United States faces a conundrum: despite increasing investment, overseas security sector assistance has not achieved a consistent track record of reducing violence and insecurity. Our research examined elements of a potential answer to this conundrum, one that centers on a set of dynamics that is often overlooked.

## Using a Wider Lens

This report aims to address the effectiveness gap in security sector assistance by sharing the results of a rigorous examination of the phenomenon of elite capture. Elite capture occurs when powerful or influential individuals use their positions to manipulate government rules, systems, and operations. Manipulation of this kind allows elites to capture public goods and use them to benefit themselves rather than society as a whole. Where elite capture prevails in the security sector in countries experiencing threats, the military and police forces, justice systems, and government ministries are oriented to serve a select few. If the United States or other donors bring security assistance into this situation, the resources provided stand a strong chance of being misused. Elites are likely to appropriate funds and undermine reform, all to secure their own interests. As a result, external efforts to strengthen security forces sometimes end up reinforcing elite capture and violence.

Because it operates both out in the open and inside privately networked relationships, elite capture can be hard to see even when its effects are pervasive. Combating such a problem requires that those of us who engage with security assistance challenges take a systemic look at how security sectors operate in countries facing violence and instability. We must also examine the connections between elites and security forces and how both are enmeshed in the divisions and struggles in their societies.

When we look at the security sector this way, we are using the lens of elite capture. Through this lens, we can more readily see the interests that prevent many international security efforts from achieving greater

success. As we identify these interests, we gain a clearer picture of how a country's security forces actually operate. If the security sector has been captured by elites, this lens will help us understand how their political and financial interests drive corruption and how such corruption contributes to violence. We will learn how elite interests shape core systems and processes—from recruitment, finances, and administration to deployments. We can also identify when and how international engagement reinforces these harmful dynamics, and we can pursue actions that mitigate unintended consequences.

Using the lens of elite capture reveals that there is more to see within overseas security forces than might meet the eye. This lens changes the way we see and ensures that we do not miss crucial information and hard-to-discern connections. By training our attention on the interests underlying security institutions and how they interact with international engagement, we can develop more politically astute approaches to confronting violence and instability overseas.

This approach requires that we be careful students of the local contexts in which we work. Such diligent attention is not easy to sustain, but it can reveal otherwise hard-to-find points of leverage as well as traps to avoid. Approaching security sector assistance in this way may also help us close the effectiveness gap that too often separates what needs to happen from what we actually achieve.

## Our Research: Explaining the Problem and Offering Solutions

The Working Group's report explains how elite capture occurs and what policymakers can do about it. In pursuit of these answers, we conducted an extensive review of the literature on the dynamics of elite capture in the security sector. In addition, we consulted with policymakers, practitioners, and experts to better understand how policy instruments, such as security assistance, development aid, diplomacy, and trade relations affect elite capture of security sectors. We also compiled four case studies that examine elite capture dynamics in depth. Much of this report's analysis is drawn from the case studies, including our recommendations for corrective action. Our research makes a strong case for adopting approaches to security sector assistance that are grounded in the following five principles (see Section III).

- 1. Detect elite capture:** Integrate the elite capture lens into intelligence, political economy analysis, and other analytical tools that guide assessment, program planning, and policy decision-making.
- 2. Do not enable elite capture:** Reduce the likelihood that donor policies contribute to elite capture by enhancing the transparency of security assistance, improving risk management and accountability for security sector assistance, and increasing domestic efforts to prevent elite capture in the security sector.
- 3. Confront elite capture:** Use decision points and off-ramps in assistance programs, targeted sanctions, and multisectoral anticorruption and governance initiatives focused on the security sector.

- 4. Mitigate elite capture:** In captured environments, operate multilaterally, strengthen civil society oversight, conduct cost-benefit analysis of providing security sector assistance and limit the scope of such programs if necessary, and support approaches that tackle the drivers of elite capture.
- 5. Play the long game:** Build effective and accountable security forces, strengthen security governance, and address the drivers of elite capture and violence.

Taken together, these principles provide a practical, action-oriented foundation for responding productively to the problem of elite capture.

## Report Structure

- **Section I** lays out key concepts and findings from our research, including the most common interests driving elite capture in the security sector, how elite capture shapes the organization and behavior of security and justice institutions, and the resulting consequences for violence and instability.
- **Section II** consists of four in-depth case studies of elite capture. Each case study focuses on a different aspect of the security sector: the Afghan Local Police; local governments, police, and the military in Mexico; the armed forces in Uganda; and the judiciary in Ukraine. The case studies illustrate how elite capture unfolds and how US policy engagements have interacted with it.
- **Section III** offers recommendations on ways to better overcome the risks and trade-offs associated with elite capture, both within the security sector and beyond.
- The report concludes with two annexes. **Annex 1** describes how systems thinking can shed light on the interaction between US policy and the dynamics of elite capture. **Annex 2** lists the many individuals who have provided valuable advice and feedback throughout the course of affinity group sessions.



# Part 2. What the Lens of Elite Capture Reveals: Missing Pieces Hiding in Plain Sight

This report explores how elite capture intersects with the provision of security sector assistance. When elites control the playing field in a country struggling with conflict, our research has shown that the same elites will find ways, both subtle and overt, to control how external security resources are used. Of course, many policymakers and practitioners do consider these implications and craft their actions accordingly. But the United States and other donor countries often choose to view security sector assistance through a more limited lens, one focused primarily on capacity building.

The capacity building lens assumes that security organizations in the country under stress are neutral and that aiding them will lead to straightforward gains. This approach has led to some success, but it has not always fully taken into account the complex systems at work in countries struggling with insecurity and violent conflict. In particular, the focus on capacity building alone has made it difficult to appreciate the pervasive effects of elite capture and how these effects can undermine donor efforts.

When we look through the sharper lens of elite capture, however, we see missing pieces that might otherwise evade scrutiny. And when we add these pieces to the overall puzzle of how to provide effective security sector assistance abroad, we clarify why previous efforts have fallen short and how we can improve our methods going forward. On the other hand, if we skip this step, insights such as those that follow remain hidden in plain sight, hampering our plans from the outset.

- **Security forces may not be neutral.** According to influential concepts of statehood, military, police, and other security forces are vested with the legitimate authority to use force. Security forces are assumed to exercise that authority according to widely accepted rules and standards that ensure fairness to the public as a whole. According to this way of thinking, enhancing the capability of security forces should lead to greater security for all

segments of the public. Looking through the lens of elite capture reveals more complicated dynamics. In particular, we see that security forces may be entangled in societal divisions and partisan conflicts, as powerful elites mobilize them to repress opponents, intervene in elections, or protect their investments. When elite capture prevails, security forces rarely serve as neutral service providers that stand apart from societal divisions. In most conflict-affected countries, they reflect and serve those divisions.

- **Building up security forces does not always increase security.** International assistance programs often prioritize building security force capability as a foundation for overcoming violent conflict and state fragility. This makes sense if one assumes that the primary role of security forces is to deter and confront violence. By the same token, one could also assume that more capable security forces might also increase public confidence in the state, thereby jump-starting a virtuous cycle of effective services and public trust.<sup>1</sup> When we look at these assumptions through the lens of elite capture, however, the picture becomes more complicated. We see that elites use security forces to serve political or economic interests, perpetrate violence and abuse, and fuel drivers of conflict. As a result, increasing security force capability may sometimes exacerbate conflict, not overcome it.
- **Some forms of capacity building can create opposition and have other severe consequences.** The United States and its partners tend to focus on building capacity. Doing so, however, may empower some elites and factions over others, a situation that can enable abusive behavior and reinforce elite capture. To address this issue, donors have increasingly emphasized governance and institutional capacity building focused on strengthening administrative oversight, and accountability systems. A common rationale for this approach is that increased transparency, administration, and oversight can limit opportunities for corruption and abuse while contributing to improved operations. Bringing the effects of elite capture into the picture lends other shadings to this rationale. For example, efforts to strengthen administration and oversight, if they challenge the interests of elites, might run into staunch opposition (see Parts 4 and 5).

# Part 3. What the Lens of Elite Capture Reveals: Corruption, Power Competition, and the Politics of Elite Capture

## The Complex Role of Security Forces

The concept of elite capture is often used to describe efforts by powerful actors to divert or misuse public resources for their private benefit.<sup>1</sup> Elite capture involves corruption—the abuse of entrusted power and influence for private gain.<sup>2</sup> Unlike low-level or petty corruption that focuses mainly on financial gain, elite capture typically involves control of entire institutions, systems, or processes. Elite capture aspires to political power and influence, which is why it is so common in the security sector.

Although the political nature of security is widely recognized, experts have not always fully considered the implications of elite capture when designing policies and programs. Instead, experts tend to approach security and justice institutions through a technical or operational lens that assumes the primary function of security institutions is to enhance security and safety for the public.<sup>3</sup> Some assistance programs also aim to enhance the public legitimacy of a country's security sector because without the consent of the population, security forces cannot recruit personnel, investigate crimes, or secure territory. Assistance programs have therefore aimed to help security forces demonstrate that they can deliver security by supporting oversight institutions like legislatures, local councils, and courts. Such programs are designed to fuel a virtuous cycle of legitimate and effective security provision.

Security institutions in conflict-affected states typically serve multiple purposes, however. In addition to keeping the peace, security forces have long been at the center of political power, including driving the formation of modern states.<sup>4</sup> Further, in many modern societies, security forces continue to play important internal political functions in maintaining the authority of ruling elites.<sup>5</sup> In authoritarian contexts, political elites deploy security forces for internal repression, detaining opposition members and stamping out protests.

In democratic or transitional contexts, security forces often play more subtle political roles.<sup>6</sup> Elites may deploy security forces to mobilize supporters during elections, either by monitoring voters and pressuring them to vote, or by deploying them to build local infrastructure or distribute resources to important constituencies, as occurred after the civil war in Bosnia and Herzegovina.<sup>7</sup>

Political elites use appointments and recruitment for security forces to maintain coalitions—for example, by appointing powerful factional leaders to officer positions in exchange for their support. They also use defense and police financing as conduits for channeling resources to political supporters, or to protect commercial monopolies of key allies. In Angola, the government co-opted members of opposing factions to the boards of organizations in the defense industry or to military officer positions that oversaw procurement, which generated lucrative opportunities for enrichment.<sup>8</sup> By influencing the composition of police and justice institutions, political elites shield themselves and their allies from prosecution for corruption or abuse. Elite capture in the security sector is thus a central way that elites achieve and maintain political power.

## The Security Sector and Political Competition

The security sector, in turn, is often a primary arena for political competition. Control over the key levers of the security sector—promotion, resources, and operations—provides elites a substantial political edge over their rivals. Controlling these functions also ensures that the armed forces do not challenge political authority through a coup d'état or serve the interests of other political actors. Conversely, groups that fail to capture at least parts of the security sector may be systematically excluded from political power or resources. Worse, they may be vulnerable to exploitation or abuse.

Examining the political functions of the security sector further reveals that elite capture is a deeply rooted feature of politics in most conflict-affected societies, one that shapes norms and behavior. In a political system where security forces serve political authority, elite capture tends to be self-perpetuating, given that those who excel at elite capture tend to rise politically and outlast their competitors. In Uganda, for instance, as the case study points out, the current regime has refined and adjusted long-standing practices of elite capture to maintain power. In such a society, individual elites may see little choice but to rely on elite capture to stay in power. The case study of Mexico documents this dependence as well, given that many local politicians negotiate with criminal organizations just to stay alive or to reduce violence in their municipalities.

The dynamics outlined in the case studies also show how elites can use strengthened security forces to favor their own interests at the expense of others. The Afghanistan case study describes how the United States attempted to strengthen local security forces to fight the Taliban insurgency but ended up with forces that perpetrated abuse to prop up local leaders. In this example, external assistance may have helped certain elites fight insurgents or violent extremists, but the same elites also used those resources against their competitors.



When a country's security system has been captured by elites, donors must determine how their assistance can mitigate, or at least avoid fueling, the use of security forces for narrow interests. In other words, donors must answer a key question: how can they provide meaningful security assistance—or other forms of engagement—when security institutions are captured?<sup>9</sup> Our research suggests that a first step is to recognize and understand the specific dynamics of elite capture in a given country. By explaining these dynamics, this report aims to build a foundation for recognizing and responding to elite capture across multiple contexts.



# Part 4. What the Lens of Elite Capture Reveals: Elite Capture and Its Consequences

## Who Drives Elite Capture of the Security Sector?

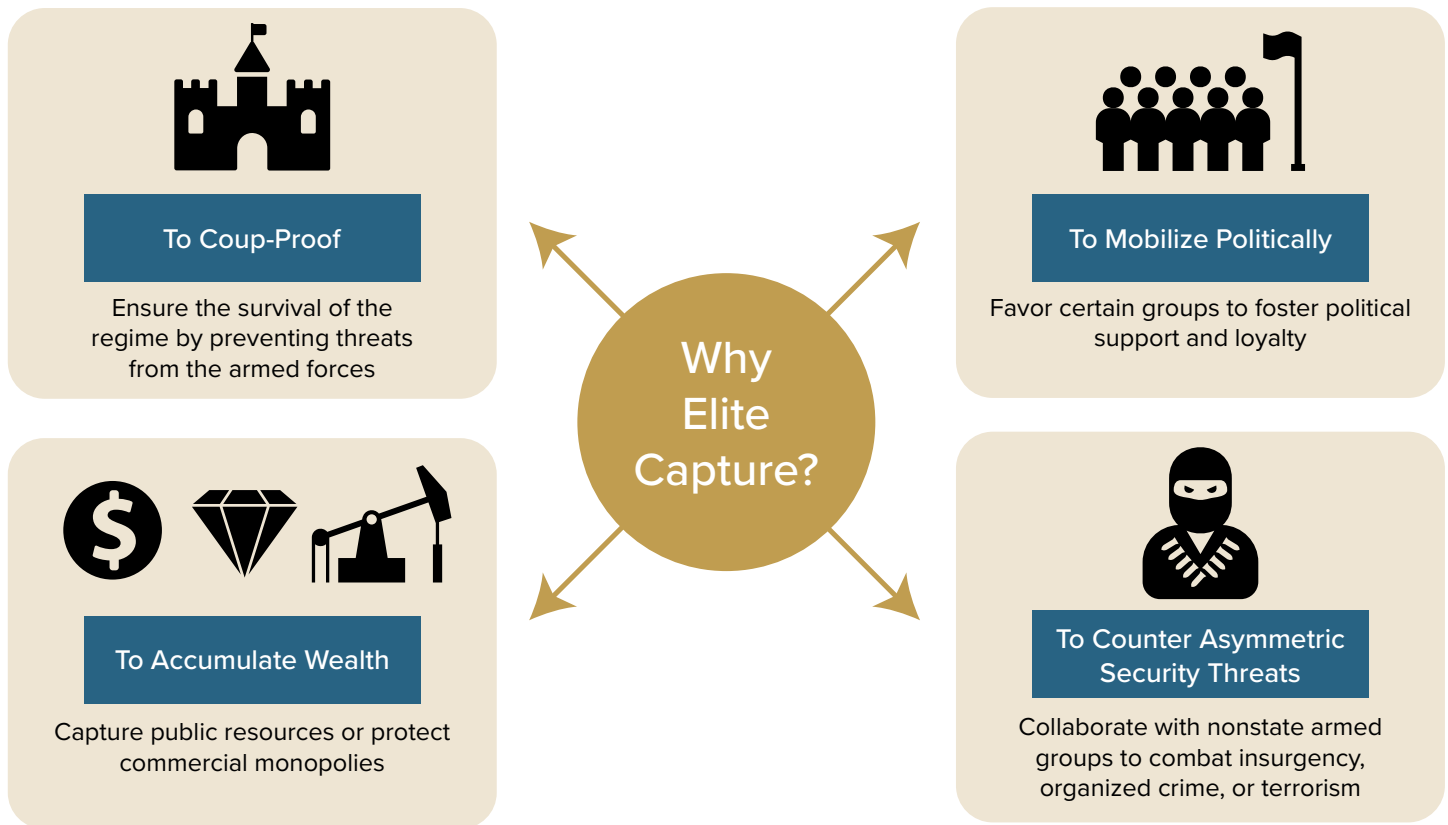
Local elites who capture the security sector are those who are willing to unduly influence security forces and have enough sway over rules, procedures, and public resources to do so. Such powerful actors can be found at all levels, inside and outside government.

- Heads of state and top party leaders have direct, formal authority over security institutions, and these leaders tend to shape the behavior of security forces most directly. Such political elites may rely on security institutions to stay in power, to serve their own commercial interests, or to serve the interests of economic elites.
- Elites in local levels of government may also manipulate security institutions for their own interests.
- Officials within security and justice institutions, including top military officers, police officials, and judges often play central roles in elite capture.
- Elites outside the realm of security and justice institutions, including private actors, can also be involved.

Elites rarely act on their own; most collaborate with allies. These elite networks include multiple actors with varied relationships to security and justice institutions. That is why it is imperative to identify not only individual elites and their interests, but also the formal and informal connections among them. Such analyses may uncover relationships and spheres of influence that extend far beyond the security sector.

FIGURE 1.

## Rationales for elite capture



Sometimes different groups of elites have conflicting interests, leading to competition for influence and factional violence. Recently, in South Sudan, for example, state institutions resembled a political marketplace due to the competition among rival groups and their networks for political authority and access to resources.<sup>1</sup> Within the South Sudanese armed forces, this competition fueled violence among rival factions that contributed to conflict escalation and civil war.

### Why Do Elites Seek to Capture the Security Sector?

Elites pursue power, try to undermine competitors, and engage in political dealmaking to protect various interests, some of which are obvious and some more latent. When elites seek to capture the security sector, the Working Group found that they are motivated by four incentives: regime survival, political mobilization, wealth accumulation, and countering asymmetric security threats (see figure 1). These specific incentives illustrate the close connection between elite capture and the core interests of political elites. The incentives also reveal how the interests that motivate elite capture relate to drivers of violent conflict. Often elites seek to achieve multiple goals; in these cases, several incentives may be in play simultaneously.

**Regime survival.** Elites often seek to influence the security sector to combat internal threats to their political survival. Political elites know well that security forces can threaten them, especially in countries with a history of coups d'état.<sup>2</sup> To prevent security forces from acting against the regime, political elites use a variety of tactics—often labeled *coup-proofing*—that promote loyalty within the armed forces, detect coups before they occur, and quickly repress them when they do.<sup>3</sup>

These tactics involve influencing key levers of authority—personnel, resources, information, and command structures—to ensure that the security forces remain loyal to the regime and act in the regime's interest. For such tactics to be successful, organizational procedures must be opaque enough to allow elites to discreetly manipulate them. For example, elites might

- favor their own tribal or ethnic group in recruitment or officer appointments, or purge individuals considered disloyal;<sup>4</sup>
- use informal lines of command to direct loyal units while circumventing official command structures and oversight bodies; or
- create multiple security and intelligence units with overlapping mandates to monitor and counterbalance each other.<sup>5</sup>

These tactics may undermine the effectiveness of security forces or fuel grievances among groups that are systematically excluded or targeted. Even so, political elites may view these actions as essential ways to retain power.

This incentive is evident in the case study of Uganda. There, successive regimes have relied on ethnic balancing and informal networks in the armed forces to stay in power. The case study argues that the regime of President Yoweri Museveni has continued and deepened these practices by ensuring that members of his network dominate the top ranks of the armed forces and national security decision-making structures. These practices extend far beyond the armed forces, however. The case study further argues that the regime militarized the civilian administration by placing military members across the civilian government. Security forces have also played a prominent role in repressing opposition, often through abuse of human rights. Years of nurturing informal networks in the security forces have ensured that the military, police, and intelligence forces are disposed to carry out the regime's political tasks.

**Political mobilization.** Security institutions often mobilize political support in other ways, such as recruitment, officer appointments, and selective protection that favors ruling elites' supporters. In many conflict-affected countries, elites mobilize support on the basis of clientelist networks, through which they distribute resources to members of certain groups in exchange for political support.<sup>6</sup> Jobs in security and justice institutions are especially valuable political commodities because they confer power, protection, and lucrative opportunities for enrichment on those who hold them.<sup>7</sup> By favoring members of certain groups in officer appointments or recruitment, political elites foster loyalty among those groups.<sup>8</sup> Security institutions that are dominated by certain groups are more likely to

favor members of those groups when providing security—often to the exclusion of other groups. Loyal networks in the security sector also tend to be most willing to carry out political tasks, such as mobilizing voters during elections or repressing opponents. Informal networks in the security sector can contribute to short-term stability by ensuring that competing factions have a tangible stake in the regime.<sup>9</sup> If rival factions are included in the security forces, they are less likely to challenge the regime. On the flipside, conflict among these factions tends to escalate quickly toward civil war.<sup>10</sup>

Other effects of using security institutions for political mobilization may include bloated security forces filled with “ghost” personnel, who exist only on paper, to enable officers to collect extra salaries. The effectiveness of security forces may also plunge because people are recruited solely on the basis of their membership in a certain group rather than on their professional competence. Finally, security forces may facilitate human rights abuse and corruption as security personnel exploit their positions to serve their factions’ political or economic interests.<sup>11</sup>

This aspect of elite capture is evident in Ukraine, as the case study points out, where powerful oligarchs and their allies—many of whom have positions in the legislature or the government—have used their influence to fill the ranks of the judiciary with their supporters. Those judges, in turn, are beholden to their oligarch patrons and have ruled in their favor on a variety of cases involving everything from commercial and land disputes to efforts to overturn policy and legislation. The Ukraine case study further shows how informal networks within security and justice institutions develop their own interests; judges have put their decisions up for “sale to the highest bidder” and shielded their members from accountability or removal.

In Afghanistan, the case study suggests that the incentive of clientelist mobilization brought numerous competing warlords and factions into the government following the 2001 Bonn Accords. The case study also describes the security forces as a “cascading set of patronage networks” extending from Kabul out to provinces and districts in the periphery. Although incorporating these networks enabled the establishment of a stable government, competition among them has been a significant source of violence—especially at the local level—and contributed to fueling the Taliban insurgency.

**Wealth accumulation.** Elite capture in the security sector is often driven by the financial interests of elites or their allies. These practices not only enrich elites financially but also channel resources to political supporters.

- Political elites may ask loyal police forces to protect commercial monopolies or threaten competitors.<sup>12</sup>
- Elites may also use security forces to capture public resources. Large defense or security contracts, often procured through no-bid contracts, quasi-state enterprises, or opaque procedures, are rife with opportunities for embezzlement and kickbacks.
- Security forces may also serve financial interests through collusion with organized crime.

- Politicians ally with organized criminal groups to extract wealth from drug trafficking.<sup>13</sup> For instance, they may deploy security forces to protect illicit activities and to target rival traffickers.
- Elite captured criminal justice systems protect their allies from prosecution for organized crime or corruption.

This high-level collusion between political elites and organized crime can be distinguished from *criminal capture*, or low-level corruption, in which police or judicial officials are coerced into accepting bribes in exchange for facilitating criminal activity. By contrast, higher level capture involves elites pursuing their own interests through collaboration with criminal groups.

The Mexico case study highlights two forms of elite capture for financial gain. At the national level, military officers profited from the trend toward militarized law enforcement through no-bid contracting schemes for new bases and equipment. The case study argues that at the local level, the governor of Nayarit State colluded with criminal organizations to extract wealth from drug trafficking, illegal land thefts, and other criminal activities. The police and prosecution played a key role in facilitating illicit activities. At the same time, the case study points to other motives alongside wealth accumulation. Local elites sometimes colluded with criminal groups to bring peace as much as profit, and military officers sought to counter the growing militarization of organized crime even when they benefited financially.

The other case studies also point to financial interests operating alongside political motives. For example, in Uganda, the armed forces protect the commercial interests of powerful elites in land, mining, fisheries, oil, and gas, and use violence to confront competitors. In Ukraine, oligarchs have used their influence over the judicial system to protect monopolistic enterprises, especially in resource extraction, real estate, and media. In Afghanistan, security forces controlled by local elites are involved in illicit drug trafficking and other cross-border trade. As these cases illustrate, economic interests often reinforce the informal networks that underpin elite capture. The case studies also reveal the multiple motives and rationales underpinning elite capture in most contexts.

**Countering asymmetric security threats.** Problems posed by insurgents, members of organized crime, or other asymmetric security threats create another incentive for elite capture.<sup>14</sup> In seeking to combat these threats, elites may use their own nonstate armed groups, such as local militias or vigilantes. These collaborations can take various forms and involve a multitude of state and nonstate protagonists. These partnerships may reflect narrow political interests, or they may be genuine attempts to rein in insurgency or organized criminal violence. Regardless, the mobilization of nonstate armed groups to fight insurgency typically involves collaboration with local elites, armed groups, and criminal networks, each with their own interests and agendas.<sup>15</sup>

While political elites seek assistance in repressing insurgency, local elites benefit from the use of violence to target political opponents and consolidate their authority. In the same way, armed groups often pursue their own interests in local territorial control or illicit economies. In Colombia, for instance, the rise of paramilitary groups to fight the FARC (Revolutionary Armed Forces of Colombia) insurgency

in the 1990s involved the collaboration of the military, local politicians, and armed groups. Although they nominally aimed to combat insurgency, violence often reflected efforts by local political actors to consolidate political authority and monopolistic control over land and natural resources.<sup>16</sup>

Typically pursued as an expedient means to confront asymmetric security threats, collaboration with local armed groups involves substantial risk of capture and abuse. Local militias and vigilante groups typically have their own interests, often linked to those of local political actors.<sup>17</sup> By empowering and often arming these local groups, elites in national governments essentially buy into and support a variety of other political and economic agendas beyond counterinsurgency. Because nonstate armed groups are subject to little or no regulation or oversight, they tend to perpetrate human rights abuse even when they are acting in support of the state. When they partner with these groups, national elites may thus provide political and even legal cover for human rights abuse, economic exploitation, and political repression of local interests.

The case of the Afghan Local Police (ALP) illustrates the elite capture that occurs when the state partners with armed groups to fight insurgency. The US government helped establish the ALP in part to circumvent elite capture. Rather than working with Afghan state institutions, the program attempted to build community-based forces from the bottom up, thereby rooting them in local systems of legitimacy and accountability and then formalizing them as part of the state. In practice, however, many units were led by local elites who used them to target political opponents. This ultimately eroded the legitimacy and effectiveness of state security provision. Some units were helpful in fighting the Taliban, but many pursued other interests, fueling ethnic conflict, drug trafficking, and human rights abuse.

## **What Tactics and Opportunities Contribute to Elite Capture in the Security Sector?**

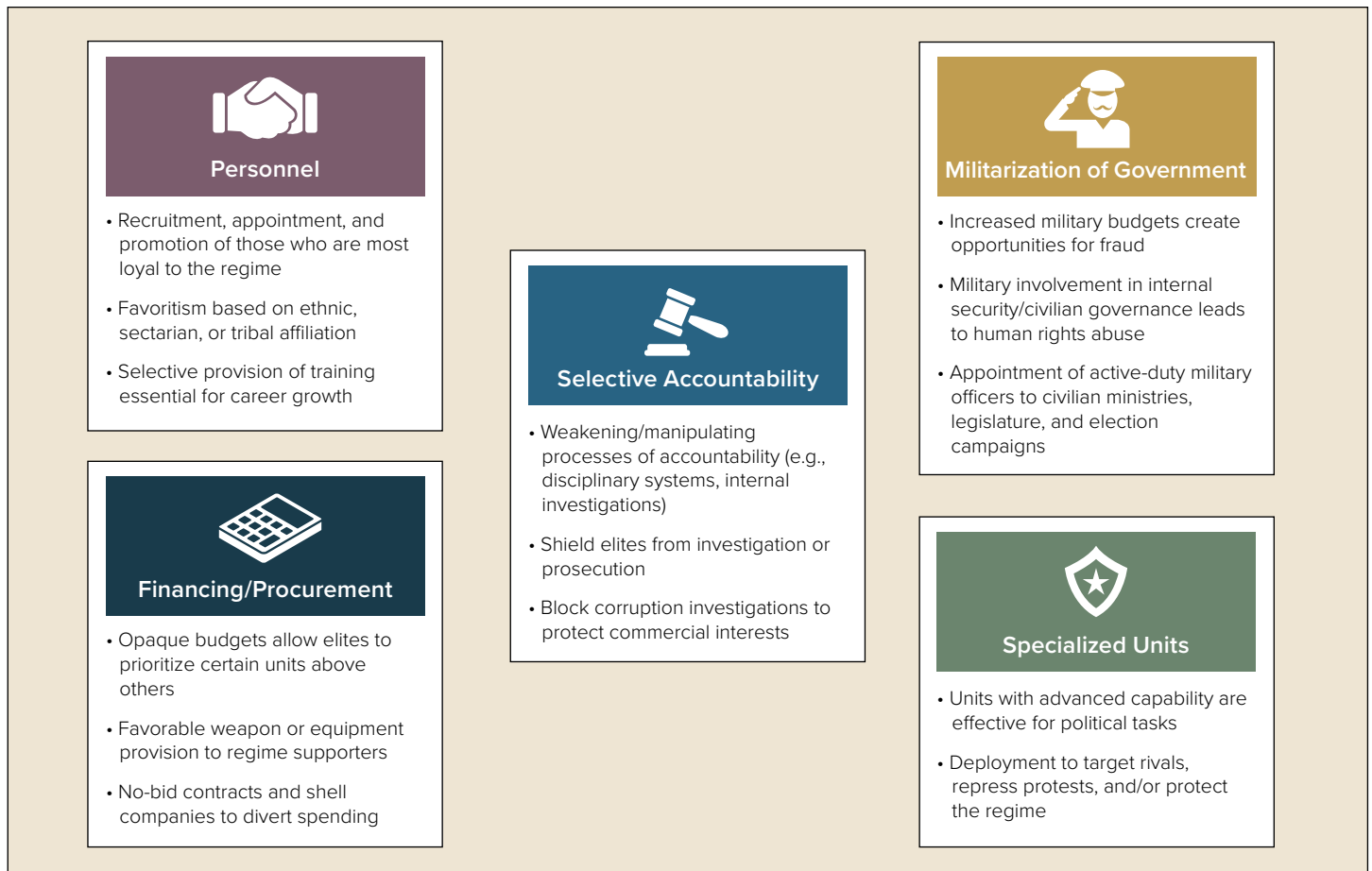
Elites capture security institutions by manipulating their core processes and procedures to influence their composition, allocation of resources, and behavior. To ensure that their interests are served, elites create systems to guarantee the loyalty of security forces. Such systems require procedures that are opaque enough to allow elites and their allies within security forces to appoint favored personnel, allocate resources, and direct operations with a high level of discretion.

Elite capture is thus embedded in the organizational architecture of the security sector, such that core systems—personnel, resource management, accountability, and command structures—are oriented toward supporting regime interests.<sup>18</sup> Practices of elite capture are typically long-standing, involving both deeply rooted informal norms and formal, written procedures. For people within those systems, such norms are often viewed as “just the way things work.” As a result, the norms are difficult to change. At the same time, because they require opacity and discretion, these norms can be vulnerable to targeted reforms that increase oversight, such as increased transparency, stronger accountability processes, or changes in leadership. These changes, in turn, can lead to broader changes that prevent elite capture from reasserting itself.



FIGURE 2.

## How elite capture works



The practices that underpin elite capture occur across security and justice institutions, in the military, police, and intelligence services, in judiciary and prosecution services, and in ministries and oversight institutions (see figure 2). The following subsections lay out the most common tactics and opportunities of elite capture described in the case studies.

**Personnel recruitment, promotion, and appointment.** Loyal personnel are at the heart of elite capture. To secure this loyalty, elites influence recruitment, promotion, and appointment of top positions.<sup>19</sup> This typically involves favoritism on the basis of ethnic, sectarian, or tribal affiliation—a practice known as *ethnic stacking*.<sup>20</sup> In some cases, this form of manipulation is obvious. In Iraq after 2003, the government purged individuals from the security forces and made appointments on the basis of sectarian identity.<sup>21</sup> The Afghanistan case study shows how the ALP recruited through local elites, enabling them to “re-hat” existing tribal militias while excluding those who were not part of those militias. In other cases, ethnic stacking is more subtle. In Uganda, recruitment into the armed forces involves formal, objective criteria, but it also involves informal criteria through vetting by the intelligence services for political loyalty. The case study also shows how

those close to the regime also receive special training opportunities that are essential for promotion and career growth.

**Financing, procurement, and resource allocation.** Because security forces take up large shares of public funding, they generate numerous opportunities for extracting wealth and rewarding political support. Opaque budgets, kept secret on national security grounds, enable elites to prioritize the units dominated by loyal followers for disproportionate budget allocations.<sup>22</sup> Rents extracted from large acquisitions of weapons, equipment, or supplies are directed to regime supporters through opaque procurement and financial management procedures. These procedures are described in the case study of Mexico, for example; there, investigations have documented the use of no-bid contracts, kickback schemes, and shell companies to divert spending on local bases and equipment designated to fight organized crime. The Uganda case study documents the use of inflated contracts, ghost personnel, and lavish spending on select units to channel resources to ruling elites' loyal associates.

**Selective accountability.** To serve elite interests, security institutions' personnel must be able to operate without fear of punishment. Elite capture typically involves weakening or manipulating processes of accountability—such as military or civilian justice, disciplinary systems, and internal investigation—to ensure they do not punish loyal personnel.<sup>23</sup> In practice, this can mean that elites procure court judgments that weaken business rivals, grant monopolies, or otherwise enhance their own wealth and properties. For their part, captured security institutions shield elites from investigation for human rights abuse or corruption; security institutions may also target the elites' rivals for prosecution. The Ukraine case study lays out how judges in control of the High Council of Justice, the judiciary's main governing body, manipulated selection and vetting processes to keep judges in power despite allegations of corruption. Oligarchs have also relied on these judges to block corruption investigations, and to secure favorable outcomes to protect their commercial interests.

**Militarization of civilian government and internal security.** Opportunities for elite capture often arise when armed forces are involved in tasks outside their core functions. These increased budgets directed to the military for new, noncore tasks create opportunities for fraud. The case studies document several instances of military involvement in internal security and civilian governance that led to human rights abuse, as the military carried out political activities in support of ruling elites.

The Uganda case study argues that the regime appointed active-duty military officers to civilian ministries, the legislature, and election campaigns to promote elite interests throughout the government. The regime has also turned to military forces to repress opposition, manipulate elections, and threaten legislators. The Mexico case study illustrates how the militarization of the drug war involved the increasing use of the military, or of special hybrid units, to combat organized criminal groups. Although understandable given the growing military capabilities of organized crime, this trend created opportunities for capture. At the national level, military agreements with state governments to provide security led to no-bid contracts for bases and equipment that facilitated fraud. At the state level in Nayarit, the governor used an elite, paramilitary force ostensibly to tackle criminal activities; instead the unit engaged in kidnapping, torture, and extrajudicial killing, sometimes in support of one criminal group against another.

**Specialized units and operations.** In conflict-affected settings, governments frequently establish specialized units to focus on priority tasks such as counterinsurgency or counternarcotics—often with US support. These units create islands of capability in otherwise ineffective or abusive forces to carry out specialized tasks. This is often done with the intention of quickly and effectively addressing security threats. Additionally, it is hoped that by building specialized units, one has enough of them to expand reform to the entire organization. What usually happens, unfortunately, is that the corrupt, captured organization eventually pulls the specialized units back down to its level.

Moreover, such specialized units provide opportunities for elite capture.<sup>24</sup> Because they tend to be more effective than others, specialized units are frequently targeted by elites seeking to carry out political tasks. Even though vetting and oversight by US advisers may limit such manipulation initially, these special units have perpetrated abuse when they avoid US scrutiny, or after US support declined. In Iraq, for instance, the Special Operations Command set up by the United States was eventually used to target political opponents of the prime minister.<sup>25</sup> In Afghanistan, the United States created the ALP to combat insurgency; local elites, however, used them to target their rivals. In Uganda, the United States helped the Special Forces Command develop effective capability for regional counterterrorism missions, but again, as the case study suggests, the same unit has been deployed domestically to repress protests and protect the regime.

## What Are the Consequences of Elite Capture in the Security Sector?

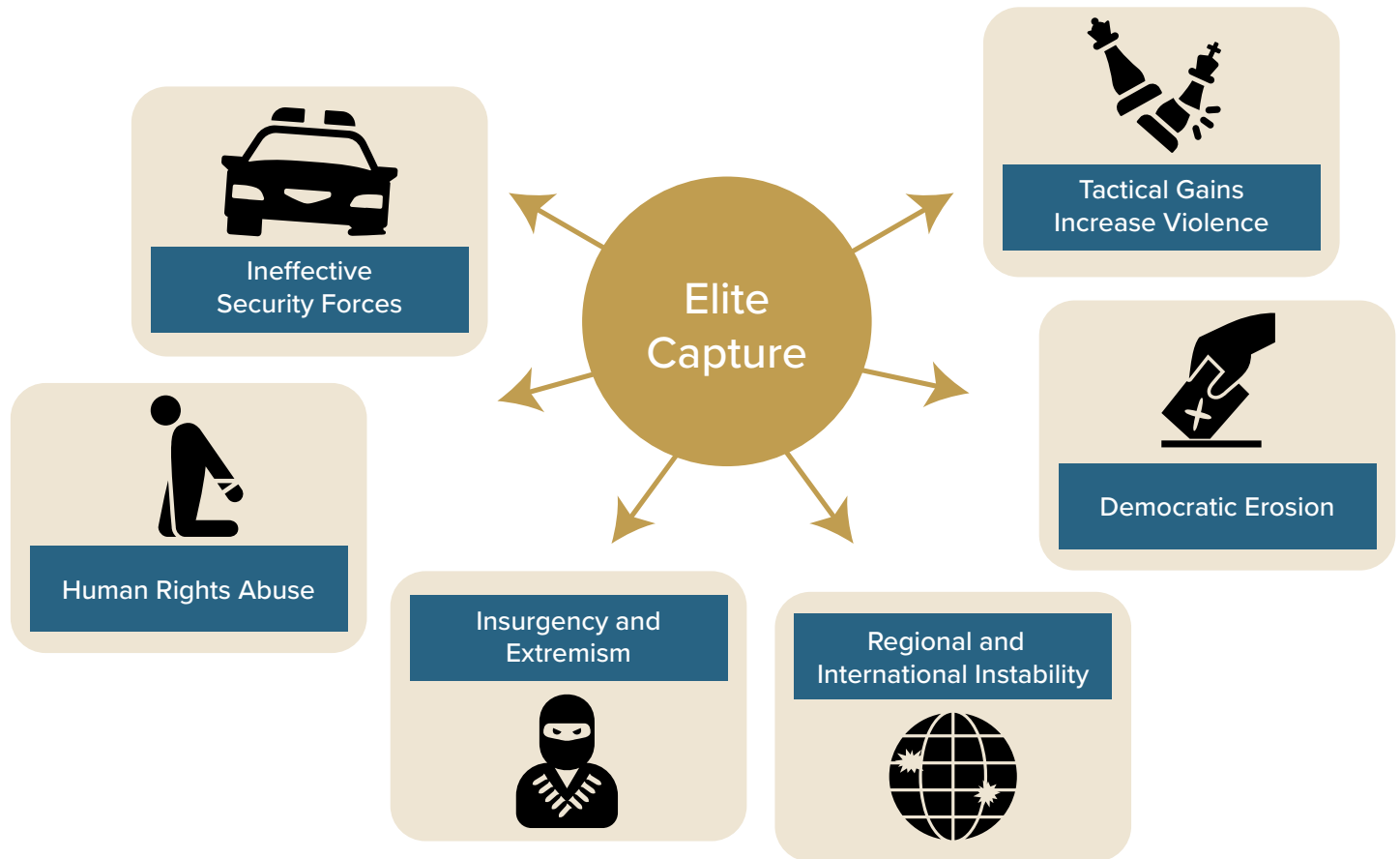
Elite captured security forces are prone to fueling violence, human rights abuse, and extremism. These effects may be direct or indirect. Protecting elite interests has sometimes led directly to violence, as when security forces repress, kidnap, torture, or intimidate opposition. More often, however, the capability of security forces is weakened indirectly, as when grievances are fueled among segments of society that contribute to violent extremism. The case studies further illustrate how the impunity, corruption, and abuse that stem from elite capture undermine the functioning of democratic institutions and erode the legitimacy of the state.

As evidenced by the case studies, elite capture may also contribute to insecurity beyond a country's borders. For example, the Ugandan government has deployed its military in regional conflicts in ways that seem to address the regime's domestic political interests but that have contributed to regional instability. In Ukraine, some of the oligarchs who benefited from elite capture of the judiciary used their influence to work against the European Union and NATO. The same elites supported the Russian-backed insurgency from 2014 until Russia's invasion in 2022.

The case studies include numerous instances in which elite capture contributed to specific forms of organized violence, directly and indirectly. Some of the most common dynamics involving violence are described in the following section (see figure 3). The case studies document these dynamics, but the situations described may involve causes other than those discussed here. Our research did not establish clear causal relationships between specific dynamics of elite capture and specific

FIGURE 3.

## Consequences of elite capture



forms of violence. Still, the case studies point to the role of elite capture in fueling or exacerbating harmful consequences.

**Tactical gains that increase violence in the long term.** Allocating officer appointments and public resources to rival factions can underpin elite bargains that help manage competition among elites. Research suggests that these bargains may limit violence and prevent civil war, at least in the short term.<sup>26</sup> After 2001, the Afghan government used elite capture to consolidate its authority and maintain stability. By incorporating rival factions into the regime through appointments in the security sector and across the government, ruling elites co-opted potential competitors.<sup>27</sup> The Mexico case study points to how state governments cooperate with organized criminal groups to limit violence and avoid disruptions to the local economy. By colluding with one criminal group against others, local governments have sometimes helped establish a monopoly by one group that reduces active confrontations with security forces or other criminal groups.<sup>28</sup>

At the same time, the case studies suggest that the stability associated with elite capture is often temporary and partial. Elite capture tends to rely on exclusive arrangements, pitting groups that benefit against those that do not. Groups left out of clientelist networks may develop grievances against the

state and turn to violent extremism. Disputes among groups included in these networks over the distribution of resources or jobs often escalate toward armed conflict.<sup>29</sup> Arrangements that involve collusion with criminal organizations are often unstable and fuel spikes in violence when they fall apart.<sup>30</sup>

The Afghanistan case study illustrates how elite capture involved constant violence, not only against the Taliban but also among warlords and factions who competed for power at the local and national level. Local and national elites used violence to bid for greater access to authority and resources or to compete with local rivals. The Mexico case study reveals that though the cooperative arrangement between the Nayarit government and organized crime may have decreased homicides temporarily, it also led to increased levels of forced disappearances and other abuses. Homicides spiked again when the arrangement fell apart, and the involvement of the police in organized crime severely damaged public trust in the police and in the state. Elite capture may thus contribute to some forms of violence, even if it enables short-term stability or reduces violence in other areas.

**Ineffective security forces.** The manipulation of personnel, budgets, and accountability often weakens the capability of security forces. Research shows that unqualified personnel, funds diverted to ghost salaries, fraudulent procurements, and manipulation of information lead to gross inefficiency and undermine battlefield performance.<sup>31</sup> It may be telling that in Afghanistan and Mexico, security forces have not achieved the objectives of counterinsurgency or combating organized crime despite substantial US support. The case studies suggest that elite capture can lead to islands of effectiveness when political elites and donors seek to circumvent weak security forces to achieve their goals—as in the Ugandan Special Operations Command or the Policia Nayarit. Yet they also point to the significant drawbacks of this approach, such as in draining resources from other security forces or in enabling human rights abuse by those units later on.

**Human rights abuse.** The case studies document numerous cases of captured institutions perpetrating human rights abuse in support of elite interests. Repression by security forces on behalf of a regime is a major source of human rights abuse in authoritarian states.<sup>32</sup> Weak or captured security institutions are especially prone to abusing their power or resorting quickly to violence.<sup>33</sup> The case studies describe instances in which elites deployed security forces to repress opponents to protect political or economic interests. In Uganda, military, police, and intelligence forces have engaged in torture, arbitrary arrests, and extrajudicial killing against civilian protesters and regime opponents. In Afghanistan, ALP units sparked local armed conflict and committed abuses including extrajudicial killings, kidnappings, land grabs, illegal taxation, rape, and sexual assault. In Mexico, the Policia Nayarit was accused of kidnappings, torture, forced disappearances, and extrajudicial killings. In Ukraine, police, prosecutors, and judges under the influence of elites have conducted illegal detentions and politicized cases against political and human rights activists.

**Insurgency and violent extremism.** Abusive security forces can fuel insurgency and violent extremism, especially when they exclude or target certain groups. Evidence has most often been linked to broader grievances, but mounting evidence points specifically to the effects of abuse or exclusion by security forces in facilitating recruitment by armed actors and in fueling armed conflict.<sup>34</sup>

In Iraq, for example, exclusion of Sunni fighters from the armed forces fueled the insurgency. The case studies include several instances in which specific incidents of elite capture also contributed to violent insurgency. In parts of Afghanistan, for example, extralegal violence, predatory behavior, and criminal activities associated with ALP units inflamed local conflicts or facilitated Taliban recruitment and control. In addition, the exclusion or targeting of certain groups can increase the risk of civil war and fuel the potential emergence of criminal states and proxy battlegrounds for external powers.

**Democratic erosion.** Across the case studies, elite capture is shown to have undermined democratic institutions in myriad ways. Ineffective or abusive security forces can weaken public trust in the state.<sup>35</sup> When citizens perceive the security forces as ineffective, they are more likely to support a return to authoritarianism or to seek to take the law into their own hands.<sup>36</sup> The case studies further point to more direct effects of elite capture in undermining the functioning of democratic institutions. In Uganda, for example, security forces have intervened in elections and legislative processes to intimidate candidates and alter results. In Ukraine, widespread perception of the judiciary as corrupt and politicized undermines public confidence in democracy and the rule of law. In Mexico, collusion between the police and organized crime contributed to a climate of fear and lower trust in the police. In each of these cases, elite capture in the security sector has undermined core democratic institutions. Low confidence in democracy may have broader regional and international implications. For example, democratic erosion may contribute to exacerbating drivers of emigration, as people seek to escape insecurity, violence, and injustice.

**Regional and international instability.** The cases pointed to ways in which elite capture of the security forces may contribute to regional and international instability. In Uganda, military deployments to South Sudan and the Democratic Republic of the Congo have served the regime's own or domestic political needs at the cost of strained regional relations and interventions that may have complicated internal conflicts in neighboring countries. In Ukraine, the influence of powerful oligarchs in the judiciary empowered pro-Russian interests and undermined support for democratic institutions, thereby indirectly contributing to instability and conflict on NATO's border.

# Part 5. What the Lens of Elite Capture Reveals: Considering Elite Capture Can Help Avoid Unintended Consequences

## A Richer Picture

As this report shows, learning about the dynamics of elite capture deepens our understanding of how security sector assistance works. When we see the previously missing pieces of how elites can distort and co-opt well-intentioned aid from donor countries, we gain insight into why previous efforts may have had mixed results. Going forward, these insights can help us more precisely identify how elites may seek to protect their interests when security assistance is offered. This in turn will allow us to choose more effective mitigation measures.

One of the most important aspects of this improved understanding concerns unintended consequences. By looking through the lens of elite capture, we are better able to see past the immediate action and discern hidden obstacles. This ability is particularly useful given that when engaging with the security sector abroad, seasoned experts must make difficult decisions—often under pressure and with incomplete information. These experts know, and complexity theory affirms, that in a social system, any action taken will create secondary effects, costs, or trade-offs.<sup>1</sup>

To handle the complexity of this arena, experts seek information about how systems operate in the partner country in order to anticipate negative consequences and course correct when unexpected costs come to light. For example, the United States uses tools for anticipating and mitigating the risk of abuse by security forces, such as vetting personnel, or concentrating resources on specialized, vetted units. Yet the United States' ability to monitor and respond effectively is limited, even with the most intensive footprint, as illustrated in the case study of Afghanistan. When such analyses are conducted, they may not consider how elite capture operates in the system under study. Experts will thus lack information about how elites could respond to the actions being planned. As a result, even vetting or specialized vetted units can be manipulated

in ways that contribute to violence. The case studies suggest that not considering elite capture at this juncture could be equated to flying blind.

The Uganda case study illustrates how the secondary effects of elite capture can lead to a stark trade-off between US counterterrorism objectives and its interests in democratic stability. US security sector assistance strengthened the Ugandan military's capability to address regional security threats, enabling it to play a key role in operations to counter the threat of violent extremism posed by al-Shabaab in East Africa, and to contribute to multilateral peace operations. Although Ugandan military operations contributed to regional security in some cases, their success simultaneously increased US dependence on the regime while undermining US influence on governance issues. For instance, US assistance to specialized units such as the Special Forces Command have enhanced their effectiveness in Somalia, but the same units have been involved in repression and human right abuse to keep the regime in power. US dependence on President Museveni's regime for regional stability and counterterrorism has inhibited it from pressing Uganda on electoral abuses, politically motivated detentions, and patterns of intimidation, harassment, and extrajudicial killings by security forces.

The Ukraine case study also illustrates how secondary effects accompanied US assistance to the judiciary. US development assistance to Ukraine has helped redress technical and institutional vulnerabilities in the Ukrainian judicial system. Yet the case study sheds light on how this assistance has simultaneously been used, by members of the judiciary suspected of misconduct, as a source of validation for controversial and legally questionable decisions and protection from reform efforts.

In these and other instances, the United States or other donors may effectively strengthen part of the security sector in a partner country, and the resources provided may be effective in some ways. Elites may also, however, deploy those resources to repress political opposition or extract private wealth. Not accounting for the missing piece of elite capture is precisely what creates these harmful unintended consequences. Our research shows a direct link between elite capture and outcomes that have long undercut security sector efforts. On the other hand, if the unintended consequences of elite capture are considered up front and monitored continually, security experts can better customize their policies and programs to ongoing circumstances.

## Patterns of Unintended Consequences

This report identifies three patterns of unintended consequences that can occur when the United States and other donors provide assistance to elite captured security systems. Understanding these patterns can help security sector experts avoid some of the traps that have plagued previous efforts. Visualizations of these patterns can be found in Annex 1.

### **PATTERN 1: LIMITED LEVERAGE AND LIMITED IMPACT**

Security investments often fail because elites shape the rules of the game and external actors lack the leverage to influence these rules. In the security sector, elites are more familiar with their own context than outsiders are, and they often shape the application and effects of assistance programs



in ways that the United States does not recognize. Even when US policymakers identify behavior that undermines their goals, their ability to react is limited relative to that of elites.

When this pattern prevails, US engagement often fails to achieve its goals even with substantial investment. For example, intensive counterinsurgency investment may not result in improvements or affect the security situation as initially intended because the partner government may be simultaneously weakening the security forces or diverting assistance to protect its interests. Alternatively, the United States may achieve its operational goals in cooperation with one unit—for a specific operation, or in a specific region—even as the rest of security sector fuels insurgency or crime by perpetrating abuse or corruption. In such cases, elites are likely to tell US officials what they want to hear regarding the importance of shared interests. Elites do this to ensure the continued flow of material assistance while ignoring US advice and demands in practice.

The Mexico case study highlights the challenge of achieving the US goal of combating drug trafficking when parts of the security sector facilitate organized crime or corruption. The United States has invested heavily in building the capacity of security forces to fight organized crime, especially at the federal level. In addition, efforts to strengthen capabilities, combat criminal groups in one region, and insulate parts of the security sector by vetting and supporting specialized units have been successful. Yet state and local police forces, as well as elements of federal forces, cooperate with criminal groups to extract wealth or to avoid violence. Such elite capture has hindered sustained success in the fight against drug trafficking in Mexico. In addition, federal security forces have engaged in corrupt practices that directly undermine US investments through fraud and abuse. Efforts by the US government to raise these issues with the Mexican government have revealed the limits of US leverage.

The Afghanistan case study points to such pervasive elite capture that US assistance empowered elites even when the United States took steps to avoid it. The case study focuses on the Afghan Local Police, which was a deliberate effort to bypass elite capture in the Afghan government by supporting local, community-based militia to fight the Taliban insurgency. Despite efforts to put in specific safeguards to avoid capture at the local level, the program came to serve political interests as Afghan local and national elites influenced the selection of personnel, their management at the local level, and their incorporation into the Ministry of Interior. As the United States sought to expand the program quickly, it lacked the ability to monitor or manage the potential for abuse. Although some units contributed effectively to the counterinsurgency effort, local and national elites co-opted many more units to serve their interests, resulting in human rights abuse, ethnic violence, and indirect support to the insurgency.

## **PATTERN 2: EXACERBATING ADVERSE CONSEQUENCES OF ELITE CAPTURE**

This pattern speaks to the challenge of being stuck in a crisis situation that seems to demand a quick fix. When security assistance is being provided in such a situation, the temptation is to go for an immediate win, but often such action makes matters worse, just as some treatments designed to address the symptoms of a critical illness end up reinforcing the underlying disease. Similarly, US efforts to promote stability or address a security threat may fuel the original problem, especially if US interactions with elite capture focus on symptoms rather than drivers. Often this occurs because

the security forces that cooperate on US objectives are simultaneously involved in pursuing other objectives linked to elite interests. US policymakers may view these unintended effects as necessary trade-offs for achieving its goals. Yet the case studies illustrate how countering threats in the short term can ultimately undermine longer-term solutions.

These adverse consequences occur both within and beyond the components of the security sector in which the United States is directly involved. The United States does attempt to limit the risk of adverse consequences through vetting, oversight, or support to special units, but even vetted units may commit abuses outside or beyond the specific operations where the United States is focused. As described, special units and militarized units create new opportunities for elite capture that can aggravate an already dangerous conflict. Similarly, support to parts of the security sector to address one set of threats may exacerbate longer-term drivers of conflict.

The Afghanistan case study demonstrates how US security assistance to the Afghan Local Police aimed at combating the insurgency fueled local conflicts and abuse while indirectly contributing to the insurgency. In some places, ALP units served the community and contributed to fighting insurgency as they were designed to do. In many other instances, however, they served the interests of local elites and powerbrokers, mobilizing along factional lines or in service of security powerbrokers' agendas used their position of authority to attack rivals, facilitating economic extraction, or preying on civilian communities. Observers argued that ALP forces inflamed local conflict, even leading to increased Taliban recruitment and control in some areas. Efforts to minimize these risks by vetting local units failed in part because United States prioritized scaling up quickly and because elites prioritized their political position over stability or counterinsurgency goals.

The Uganda case study illustrates how efforts to confront a security threat through direct, short-term approaches exacerbated the problem over time. US assistance to the Ugandan military yielded short-term benefits by building capable forces that contributed to counterterrorism efforts in Somalia and peacekeeping across Africa. Driven by domestic and international political interests, the regime deployed these forces in other contexts, including South Sudan and Eastern Congo, with destabilizing effects. It also deployed these forces domestically to intimidate electoral opponents, repress opposition, and penetrate civil society in ways that have undermined US interests in promoting democratic stability. These efforts have indirectly contributed to the potential for future violence and instability in Uganda following an eventual political transition.

### **PATTERN 3: REFORM CREATES OPPOSITION TO CHANGE**

Change in a system almost inevitably affects the interests of actors with the power to bring the system back to its status quo ante. When security services are captured, efforts to limit elite capture or its consequences inevitably confront the interests of those with the most power to block or undermine reforms. When donors such as the United States promote more transparent and accountable security institutions, they must navigate numerous and constant attempts to erode, undermine, or neutralize these reforms.

In the same way, the United States often finds itself interacting with elites whose interests and power are aligned against reforms. Even when interests partially align, US interlocutors usually have other, divergent interests they view as necessary to pursue for political or economic reasons. Sometimes these interests stem from the political imperative to preserve relationships or alliances with other elites who have an interest in preserving the status quo, even if they themselves would prefer to adopt reforms. Either way, many efforts to overcome elite capture go against the grain and face sustained resistance.

The Ukraine case study highlights the role of powerful players within and outside the judiciary in blocking or undermining anticorruption reforms. The case chronicles successful efforts by judges and prosecutors with ties to oligarchs to block anticorruption reforms supported by Western governments. For example, a decision by the Constitutional Court struck down the constitutionality of legislation aimed at criminalizing fraudulent declarations of property and income by public officials, thereby annulling a key anticorruption reform. Judges in the High Judicial Council have also succeeded in reinstating judges who failed to pass integrity checks.

The Mexico case study highlights resistance patterns with indirect but consequential implications for security sector assistance. When a criminal organization threatens the interests of another by expanding into new markets and territories, its competitors may call on powerful local elites to arrest, prosecute, and dismantle the rival criminal networks. Local political elites, in turn, reinforce their authority and extract resources by deploying local security forces on behalf of some criminal organizations against others. The provision of security assistance to strengthen local security forces in this context may therefore, counterintuitively, reinforce elite predatory practices built on resistance dynamics.

Ingrained as these patterns may be, they are not inevitable. Considering elite capture in systemic and ongoing analyses can help security experts understand why and how past efforts have not fully succeeded. By learning from past mistakes and accounting for elite capture going forward, United States and other donor countries can better anticipate difficulties, prevent unintended consequences, and more readily their achieve security goals.

The case studies in Section II and recommendations in Section III offer specific ideas about how to put these ideas into practice.



## **SECTION II**

# **Case Studies**



# Case Study: Afghanistan

Corruption, abuse, and elite capture sapped the capacity and authority of the Islamic Republic of Afghanistan's (2002–21) Afghan National Security Forces (ANSF) almost from their inception. Even as the United States and its international allies attempted to overcome corruption and capture, their efforts were frequently undercut by counterterrorism and security objectives that prioritized working with security partners who were central to elite capture. This case study explores how elite capture undermined the international state-building and security strategy at a crucial inflection point, focusing on an effort in 2009 to leverage nonstate, tribal and community forces, and militias against the Taliban. Lasting more than a decade, the Afghan Local Police (ALP) aimed to empower communities and avoid the patronage networks embedded in the central government. However, in most places where ALP units were mobilized, they quickly became another strand in networks of patronage politics and extraction, which had direct consequences in fueling violence and violating human rights. The experience of the ALP provides lessons about community-based and nonstate security strategies, particularly in situations of entrenched elite capture and clientelism. In such areas, short-term US interventions are more likely to go with the grain of existing patronage patterns than against it, potentially worsening elite subversion and local sources of violence.

In August 2021, the government of the Islamic Republic of Afghanistan collapsed and the Taliban regime took over.<sup>1</sup> Since the Taliban's previous ouster in late 2001, the United States and other NATO countries had spent hundreds of billions of dollars supporting the Afghan state and its population.<sup>2</sup> Some \$83 billion in US funding alone was devoted to building, training, equipping, and developing the ANSF from 2001 to 2021.<sup>3</sup> Yet soon after President Joe Biden announced the withdrawal of US troops by September 11, 2021, the Taliban insurgent movement rapidly gained territory, first seizing key borders and rural areas and then, by the end of the summer, all major provincial capitals. Although some Afghan forces fought on to the end, the bulk of the 300,000-strong ANSF melted away in the face of the Taliban advance.

The Afghan state collapsed quickly for many reasons, among them the rapidity of US withdrawal, previous choices made in the development of the ANSF, and the Taliban's positioning and strategy.<sup>4</sup> However, elite capture and corruption within the Afghan government played a significant role. Pervasive corruption, nepotism, and clientelistic networks had undercut the capacity, morale, and effectiveness of the security forces from their inception. Analyzing the decades of systematic corruption and international aid failures that contributed to the hollowness of the Afghan state is beyond the scope of this report. This case study addresses one aspect of this broader challenge by examining how efforts to support nonstate and community-based forces attempted to avoid or mitigate issues of elite capture.

In August 2010, US forces and the Afghan government agreed to support and develop the Afghan Local Police, an initiative that would last for a decade and bring just under 30,000 local community or tribally linked militiamen under Afghan state authority. Conceived at the height of the counterinsurgency push, the ALP was designed primarily to create local counterinsurgents, to use community and tribal forces' local know-how and credibility to defend and rally communities against the Taliban. However, US officials also looked to community-based efforts like the ALP as a potentially more effective form of state-building and security sector assistance than the prior decade of top-down Afghan central government initiatives. By 2010, entrenched commander networks and warlord politics had sabotaged the reputation and the effectiveness of the ANSF. By "going local" and recruiting forces directly from communities vulnerable to the Taliban, international forces hoped to develop more credible and dedicated forces that could help build out Afghan state governance and security services from the bottom up.<sup>5</sup>

Those best intentions largely did not play out. Reflecting on the ALP as a whole, one former US government official remarked that the program never got away from the "stink of predatory militias."<sup>6</sup> Despite some positive success stories, many ALP units fell into the same lines of political and power-broker capture as the security sector initiatives that preceded them, fueling human rights abuses and violence. In many areas, ALP became one more tool of extraction, coercion, and intimidation, which powerbrokers and warlords used to advance their agendas or attack rival groups or communities.

The performance of the ALP exposes the challenges of effectively managing bottom-up or community-based mobilization and shows how these initiatives might be distorted by elite capture. Although the United States is unlikely to find itself in a situation similar to its position in Afghanistan in 2010—with nearly 100,000 troops and a parallel surge in civilian resources—the lessons of the ALP experience are likely to be relevant in other situations. The temptation to turn to nonstate or community-based strategies is likely to recur in other situations of limited or fragile state authority. In these situations, the same dilemmas are also likely to recur: how to balance competing state-building and counterinsurgency objectives, how to appropriately resource and support localized security or governance initiatives, and how—or whether—US officials can prevent these initiatives from becoming subject to elite capture.



## Background

Most discussions of the failure to dislodge corruption and commander networks in post-2001 Afghanistan hark back to the “original sin” of elite capture, the November 2001 Bonn Agreement. It attempted to cement the Taliban’s ouster and reestablish immediate order by bringing into the new government the competing warlords, tribal constituencies, and factions that had opposed the Taliban. Southern Pashtun leader Hamid Karzai became the consensus candidate to head the transitional government and later won the presidency in 2004. Other significant government posts and ministries, and key regional or provincial positions, were parceled out among prominent warlords and figures from the Northern Alliance or other tribal leaders who had opposed the Taliban or were linked with Karzai’s Popalzai tribe.<sup>7</sup>

This division of the spoils may have brokered an immediate peace, but it also set up a state and governing system primed for elite competition, manipulation, and abuse. The warlords, war criminals, and military-political factions that now led the new Afghan state had operated on a mentality of zero-sum competition and factional enrichment for more than a decade, and they brought that mentality with them. What resulted was a neo-patrimonial state in which, as Afghan historian William Maley notes, “much real power is exercised by armed commanders or others with powerful patrons in Kabul; and a ‘circle of corruption and power’ results.”<sup>8</sup>

In the early post-Bonn years, each faction or tribal or political contingent competed to assume higher-level positions in the government and then used those positions to fill the ministries or security units below them with loyalists. The state became a “venue for contestation over the control of power by opposing elite networks,” according to Timor Sharan, Afghan scholar and former local governance official.<sup>9</sup> Outside Kabul, a different sort of elite power grab was under way. A range of regional or provincial warlords and security powerbrokers simply seized control in their geographic areas.<sup>10</sup> They would then use their de facto hold on power, combined with their connections with key powerbrokers and factions at the center (in Kabul), to formally win Afghan government titles and authority.

In this race to control government positions and resources, the security sector was a particularly valuable commodity. Security sector positions allowed factions and political actors to keep their militias intact and regularly paid as part of the Afghan security forces rather than being demobilized via one of the large-scale demobilization, disarmament, and reintegration (DDR) initiatives that took place from 2003 to 2010.<sup>11</sup> Moreover, whichever warlord, group, or faction had ANSF members in control at major border posts, at transit chokepoints, or in areas of natural resources stood to gain millions in illicit revenue streams.<sup>12</sup>

Initially, the northern, Tajik-dominated Jamiat-e Islami took the majority of key security positions—ministers of interior and defense, Army chief of staff, intelligence chief, and Kabul police chief—as well as key governance and security posts across the north. Senior figures such as Bismillah Khan (a key interim transition figure, then army chief of staff), Vice President Marshal Fahim, or Balkh Governor Atta Noor stacked the early Afghan army and police forces and security posts in provinces they controlled with their commanders and militiamen.<sup>13</sup>

## BOX 1.

# The Afghan Security Sector

The core forces of the Islamic Republic of Afghanistan's security forces were the Afghan National Army (ANA), the Afghan National Police (ANP), the Afghan Border Police. It also included other subunits under the Ministry of Interior (MOI) and Ministry of Defense (MOD), such as special forces, the air force, and specialized counternarcotics units, as well as community-based forces operating under MOI or MOD supervision, including the Afghan Local Police under the MOI (the focus of this case study), and the ANA Territo-

rial Force under the MOD. As of January 2020, the Special Inspector General for Afghanistan Reconstruction reported that the ANA—including its subunits, but not civilian members—constituted 182,173 members, and the ANP some 99,375.<sup>a</sup> The intelligence service, the National Directorate of Security, was also frequently included in security sector analysis, due to its paramilitary activities (and its own ALP-like militia forces), and because it played an oversight role for other parts of the security forces.<sup>b</sup>

### Notes

- a. Special Inspector General for Afghanistan Reconstruction (SIGAR), "Quarterly Report to the United States Congress April 2020" (Washington, DC: SIGAR, 2020), 74, [www.sigar.mil/pdf/quarterlyreports/2020-04-30qr-section3-security.pdf](http://www.sigar.mil/pdf/quarterlyreports/2020-04-30qr-section3-security.pdf).
- b. The National Directorate of Security (NDS) has also frequently mobilized militias or community-based forces, including local militia mobilization from 2009 to 2012 that paralleled (and somewhat undermined) the Afghan Local Police (ALP), and an ALP-inspired community force model known as the "Uprising Forces" that numbered some 40,000 forces nationwide in 2021. The NDS also is linked to paramilitary, CIA-supported militias known as O1 or O2 units. Kate Clark et al., "Ghosts of the Past: Lessons from Local Force Mobilisation in Afghanistan and Prospects for the Future" (Berlin: Afghanistan Analysts Network & Global Public Policy Institute, 2020), 39–41, [www.gppi.net/media/GPPI\\_AAN\\_2020\\_Ghosts-of-the-Past-Afghanistan.pdf](http://www.gppi.net/media/GPPI_AAN_2020_Ghosts-of-the-Past-Afghanistan.pdf); Astri Suhrke and Antonio De Lauri, "The CIA's 'Army': A Threat to Human Rights and an Obstacle to Peace in Afghanistan" (Providence, RI: Watson Institute of Public and International Affairs, Brown University, 2019).

Some trends in capture shifted with changing political tides and power balances. For example, Karzai became increasingly successful in installing and protecting his loyalists in key positions, shaking up Jamiat's near monopoly in the security sector and in some provinces.<sup>14</sup> When Ashraf Ghani became president, he championed merit-based reforms and took steps seemingly intended to break the cycle of elite capture, for example, trying to sideline key regional powerbrokers such as Atta Noor.<sup>15</sup> Nonetheless, other forms of capture crept into Ghani's inner circle and other ministries, such as the Ministry of Defense.

Notwithstanding power fluctuations and changes in appointments, the fundamental logic of elite competition, which involved different factions or politicians bent on carving up of parts of the state, remained the same until the government's collapse in August 2021.<sup>16</sup> Even as late as 2021, two decades into the state-building process, experts interviewed for this case study described the Afghan state and governing system as a "cascading set of patronage networks" from Kabul out to provinces and districts in the periphery, almost like a set of Russian nesting dolls.<sup>17</sup> "The small commanders in the villages are protected by medium warlords in the district capital, supported by large warlords in the provincial capital. All of them are then supported by the super-large warlords in Kabul. It's a chain protecting their positions, giving them money, resources, and access," said Shahmahmoud Miakhel, a former senior official in the Defense and Interior Ministries.<sup>18</sup>

The ANSF that emerged had the formal architecture of a modern, professional military and police force, but in practice units and subparts of the ANSF remained loyal to existing commander networks and solidarity lines and were often organized for generating profit rather than protecting the community.<sup>19</sup> Numerous efforts were made to break down these commander networks, to institute a merit-based system of appointment, and to weed out incompetent or abusive commanders and forces. However, in a system in which positions were granted or protected based on political connections or patronage ties, and in which those patronage ties connected to political leaders at the top of the Afghan government, most such reform efforts were wholly or substantially subverted. For example, in 2006, major donors and the UN pushed for a substantial Ministry of Interior (MOI) and Afghan National Police (ANP) reform process known as the pay-and-rank reforms. Among its measures, all senior MOI officials and ANP commanders were scored based on existing performance (including consideration of any allegations of abuse or misconduct) and forced to sit a basic competency test. A large number of those who failed the test (or failed to even take it), or whose record of gross violations should have forced them out, were instead protected from dismissal by senior Afghan officials, including President Karzai and Vice President Marshal Fahim.<sup>20</sup>

In the patronage-based logic of Afghan appointments, such merit-based reform initiatives and efforts to push for accountability may have even had perverse effects. As one UN official involved in multiple rounds of reform and accountability processes observed, “If a guy is about to be removed for his human rights record, he has a reason to be super-loyal to Karzai because Karzai can protect him.”<sup>21</sup>

US security priorities also generated their own clientelist dynamics. US and NATO forces needed security partners as they expanded beyond Kabul from 2005 onward, and security expediency frequently meant turning to the warlords, militias, tribal forces, and private security companies that dominated areas outside Kabul.<sup>22</sup> US protection and support created a new cadre of military-security elites—provincial security figures such as Mattiullah Khan in Uruzgan or the infamous police chief in Kandahar, Abdul Raziq. Both were protected despite overwhelming evidence of abuses and criminality, substantially undercutting international messages about the importance of rights protection and rule-based governance.<sup>23</sup>

This deeply entrenched system of elite capture and patronage politics had consequences for the ANSF’s performance and its ability to counter sources of violence. Because appointments and demobilization were political questions—both senior Afghan elites and international figures finding loopholes to protect valued commanders and forces—the Afghan state never fully succeeded in either developing a consolidated (and fully state-controlled) security structure or in fully wresting power from the many thousands of nonstate forces that held substantial military power and territory outside Kabul.<sup>24</sup>

Within the ANSF, the elite capture and patronage-based politics stymied recruitment, performance, and morale. Political connections rather than competent performance led to advancement. As Carl Forsberg and Tim Sullivan argue, “Because portions of Afghan ministries functioned as vertically integrated patronage networks, technical assistance and capacity building alone, without measures

to counter CPNs' [Criminal Patronage Networks'] influence, could do little to prevent the growing dysfunction in state institutions."<sup>25</sup> Systematic graft and embezzlement absorbed resources, meaning that ANSF in insecure areas often lacked food, weapons, ammunition, and other basic provisions.

Issues with the ANSF went beyond this extreme corruption and embezzlement. This was a security force that had been formed in 2001 from ranks of abusive militias and war criminals, who were for the subsequent decade then largely protected from accountability.<sup>26</sup> Abuses, ranging from torture to petty theft and drug abuse, were widespread and deeply entrenched.<sup>27</sup> A 2015 ANP study describes the Kabul police force as "corrupt, pyramidal networks that engage in racketeering and extortion from the population instead of protecting citizens and enforcing the rule of law."<sup>28</sup> Then US Ambassador Karl Eikenberry summarized the ANSF reputation in a US embassy cable in November 2010: "Insufficient security forces, coupled with poor police performance and corruption, contribute to locals' sense that GIRoA [the government of the Islamic Republic of Afghanistan] cannot protect them, and that the ANSF may, indeed, sometimes pose a threat."<sup>29</sup>

Finally, the geographically biased nature of political capture had led to recruitment that made the ANSF particularly ill equipped to respond to the growing Taliban threat. Because of the Northern Alliance's early capture of security institutions, by 2010, even after successive reform efforts and recruitment drives, the ANSF was still dominated by non-Pashtun forces, especially in the commander class. Yet the core Taliban insurgent movement lay in Pashtun communities in southern Afghanistan. Dari-speaking Tajiks from northern provinces had little hope of ferreting out who was a Taliban and who was a civilian in remote Pashtun districts. Even among Pashtun recruits, most hailed from eastern Afghanistan and had no local knowledge or familiarity with southern Pashtun provinces such as Kandahar and Helmand (the Taliban's stronghold and major focus of US warfighting efforts). These factors created a pernicious policy dilemma for the Obama administration as it sought to reengage in Afghanistan in 2009.

## The 2009 Counterinsurgency Strategy and Creation of the Afghan Local Police

The Taliban had been gaining ground since 2006 but by 2008 was launching major attacks in Afghan cities; even roads and districts just outside Kabul were unsafe because of the rise in suicide bombs and kidnappings. Members of the NATO-led International Security Assistance Force (ISAF) deployed in Pashtun tribal areas in Helmand, Kandahar, or Kunar Provinces were mired in fierce fighting. Given meager reinforcements and a slim—and largely flailing—ANSF presence, they were largely losing the fight. Although the Afghan government still held nominal control, in rural areas across the Pashtun south, Taliban "shadow governors," Taliban courts, and Taliban edicts held increasing sway.<sup>30</sup>

Taliban gains were due in part to the Taliban's violent intimidation tactics, but in part also to disillusionment with the Afghan government and international forces among the population.<sup>31</sup> In the summer of 2009, the newly appointed US and ISAF commanding general, Stanley McChrystal, conducted a major review of the situation. He found that as much as any activities by the Taliban, the major threat was a "crisis of popular confidence," fomented by weak institutions, the

“unpunished abuse of power by corrupt officials and powerbrokers,” and a sense of popular disenfranchisement, especially in rural Pashtun communities.<sup>32</sup>

Reversing this, McChrystal argued, would take not only a “surge” in international military forces and operations, but also a new approach to governance, service provision, and state-building. McChrystal proposed a revamped counterinsurgency strategy that sought to win back communities by addressing Afghan grievances such as civilian casualties and government corruption and by improving governance, security, and services, especially in rural areas. In addition, McChrystal’s strategists argued that in a country like Afghanistan, dominated by traditional power structures, addressing popular disenchantment and the gulf in security service delivery could not happen only through top-down support to the (largely corrupt) central state, but must also involve resources and engagement at the community level.<sup>33</sup>

Mobilizing tribal and community forces came to be seen as a linchpin of this counterinsurgency strategy. Proponents argued that tribal forces, or *arbakai* (a term originating with southeastern tribal traditions of self-defense), and local community or tribal structures had historically been responsible for security and governance in rural Afghanistan.<sup>34</sup> Given this, they argued that local forces would be better positioned to root out local Taliban networks and win back Pashtun communities than either international forces or Afghan forces linked to the tarnished Afghan state.<sup>35</sup> For the surge in international forces—authorized over the course of 2009—to work as intended, those international forces would need more local forces to help hold territory once it was retaken from the Taliban.<sup>36</sup> Tribal or community forces could provide that local knowledge and manpower in areas where the ANSF was weakest.

However, the idea of tribal or community mobilization was controversial. A host of critics—including some in the State Department, key figures in the Afghan government, UN representatives, and other NGO and civil society voices—viewed mobilizing community militias as a Pandora’s box that would unleash even more unaccountable and abusive militias on the population and undo much of the prior decade’s state-building and disarmament efforts.<sup>37</sup> In a subsequently leaked State Department cable from November 2009, US Ambassador Karl Eikenberry objected that community force mobilization, as it was then being developed, without any link to the Afghan state, would undermine state-building goals and “reinforce a traditional ‘worst practice’—the arming of ethnic or sub-tribal militias that could divide Afghan communities and spark additional violence.”<sup>38</sup>

These objections, particularly those by Eikenberry—who held chief-of-mission authority over funds and resources needed to expand the initiatives—would trigger an almost year-long debate over how to do community-based force mobilization, if at all.<sup>39</sup> The debate hovered on the tension between seeking immediate counterinsurgency and security gains at the risk of long-term state-building and governance goals. However, the debate was also about the risk of elite capture or co-optation of the force and the human rights and conflict consequences that would result. Critics argued that funneling money and weapons to essentially unknown and hard-to-regulate community-based forces would inevitably benefit warlords and powerbrokers, who would use the program to put their militias on payroll. This had happened repeatedly in prior ANSF and private-sector

mobilization over the previous decade (and well before that, as Afghans were quick to point out).<sup>40</sup> Proponents of local force mobilization countered that elite capture or co-option of the force was not a given, but instead depended on the way the force was developed.

The US Special Operations Forces (SOF) and their advisers—who had begun piloting models of local defense forces in 2009—argued that a crucial difference with these initiatives was that community leaders, not international forces or powerbrokers with connections in Kabul, would choose the forces.<sup>41</sup> The theory was that allowing communities, represented by tribal elders or informal community-level bodies (*shuras*), to nominate and vet the forces would select against predatory, abusive, or warlord-dominated forces; it would also create an accountability mechanism, making the forces beholden to local communities rather than to elite factions or powerbrokers.<sup>42</sup> As an additional safeguard, the SOF were supposed to embed in each site for several weeks to ensure that the community was willing to support the force, and that the area was free from dynamics that would derail the model or create other negative consequences, such as interference by predatory warlords or strongmen.

The model of community or local defense forces that the SOF and McChrystal initially sought to move forward addressed elite capture by largely excluding the Afghan state.<sup>43</sup> Those working on the 2009 pilot local defense initiatives argued that results depended on how closely connected the pilot initiative was to Afghan state institutions: essentially, the closer the connection, the worse the results.<sup>44</sup> The earliest pilot project, the Afghan Public Protection Program in central Wardak Province (a mixed province with substantial Tajik, Hazara, and Pashtun populations), was administered jointly with the Afghan Ministry of Interior. It was slow to develop and struggled in recruitment because Pashtun communities in Wardak were reluctant to be associated with the Afghan state, particularly in a province where the government administration was known for its factional politics, including notably the chief of police, who would oversee the local defense forces.<sup>45</sup> In other pilot initiatives, southern and southwest tribal communities were reluctant to participate when the SOF introduced the initiative as an extension of Afghan security forces.<sup>46</sup> But when the SOF organized the forces solely with communities, recruitment and community support were less of an issue. The SOF argued that, with this base of community support, the initiative could succeed and be sustainable, assuming surrounding community development and support efforts—known as village stability operations—extending over a long period.<sup>47</sup>

Not everyone agreed with the SOF theory of community development. Both the Afghan government and many international representatives found it problematic that the SOF were mobilizing militias around Afghanistan on their own with no link to the Afghan state. This question of the degree of Afghan institutional engagement became the sticking point in whether local defense initiatives would be expanded nationwide. Diplomats and members of the international community refused to support the initiative unless it had full Afghan agreement and some form of institutional oversight and accountability.<sup>48</sup> The Karzai government refused to agree unless community forces were organized under Afghan state institutions, Afghan officials were involved in choosing the sites and forces, and—in a nod to the demands of northern powerbrokers within Karzai's government—the program was expanded beyond Pashtun areas.<sup>49</sup>

General David Petraeus, who took over command from McChrystal in July 2010, reached a compromise with Karzai, and the Afghan Local Police was formally established by presidential decree in August. It would be a nationwide, community-based force, based on the model of community development and stabilization operations developed by the SOF, and including the sort of community engagement, vetting, and accountability mechanisms described earlier. However, the ALP was to formally come under the control of the Ministry of Interior, its units overseen by the chief of police at a local level and linked with other provincial and district officials.<sup>50</sup>

In addition, concerns raised during the authorization debate—that these forces would either come under the control of warlords and powerbrokers or perpetrate abuses—led to a number of additional formal checks and constraints on the program. For example, in response to concerns that the initiative would create abusive forces, ALP recruits were subject to background checks and vetting, including for past abuses, and were given formal training that included lessons on human rights obligations and good conduct expectations. To prevent the risk that the program would fund and empower rogue militias, ALP units were prohibited from having links with militias or other armed groups and were limited from anything but defensive operations and from operating more than 1 kilometer outside their home villages.<sup>51</sup>

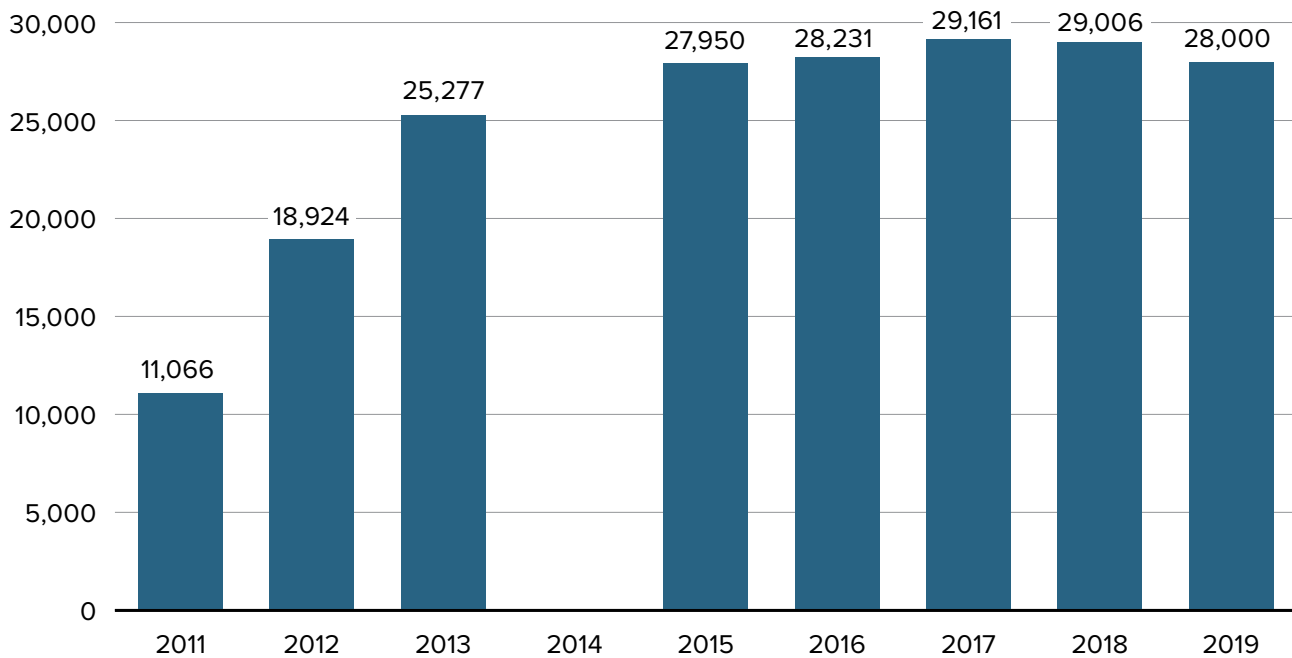
At root, the ALP authorization debate was a disagreement over state-building versus counterinsurgency trade-offs in a system rife with elite competition. For state-building-minded diplomats and Afghan reformers, linking community forces with the state was the only way to prevent them from competing with the state and to ensure a long-term disarmament strategy. But attaching these forces to corrupt and dysfunctional Afghan institutions risked ensnaring these new community-based forces in patterns of powerbroker domination and militia rehatting that had fanned violence, abuses, and Taliban sympathies in the past. The debate never fully reconciled either position, but landed on the only compromise that appeared tenable given the different interests of Afghan and international stakeholders. The result was a program that in many ways realized the fears of both camps.

## Afghan Local Police in Practice

Once authorized, the ALP expanded rapidly. It grew from just over 1,000 personnel in August 2010—those generated during the pilot programming—to 17,000 in 16 provinces by 2012.<sup>52</sup> At its peak, between 2013 and 2016, ALP force numbers hovered just under 30,000 and ALP units were present in 32 of 34 provinces.<sup>53</sup> (See figures 1 and 2.) The ALP was funded and continued for just over a decade until the United States defunded it in September 2020. Until the end of the program, US military and NATO officials frequently extolled the ALP members as dedicated fighters who held their ground in territory that was increasingly dominated or controlled by the Taliban.<sup>54</sup> Although the Afghan government acceded to the program's closure, they continued to enthusiastically support other local defense forces, such as the ANA Territorial Force and the NDS-led Uprising Forces—initiatives that had been partly inspired by or spun out of the ALP.<sup>55</sup> As the Taliban began making rapid advances in the summer of 2021, the Ghani government put more funds and energy into expanding these government-linked local militias as a last line of defense—although many officials remained ambivalent.<sup>56</sup>

FIGURE 1.

## Afghan Local Police strength of forces



**Source:** United Nations Assistance Mission in Afghanistan and Special Inspector for Afghanistan Reconstruction.

**Note:** Figures for 2014 unavailable.

Despite a decade of expansion, support, and institutionalization, even many of those closest to the program were critical of the overall record of the ALP. Scott Mann, a former US SOF member who was part of the original team developing the local defense model, said candidly, “I’m not a fan of the ALP—the way it was mass-produced, the way it was linked [to the Afghan government], the short-term focus of it.”<sup>57</sup> Former senior US Department of Defense (DOD) official David Sedney argued that even though the underlying concept made sense for Afghanistan, “the whole thing has to get an F grade at the end,” primarily because of a lack of long-term commitment and vision on the part of the United States: “ALP was a short-term tactical success, but only when Special Forces were matched up with ALP, and only if they could be there on a long-term basis.”<sup>58</sup>

In the public arena, the ALP had a poor reputation for most of its existence. Reports continuously surfaced of ALP members engaging in abuses ranging from everyday harassment and extortion of the population to serious war crimes. ALP in northern provinces—Badakhshan, Baghlan, Faryab, Kunduz, and Takhar—were known as little more than thugs in uniform, caught up in networks of illicit smuggling and extraction, their abusive and predatory behavior ranging from extrajudicial killings and kidnappings to harassment, land grabbing, and illegal taxation.<sup>59</sup>

Although ALP in the northeast were universally regarded as the worst, reports of ALP criminality, war crimes and serious abuses, or sparking conflict manifested in nearly every province. In south-central Uruzgan Province, multiple (and somewhat competing) ALP contingents were



accused of infighting and retaliatory raids, which led to extrajudicial killings and detention, the rape and sexual assault of women, and property destruction, including burning houses to the ground.<sup>60</sup> In western Farah, among other provinces, reports circulated of ALP commanders engaged in forced recruitment, forced displacement, and illegal taxation.<sup>61</sup> ALP in eastern Nangarhar Province were frequently linked to illicit trafficking networks, land grabbing, and corruption; for several years, the United Nations Assistance Mission in Afghanistan's (UNAMA's) human rights reporting singled out the Nangarhari ALP for indiscriminate use of force and civilian casualties.<sup>62</sup> One particularly notorious commander set up illegal checkpoints, looted and raided houses, and kidnapped local women.<sup>63</sup> After the community rebelled and protested against him, he retaliated by staging a suicide bombing attack on a local gathering.<sup>64</sup>

Nor were the critiques limited to human rights concerns. The ALP was established primarily as a counterinsurgency initiative to stabilize areas vulnerable to Taliban infiltration and to help diminish other sources of conflict. Instead, in many cases, the extralegal violence, predatory behavior, and criminal activities associated with local ALP units had a destabilizing effect, inflaming local conflict, and in some areas leading to increased Taliban recruitment and control. Former Minister of Interior Ali Jalali argued that “abusive behavior by local commanders” in forces like the ALP or the Uprising Forces was “the main reason for Taliban inroads in the northern provinces since 2010.”<sup>65</sup>

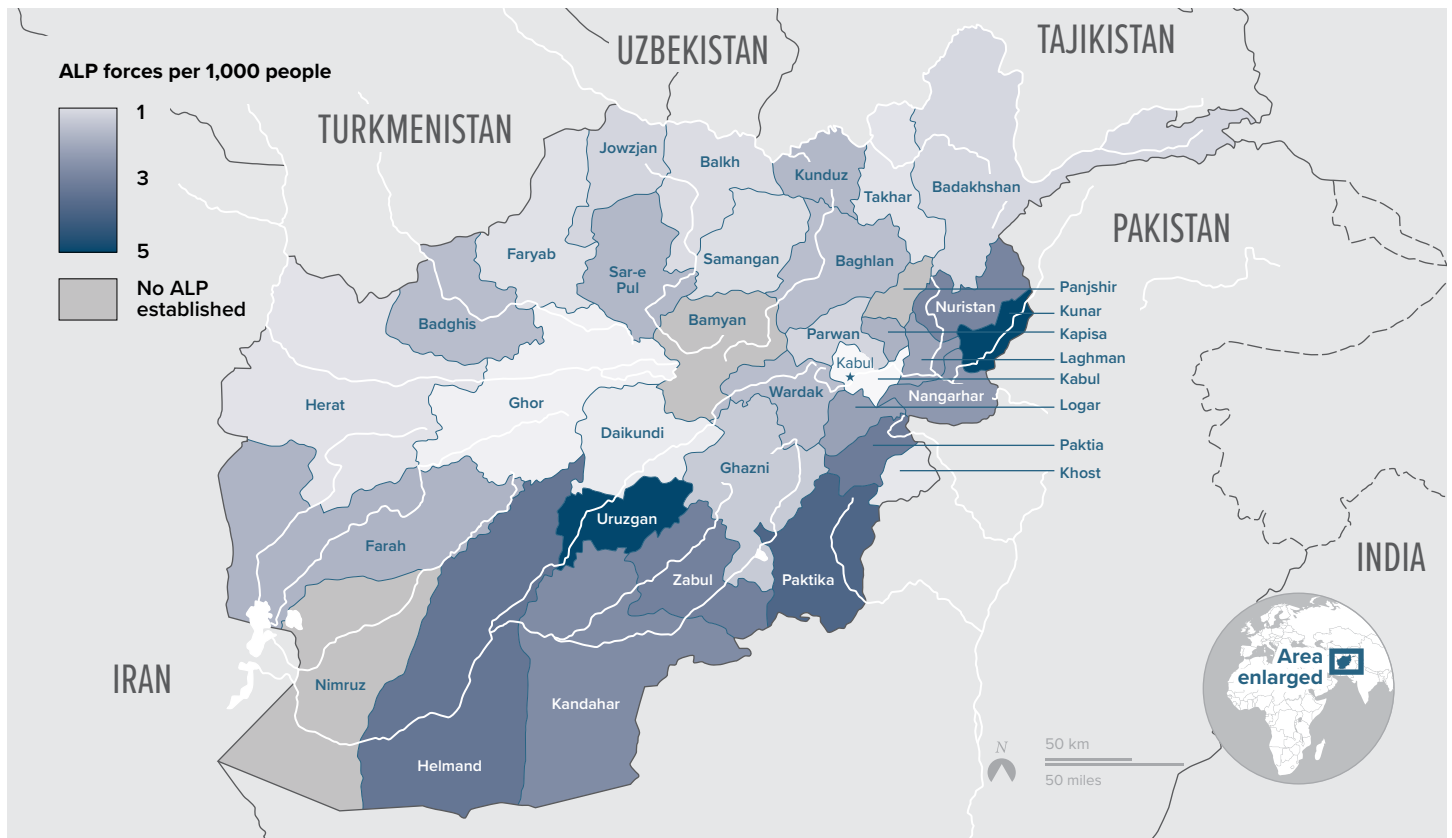
A few years into the program, in 2013, the US military command in Afghanistan organized an internal expert study group to evaluate the performance of the ALP. Although the review found that some of the ALP units were “highly effective,” enhancing local security, undermining insurgent influence, and facilitating governance and development, it also found that the impact of two-thirds of the ALP ranged from negligible to outright counterproductive.<sup>66</sup> In the worst cases, ALP units were “causing more harm than good because they [were] ineffective, predatory, or engaged in collusion with the enemy.”<sup>67</sup> Later evaluations continued to reflect this mixed record, but generally found an even smaller proportion of “effective” units than the 2013 review.<sup>68</sup>

The drivers behind ALP misconduct and violence differed from one province to another, and even from one subdistrict or commander to another. However, overall trends point to elite manipulation and powerbroker subversion of the force as a substantial factor. As one SOF commander observed in 2018, “Where you have the issue of bad actors as local powerbrokers trying to co-opt ALP, that’s where you’ll get a bad ALP, and where you don’t have them, then you get a better ALP.”<sup>69</sup>

Powerbroker manipulation and co-option was a widespread issue across the ALP. Although some ALP units were indeed raised from and genuinely representative of local communities, true to the original vision for the force, in many more areas the ALP forces reflected the same competing powerbrokers, factions, and commander networks that had dominated the security sector since 2001. In northern provinces such as Balkh, Kunduz, or Takhar, the ALP largely drew from the same former Northern Alliance commander networks and militias that controlled the state security apparatus in the same provinces.<sup>70</sup> In other areas, Karzai loyalists or US-backed security powerbrokers, such as Mattiullah Khan and Kandahar Police Chief Abdul Raziq, used the program to fund and

FIGURE 2.

## Afghan Local Police presence by province (2014)



**Source:** Map adapted from artwork by Rainer Lesniewski/Shutterstock. Data from Kate Clark et al., *Ghosts from the Post: Lessons from Local Force Mobilisation in Afghanistan and Prospects for the Future* (Berlin: Afghanistan Analysts Network and Global Public Policy Institute, 2020), 33.

empower local fighters.<sup>71</sup> Some provinces represented a mix, with different factions, powerbrokers, and constituencies maneuvering to have an ALP staffed with their contingent—a combination that more often than not led to local fighting, tit-for-tat retaliation, and other violent countereffects. Powerbroker capture and subversion of ALP units was so prominent that, beginning in late 2015, President Ghani ordered the MOI to semiannually identify ALP commanders or units under the influence of powerbrokers—the only such tracking requirement among the ANSF.<sup>72</sup>

The degree of powerbroker capture and infiltration of the ALP was in part due to the compromise struck in the initial bargaining over the ALP’s authorization. As the SOF had feared, placing the ALP under Afghan institutions, and particularly under the MOI, created a direct route for factionally linked powerbrokers in the Afghan government to ensure that ALP units would be mobilized out of their loyalists and militiamen. One UN official observed that it was a sad irony that one of the MOI officials with lead responsibility for the ALP *tashkils* (government salary allocations, essentially a government post) was a man who had failed the 2006 pay-and-rank reform measures and should have been dismissed years earlier.<sup>73</sup> No sooner had the program been created than warlords, politicians and parliamentarians, and regional and local powerbrokers began both lobbying to have ALP units

created and supported in their areas and nominating their men to fill those positions.<sup>74</sup> One former US government official who monitored the ALP authorization process in the first year said the list of tash-kils shifted weekly based on “horse-trading” by powerbrokers in Kabul: “The ALP became a cash cow, and a patronage vehicle. Everyone’s in a rush to get one, and to get one before competitors do.”<sup>75</sup>

US security pressures and objectives were equally to blame for derailing many of the initial safeguards. Petraeus wanted to replicate the success he had seen with the Sons of Iraq, which grew to 95,000 forces in just over a year. He pushed for rapid expansion of the ALP at a pace that made organic community development or effective SOF oversight impossible. Mann noted that as soon as the program was authorized it was no longer about community support, but instead became “completely myopically focused on security” and on “how many ALP were stood up.”<sup>76</sup> The most expedient way to do that in many areas was to turn to known powerbrokers or commanders. At the peak of ALP mobilization, the SOF might only have a week to ten days to identify and mobilize a given ALP unit, leaving little time for more than superficial community consultation.<sup>77</sup> Instead, leaning on figures like Raziq, the infamous police and militia commander Azizullah Karwan in Paktika, or Nur al Haq in Baghlan (discussed later) was a more expedient way to recruit ALP forces, even if these commanders had questionable reputations on human rights.<sup>78</sup> Communities frequently complained that they were not consulted at all and that the forces were simply organized by US forces or Afghan powerbrokers in the area and forced on them.<sup>79</sup>

Individual US forces or advisers sometimes raised objections where a proposed ALP site seemed prone to warlord domination or manipulation, or where the forces recruited appeared to be bad actors. However, as Matthew Dearing, a former military adviser in Ghazni Province, said, “The need to get the numbers up took precedence over micro-level local concerns.”<sup>80</sup> Time pressures quickly outstripped the SOF’s ability to ensure that a proposed site was not susceptible to warlord interference, or to take the time necessary to develop an organic, community-protective, community-representative force. As Mann argued, “The top-down expectations of meeting your numbers made responsible vetting impossible.”<sup>81</sup> Moreover, in many areas, the SOF or other community specialists were not even involved. Security pressures created a demand for ALP units that outpaced supply, and in many parts of the country, regular Army or Marine units mobilized local forces, sometimes with no coordination or checks against the larger ALP guidelines and program restrictions.<sup>82</sup>

Summarizing the way that rapid expansion might contribute to elite capture, Ambassador Ronald Neumann offered that “with more pressure to scale up, you are less likely to resist political pressure to create certain units—that’s upper-level host government pressures. A second problem is that when you’re under pressure you don’t have the time to do the community mapping to know if you’re getting community buy-in. That requires not only time but also people with enough experience in the country to do it.”<sup>83</sup>

As a result of these trends, in very many communities, the ALP quickly became another strand in networks of patronage politics and extraction that had direct consequences in terms of human rights protection and incidences of violence. Those ALP units mobilized along factional lines or in service

of security powerbrokers' agendas tended to use their authority to attack rivals, facilitate economic extraction, or predate on civilian communities affiliated with the other side.<sup>84</sup> One former US government official, formerly deployed in eastern Afghanistan, said that even though he saw some cases where the ALP improved community security, the overall result of the program was one of "net insecurity" because it legitimized so many "bad actors." As he explained it, "you were always going to have militias in those [insecure] areas, and some of those militias were going to behave badly. The ALP didn't create that dynamic. . . . But having a badge and the gun does give them an additional ability to impose their will on communities."<sup>85</sup> It also created a vehicle by which many of these thugs and local criminal actors became even more deeply associated with the Afghan government and international forces. Four studies of ALP experiences in different provinces help illustrate how elite capture devolved in the ALP experience, some of the mechanisms and factors that led to that capture, and how this affected community dynamics and produced violent consequences.

## KUNDUZ

Kunduz is perhaps the best example of rampant elite manipulation in the ALP and the dire consequences that can result. By the time the ALP was created, Kunduz's security sector already demonstrated the problems that can stem from elite capture. After 2001, the rival Northern Alliance factions of Jamiat-e Islami and Jombesh-e Milli, which aligned more with Tajik and Uzbek ethnic groups in Kunduz, divided between themselves control of formal governance and security positions in Kunduz, effectively marginalizing Pashtuns in the province.<sup>86</sup> Kunduz governance and security actors were so bad that by 2008 pockets of Taliban resistance began to emerge in Kunduz, the first hints of a Taliban resurgence and an insecurity in what had previously been the most stable region in Afghanistan.

Warlord and powerbroker capture and predation were so pervasive in the north that the SOF and their advisers initially resisted Afghan government appeals to establish local defense forces in places such as Kunduz.<sup>87</sup> Nonetheless, facts on the ground, and vertically connected patronage networks, would soon change that. Many thousands of former Northern Alliance militiamen in Kunduz had formally been demobilized or decommissioned in earlier DDR or police reform rounds, but they still existed and were looking for an opportunity to remobilize.<sup>88</sup> With seed funding from regional powerbrokers such as Balkh Governor Mohammad Atta or Jamiat figures within the National Directorate of Security, many of these commanders self-mobilized into anti-Taliban *arbakai*, as they called themselves, mimicking the rhetoric of the US-supported local defense pilots.<sup>89</sup> Because of deteriorating security and a perceived need for more anti-Taliban forces, many of these unofficial *arbakai* also later received funding through a separate SOF fund.<sup>90</sup>

Meanwhile in Kabul, northern powerbrokers such as Atta and Vice President Marshal Fahim (both Jamiat stalwarts) had argued throughout the ALP authorization debate that the proposed local defense initiatives should not be a "Pashtun handout program."<sup>91</sup> To appease these parts of his governing coalition, Karzai made expansion of the program nationwide a condition of ALP authorization. Once the program was established and under MOI authority and processes, Jamiat-linked officials within the MOI made sure that any ALP *tashkils* (units) in places like Kunduz drew from their associates, in the main from the unofficial *arbakai* groups that had already self-mobilized.<sup>92</sup> Referring

not just to Kunduz but also to similar dynamics in neighboring areas, former senior DOD official David Sedney said that in the north, “local warlords didn’t have to ‘capture’ the ALP—they created them.”<sup>93</sup>

As a result of these power plays and elite interventions, the ALP that emerged in Kunduz were a far cry from the original vision of local defense forces—as forces to be chosen by and protective of their local communities. The ALP in Kunduz were dominated by commanders and militias already linked to provincial and regional power structures, and deployed in districts regardless of local community wishes. The most toxic situations arose where these factional Tajik and Uzbek militias were vested as the ALP in predominantly Pashtun communities.<sup>94</sup> These ALP units were not only highly partisan and factionally inclined, but also largely drawn from forces that had proven so grossly negligent, abusive, or unfit for duty that they had failed prior ANSF fitness tests and been demobilized. Not surprisingly, when this force was unleashed on minority Pashtun communities, it engaged in rampant abuse, from “killing, maiming, and disrespecting the locals” to petty criminality, extortion and land grabbing.<sup>95</sup> The Kunduz ALP were so infamous for their abuses that they were singled out in every UNAMA annual human rights report from 2011 to 2015.<sup>96</sup> In 2013, according to UNAMA, half of the abuses documented for ALP in the country were in Kunduz.<sup>97</sup>

Rather than stabilizing the situation, this predatory behavior—sanctioned, in the eyes of locals, both from the top and by the international community—fanned the flames of anti-government sentiment. The Taliban footprint in Kunduz grew so much that in 2015, Kunduz city became the first provincial capital to come under Taliban control since 2001.<sup>98</sup> They were later ousted, but from this point on, Kunduz remained a city that was up for contention, a factor that many analysts attribute significantly to the unruly ALP and *arbakai* behavior.<sup>99</sup> As Afghan analyst Borhan Osman summarized it, “In Kunduz, it was not so much that the Taleban were attractive, but rather that the pro-government militias and Afghan Local Police have behaved so badly as to make the state look unattractive.”<sup>100</sup>

## **BAGHLAN**

In Baghlan Province, just south of Kunduz, the same Jamiat-linked formal and informal powerbrokers were involved as in Kunduz, many of the same commanders mobilizing unofficial *arbakai*, and later the ALP, in both provinces.<sup>101</sup> However, even though ALP and *arbakai* mobilization in Kunduz reinforced the status quo of Tajik and Uzbek domination—to the detriment and anger of the Pashtun minority—in Baghlan, ALP mobilization was volatile because it threatened to disrupt the status quo.<sup>102</sup>

In the years after 2001, Jamiat figures and fighters almost wholly absorbed positions within Baghlan’s security architecture to the exclusion of Pashtuns and Shia Ismailis in the province. By 2009, only six of the 46 senior ANP officers were Pashtun.<sup>103</sup> In the highway police, 90 percent of the senior positions were Tajik, most from the district of Andarab, home of the highway police chief.<sup>104</sup> Since 2003, Karzai had tried to use his presidential appointment power to shake up Jamiat’s lock on positions, mostly by appointing to senior provincial posts Pashtun figures drawn from Baghlan’s Hezb-e Islami contingent. This resulted in a revolving door of appointments—some nine governors in 10 years—which did more to generate political instability and waylay effective governance than to address political exclusion in the province.<sup>105</sup>

These patterns of exclusion and poor governance created a wedge for Taliban recruitment and advances in Baghlan beginning as early as 2008. By 2009, Taliban fighters began staging major attacks on Afghan government and international military positions in Baghlan, triggering the same sort of *arbakai* self-mobilization and SOF operations as described in neighboring Kunduz.<sup>106</sup>

When the US SOF came to Baghlan in 2010, they interpreted the situation as one of “Tajik oppression” fueling Pashtun rebellion and a turn to the Taliban.<sup>107</sup> To reverse this, they turned to a ruthless Hezb-e-Islami commander, Nur al Haq, to recruit anti-Taliban Pashtun ALP units.<sup>108</sup> Nur al Haq already had a substantial record of extortion and abuses against the population and likely would not have been a popular choice if his nomination had been put to communities. No evidence indicates that it was.<sup>109</sup> However, even though Tajik-Pashtun rivalries were certainly part of the tension, the underlying issue was primarily a turf war between competing elite factions—armed commanders linked to Jamiat and those linked to Hezb-e-Islami. At issue were not only the authority and salaries associated with government positions, but also the access they afforded to profit from lucrative opium smuggling and other illicit trafficking routes in the province.

The mobilization of the ALP along one side of what was essentially intraprovincial gang warfare was like pouring oil on the fire. The ALP under Nur al Haq faced off against ANP linked to Jamiat. Both sides viewed the situation as a zero-sum Pashtun-Tajik war for protection and resources, resulting in tit-for-tat violence, conflict, and security incidents between two nominally pro-government forces. Rather than uniting to oust the Taliban, both sides would tip off the Taliban when doing so disadvantaged the other and used their position of power to predate on the population and extract additional revenues.<sup>110</sup> ALP commanders or units sexually assaulted civilians (including children); perpetrated extrajudicial killings and forced disappearances, arbitrary detention, indiscriminate violence and civilian casualties in operations; and used kidnapping and other coercive tactics to collect ransom, force land grabs, and gather illegal taxation.<sup>111</sup> Rather than addressing the Taliban threat or stabilizing the situation, the ALP initiative inadvertently played into the elite competition dynamics in ways that escalated local violence.

## ANDAR AND GHAZNI

Case studies like those in Kunduz and Baghlan can lead to the oversimplified conclusion that ALP triggered violence in multiethnic provinces because it played into ethnic and sectarian divides. The record of the ALP was certainly worse in the more multiethnic provinces of the north. However, the same sort of intercommunal division, often ignited by elite competition in the security sector, also transpired in more homogenous, Pashtun tribal communities in other parts of Afghanistan. The explosive results of international forces’ local mobilization efforts in Andar, in Ghazni, are illustrative.

After a small group of students took up arms against the Taliban in 2012, calling themselves Patsunians (Uprisers), the US military seized on Andar as an exemplar of Taliban resistance.<sup>112</sup> On the surface, Andar seemed ideal for local mobilization—it was almost exclusively Pashtun, largely all of the same tribe, along the same Loya Paktia belt of territory where egalitarian *arbakai* traditions are strongest.<sup>113</sup> In reality, it was as riven by community divisions and elite competition as some locations in the northeast. The 1990s had been a turbulent period in Andar, characterized by raging

conflict between competing mujahedeen commanders and factions.<sup>114</sup> Since 2001, powerbrokers with ties to Ghazni had repeatedly used various security sector mobilization and demobilization initiatives to advance their parochial or factional interests.

The sudden US interest in Andar, and the accompanying weapons and funding for the Patsunian and ALP forces there, fueled yet another round in this long-standing cycle of factional competition, conflict, and countermobilization in Andar in ways that went beyond a straightforward Taliban versus anti-Taliban narrative. The prominent central powerbroker and Karzai loyalist, Assadullah Khalid, seized on the moment to nominate his loyalists (fighters predominantly from a number of Hezb-e-Islami villages) to the new ALP and Patsunian contingents. This triggered pushback from rival strongmen and factions, who mobilized their own “anti-Taliban” forces.<sup>115</sup>

These competing waves of mobilization sparked conflict and tit-for-tat violence, not only against suspected Taliban contingents and sympathizers, but also between competing *arbakai* militias operating under either Patsunian or ALP banners.<sup>116</sup> It was an internecine, deeply personal conflict that quickly escalated into transgressive violence. The Afghanistan Analysts Network (AAN) and UNAMA described it as among the most extreme within the Afghan conflict at the time, one that included large-scale attacks and assassinations that violated Afghan norms of warfighting, from desecrating the sanctity of burial and marriage rituals to collective punishment.<sup>117</sup>

The Andar experience was similar to the issues in Baghlan in some ways, even if the nature of intra-communal conflict and competition was completely different. In both, the ALP and *arbakai* initiatives were problematic because they were easily co-opted and manipulated by local and national elites, in ways that escalated conflict rather than defusing it. In the case of Andar, this also had longer term strategic consequences. After several years of bloodletting, the community turned solidly against these “pro-government” militias, and from 2016 on, the district was solidly Taliban controlled.<sup>118</sup>

## URUZGAN

Uruzgan, the province just to the west of Ghazni, is largely Pashtun and tribal but has a Hazara minority, mostly around Gizab district.<sup>119</sup> However, even in the purely Pashtun districts, historic division has taken the form of a centuries-long rivalry between the two largest tribal confederations (Ghilzai and Durrani), creating a wedge issue for the Taliban.<sup>120</sup> Moreover, the state of governance in Uruzgan exemplified the issues with the Afghan state that had turned many communities toward the Taliban. The Afghan government offered few services and little protection to the largely poor, agrarian population. Instead, it retained nominal control of the province in a mafia-like warlord approach that stood out for its violence and mercenary nature among the many strongman experiences in Afghanistan.

Early in his tenure, Karzai appointed his long-standing friend and protector Jan Mohammad Khan as governor. Jan Mohammed, together with his nephew Mattiullah Khan, built one of the most consolidated architectures of provincial control in Afghanistan, maintaining a tight grip on both the formal security sector and an equally powerful chain of informal or privatized armed forces.<sup>121</sup> Matiullah Khan used control of private security companies and de facto control of most security checkpoints and posts to

pilfer as much as half of reconstruction funds for the province, and also reaped hundreds of thousands per month from guarding foreign military convoys.<sup>122</sup> Control of transport links and checkpoints also allowed a cut of the illicit drug trade flowing from poppy-producing Helmand Province to the south.

Some of the earliest pilots and first formalized ALP units in Uruzgan came under a SOF-linked Hazara commander in the Gizab region who racked up his own record of egregious human rights abuses and extralegal violence, often as much motivated by Hazara-Pashtun rivalry as by anti-Taliban sentiment.<sup>123</sup> However, the rest of the ALP in the province quickly came to act as an extension of Mattiullah Khan's network of armed men and resource extraction. Incorporation into the ALP created a source of legitimacy, positions, and regular salary for tribal militias who came under Mattiullah Khan's patronage, and further extended his grip on trade, trafficking, and extraction routes down to a local level. All of this was beneficial for the tribal constituencies aligned with Mattiullah Khan, but it neglected the interests of the other groups, some 45 to 50 percent of population, whose only recourse was to support the Taliban more solidly than ever.<sup>124</sup>

Until his assassination in 2015, Mattiullah Khan successfully diffused many Taliban attacks and kept districts from falling under Taliban control, for which he was prized by US forces.<sup>125</sup> But this control was maintained through a level of "gloves-off" violence that was far from the "population protection" ethos of the ALP, much less the larger governance and state-building mission. Retaliatory violence against suspected Taliban or their supporters included mutilation of captured detainees, collective punishment, and extrajudicial killings.<sup>126</sup> In one example, Mattiullah Khan's men attacked a madrassa, taking dozens hostage, including young boys, and executing them.<sup>127</sup> The exact perpetrators in such examples are often unclear—Mattiullah might equally order such attacks to be undertaken by his own unofficial militias, or those sporting an ALP or an ANP uniform. Nonetheless, ALP in Uruzgan were singled out for abuses in nearly every UNAMA report from 2011 to 2013.<sup>128</sup> Human Rights Watch documented heavy forced recruitment into the ALP and a pattern of beating and deaths in raids and operations.<sup>129</sup>

Once Mattiullah Khan was killed, his apparatus crumbled, and with it any pretense of government control in the province. What had been built was not sustainable community resistance, but simply a temporary security fix based on a criminal extraction model. Security analyst Deedee Derksen argues that US support behind Mattiullah Khan was a prototypical example of how US counter-Taliban priorities thwarted progress on other state-building, stabilization, or governance goals. They would say, "Mattiullah Khan, he's a bad guy, on human rights abuses, drugs, but he fights the Taliban." Support for Mattiullah Khan, she argues, was fundamentally "about the security of international troops, not of the population. . . . It's a situation that exemplifies the idea of prioritizing short-term versus long-term goals."<sup>130</sup>

## OVERALL PATTERNS

These instances illustrate the diversity in local dynamics, and how particular demographic features, intercommunal divisions, and even individual powerbrokers or commanders uniquely shaped the effects of ALP mobilization in any given community. Nonetheless, several trends stand out, particularly regarding the influence of elite manipulation.



ALP mobilization was highly likely to trigger violence in communities in which the security sector was already captured by warlord, powerbroker, or other elite manipulation. As in Uruzgan, or in Kunduz, the ALP in these cases became yet another method of suppression, extraction, and control. The introduction of the ALP did not create the system of violence, criminality, and “rule by the gun” that dominated these areas, but forces were quickly subsumed in it.

Where ALP units were created in communities characterized by strong communal conflict—whether competing factional interests, interethnic, intertribal competition, or other historical rivalries—the units tended to mobilize along existing solidarity lines and to ratchet up rather than diffuse conflict sources.

In both scenarios, it was not just that elite competition and manipulation dynamics allowed bad actors to be put in positions of local authority, but also that those same patronage networks provided protection and a degree of impunity for any misconduct. In some cases, communities protested against the appointment of an unruly ALP commander to their district, often at significant risk.<sup>131</sup> These attempts at removal were largely unsuccessful, however, even in cases of egregious abuse, because the same provincial or central Afghan government officials who were responsible for the commander’s appointment protected him from dismissal. In many cases, commanders were put in their position (or perceived to be there) because of US forces. In these cases, they were viewed as untouchable, leaving communities unable to reject the candidate.<sup>132</sup>

Rather than local mobilization being a way for communities to get away from elite manipulation at the center, the ALP became a conduit for national or central meddling and corruption to seep down to the local level. As in Ghazni, they became a new avenue for powerbrokers or figures at the center to extend their patronage networks and intervene in local conflicts in areas of interest. As in both Baghlan and Ghazni, the overlay of national powerbrokers’ interests onto local conflicts, or the US focus on seeing these local conflicts as a Taliban versus anti-Taliban fight, tended to make them more volatile and less easily resolved through intracommunity dialogue or mediation.

In these various national to local elite conflicts, US forces often failed to act as neutral arbiters; nor could they tip the interests toward more community-protective forces. Instead, they were often directly responsible for empowering abusive and partisan commanders. In some cases, this was due to lack of understanding of the local context and insufficient time to correct these information deficits. In other cases, US short-term security priorities—countering immediate Taliban threats, protecting troops in the area, or ensuring free flow of military convoys—led toward support for whatever local-military elite or commander could deliver immediate security gains. Problematic security commanders and networks were supported regardless of the consequences for community stabilization or long-term governance and conflict reduction.

The inverse of these trends was also true. The best examples of the ALP performing as intended—strong against the Taliban and protective and respectful of communities—tended to arise in areas where these elite competition or rule-by-the-gun dynamics were lacking, where central factional

or elite interference was limited, and where strong community divisions and rivalries were either absent or the traditional structures and mediation to resolve them remained.<sup>133</sup> In these communities, which mostly arose in parts of southeast Loya Paktia and in eastern Kunar Province, the ALP model worked as intended and communities had the space to nominate and support a community-protective force, both more adept at rooting out local threats and preferred by local communities.

These limited pockets of success at community stabilization were, of course, not enough to forestall the larger Taliban takeover of the entire country in 2021.<sup>134</sup> But this is also not what community mobilization was intended to do. As SOF Commander Scott Mann observes, “This can work. . . but it’s not the silver bullet. You won’t win with it. It’s simply the way to stabilize rural, out-there areas, to walk back to the government after a long period.”<sup>135</sup> It depends ultimately on having a stable and effective government to move toward, he notes, something that was not aided by other choices in the US strategy or by the tactics and maneuvers of Afghan government leaders themselves.

## Conclusions and Lessons Learned

The United States will undoubtedly face situations, similar to that in Afghanistan, where it seeks to improve stability and support counterinsurgency efforts in areas beyond state control. In such contexts, it may well seek out nonstate or community-based partners, particularly when elite capture, corruption, and misconduct hamper state institutions. The experience of the ALP provides valuable lessons and warnings about community-based or nonstate security strategies, particularly in situations of short time horizons and limited manpower. In addition, the experience of the ALP suggests important insights more generally on some of the challenges of entrenched elite capture.

In assessing what went wrong with the ALP, most US forces and officials interviewed pointed to choices made in the initial institutional bargain or in the early implementation period—particularly the linkage with the MOI and the rapid pace of expansion. Rather than functioning as a brake on elite manipulation, the MOI was a key conduit for political interference and corruption of the ALP. This was true from the initial Kabul-based horse-trading over which areas would receive a tashkil, to continued appointment, recruitment, and management processes over the life of the ALP.<sup>136</sup> The rapid escalation and expansion of the ALP—driven largely by US security pressures and objectives—was equally important, leading to poor choices in ALP mobilization and facilitating processes of powerbroker capture at both a local and central level. The SOF and their advisers also critiqued the shift in focus that came with rapid expansion, away from community stabilization and development toward a solely security-focused initiative.

Although these two elements were costly, the counterfactual premise is important to explore, especially to consider whether the same elite manipulation would have transpired even with different implementation choices. Given its reputation of pervasive corruption, mismanagement, and political capture, the MOI was possibly the worst institutional home for the ALP. When US officials and the Afghan government decided to create a new form of community forces in 2018, which came to be known as the Afghan National Army Territorial Force, they placed it under the MOD because of the

ministry's stronger reputation for accountability and control.<sup>137</sup> Nonetheless, even with a sounder institutional base, it would be hard to imagine the ALP evading the sort of capture and predation that subsumed the security sector as a whole. The ALP was a minor initiative—never more than 30,000 forces, versus an overall ANSF of just under 300,000—under the control of commanders at the lowest pecking order among elites or, in a minority of cases, of communities who wielded even less political leverage.<sup>138</sup> They were not strong enough to get around or cure issues in the system. These marginal forces largely ran “with the grain” of existing patterns of force mobilization and patronage rather than against it.

The alternative mooted in the ALP debate was to mobilize community-based or nonstate forces without any linkage with the Afghan government. This might have avoided manipulation via the MOI tashkil process but would likely not have blocked capture through the myriad other pathways of elite capture in the Afghan environment. Studies of *mediated* or *limited* states—in which power and authority are shared and mediated between formal or statutory state institutions and informal or nonstate elites, institutions, and channels of power—emphasize that formalized state processes and institutions are not all that matters.<sup>139</sup> The elite bargain constructed at Bonn ran not just through the Afghan state but also through informal processes and networks of power. These channels and processes would have been present and would have affected the ALP regardless of how it was institutionalized. As a result, avoiding formal institutions would likely not have been enough to avoid elite manipulation. For example, a local community-based force mobilized in Uruzgan Province in the period in question would have inevitably come under the control of Mattiullah Khan whether it was linked with the Afghan state or not because he controlled both the formal and informal security sectors in the province at the time.

Where US military or civilian representatives were engaged with ALP at a local level for either recruitment or follow-on oversight, they might have been able to forestall political capture, but only temporarily. The SOF and other community engagement specialists were arguing for a project of community transformation that would require generational change, and a commitment measured in decades, rather than years. As SOF Commander Scott Mann notes, “When you are building capacity in an informal society, it is a multidecade endeavor. . . . It took forty years to break informal mechanisms in rural Afghanistan; it will take at least that long before you can restore it and create a level of local capacity that can stand on its own.”<sup>140</sup> Thus, even though the time pressures on the ALP may have degraded the vision for the force, the US appetite for political engagement would never have endured long enough to keep other intervening actors in check.

A final factor to consider is whether US forces and officials on the whole acted as a check on elite manipulation of the ALP. Across the ALP experience, US forces were as likely to select a problematic commander—one connected to pernicious elite networks or with a record of violence and abuse—as a positive one. This was in part because of the fast mobilization timeline, which allowed little time to understand community dynamics, relationships, and conflict triggers, and how they intersected with national or regional networks and fault lines. Overcoming these information asymmetries at the local level, and getting to fully understand local dynamics well enough to make better choices, would have required an enormous investment of time and manpower. Frances Brown, a

former US government official involved in COIN-era governance programming, observed that this was a common problem in Afghanistan: “Bottom-up solutions sound good, but the challenge is that the bottom is wide. With 30,000 ‘local communities’ in Afghanistan, we need to be realistic on our capacity for oversight, especially given that many local areas are illegible to us.”<sup>141</sup> Even without rapid ALP mobilization, the length of US tours—typically capped at a year—would have made it difficult for US forces to gain enough understanding and to sustain a level of knowledgeable oversight across the dozens of locations nationwide where ALP were mobilized. Other studies of US community-based programming efforts in Afghanistan found similar flaws and note the challenges inherent in identifying what or who constituted a community, who was an appropriate representative of that community, and the type of external support that would not skew or disrupt local power dynamics.<sup>142</sup>

These two elements—the time horizon needed to see these initiatives through, and the amount of resources, and manpower required for even short- or medium-term success—do not presage well for future community-based security interventions. Although still not enough for the ALP program to succeed, the level of resources and time horizons were more substantial in Afghanistan than might be available in future scenarios. The current trend toward low-footprint operations and operating by, with, and through other forces, rather than substantial US force and personnel deployments, suggests that future community-based initiatives would be expected to deliver security and governance dividends with only a fraction of the staffing and resources, and an even shorter time horizon, than those for the ALP.<sup>143</sup> Former US Ambassador Ronald Neumann observed in a 2011 interview that he could fully see the United States attempting community-based or nonstate force mobilization again but failing to provide enough resources for it to succeed. Unless Washington were willing to put “people on the ground for two to three years and insist they have tribal knowledge and know what they’re doing,” he would be very “skeptical” that it would offer any better results than the ALP.<sup>144</sup>

Resource and time limitations were not the only issue. US forces frequently installed problematic commanders as the head of ALP units, not from lack of knowledge of their record of abuse or criminality, but because they were perceived as strong against the Taliban, or as necessary to address threats against international forces in the area. The decision to prioritize immediate security concerns and anti-Taliban objectives recurred at every level of US security sector assistance and governance support in Afghanistan. Supporting Raziq or Mattiullah Khan, whether in their positions as chiefs of police or in allowing them to help select subordinate ALP forces, was a conscious trade-off; these commanders’ ability to counter Taliban forces or hold key districts was prioritized over their human rights record and mafia style of governing. Former Interior Minister Ali Jalali suggests that problematic selection choices in the ALP—in his view, turning it mostly into “a program for the cronies of strongmen”—were a microcosm of the much larger issue of US security priorities undercutting long-term governance and state-building. In the ALP, as with other parts of the security sector, he argues, “the idea of US policy was not primarily to go after corrupt officials—it was to go after terrorists. This meant in some cases closing their eyes to those doing drug trafficking or engaged in corruption, as long as they could fight the Taliban. It was a major mistake. It drove many people into arms of Taliban and it undermined institution building.”<sup>145</sup>

These findings suggest that though it may be tempting to focus on particular program details or implementation choices—the pace of expansion, choices in institutional oversight, or the monitoring or accountability mechanisms adopted—none of these were as determinative as the way that community dynamics interacted with the larger political economy and elite bargains, both among Afghan elites and in relation to international actors such as the United States. The ALP and other community-based initiatives were often presented as an alternative to the dysfunctionality of formal institutions, offering a way to work around or even check entrenched corruption.<sup>146</sup> The findings suggest that community-based initiatives are unlikely to provide this work-around. Instead, like the ALP, they may simply become subsumed in existing networks of extraction and patterns of elite capture. Moreover, rather than strengthening communities against the pernicious effects of elite capture, external intervention and provision of resources to the community level could create new incentives and routes for central corruption and capture to spread to these local spaces.<sup>147</sup> This may be particularly likely in the security sector, given that funding for local militias are an attractive resource for regional or national powerbrokers.

US intervention in this space will inevitably shift local bargains and power balances, but more likely as a temporary kingmaker than as a durable change-maker. Reflecting on the effects of something like ALP creation at a local level, Afghanistan expert Andrew Watkins observes that “by virtue of throwing enormous US resources behind it, you are creating new elites. You are creating those who have more power than anyone in the district.”<sup>148</sup> Unfortunately, too often, US selection choices will be skewed by deep information asymmetries, short time horizons and tours, and the tendency to view local dynamics through the lens of outside, often immediate, security interests.

This does not suggest that community-based dynamics and actors should be ignored in future US security sector interventions. Attending to local security and governance concerns is an important part of building more accountable security institutions, and attention to center-periphery dynamics is particularly critical in a country with such diffuse and devolved power dynamics as Afghanistan. But community-based security interventions do not provide an automatic route toward addressing elite capture. In addition, even though nonstate or community-based forces may be no more prone to violence than state actors, community-based security interventions can generate substantial volatility at a local level. They have the potential to complicate local conflicts by linking them to national or even international conflicts, or by amplifying them with additional funds and resources. The ALP experience suggests that pursuing such initiatives as quick-fix solutions rather than investing in long-term community strategies is likely to exacerbate rather than mitigate the drivers of violence.



# Case Study: Mexico

Since 2006 in Mexico, more than 75,000 people have gone missing and more than 375,000 have been murdered. This violence stems from heavily armed criminal organizations, a militarized security strategy, and institutionalized corruption. One form of corruption—elite capture of security institutions—has contributed especially to the country’s security crisis.

This case study examines two ways it has done so: political elites and criminal actors using security forces for criminal ends, and security officials colluding with political elites to both increase public spending on militarized strategies and extract private benefit. State and criminal actors have corrupted and co-opted security structures, including law enforcement personnel and practices, the operation of security institutions, and the design and implementation of security policy. The analysis shows how militarization, hard-line strategies, decreased transparency and oversight, and concentration of authority contributed to violence, especially in the context of institutional changes and shifts in security strategy.

The United States has played a mixed role. On the one hand, US investigations, prosecutions, and sanctions have contributed to ending abusive local regimes in Mexico. On the other, such responses have come only after elite capture resulted in cross-border criminal activity. Simultaneously, Washington supports institutions involved in corruption and abuse. Neither formal policies nor informal engagement have significantly affected these dynamics so far. Corruption concerns remain secondary to other objectives, and Mexican actors balance US pressure against domestic political imperatives, which undermines US strategic objectives there.

Since the early 2000s, escalating violence around organized criminal activity—loosely referred to as the drug war—has led the Mexican government to adopt increasingly militarized security

strategies. Supported by funding, matériel, and training from the United States, successive Mexican governments increased security budgets and politically empowered the military and police forces. Yet no consistent progress has been made on reducing the demand for drugs within the United States and, despite aggressive enforcement strategies in Mexico, their availability did not dramatically change. Mexican drug trafficking organizations (DTOs) therefore remained powerful.

At the same time, the strategies for reducing criminal activity had harmful and sometimes paradoxical effects. Violence did not abate; in fact, it increased exponentially in some locations, and by 2010 national homicide rates reached record levels. Militarized antidrug trafficking efforts coupled with conflict between criminal organizations have led to extreme levels of violence.<sup>1</sup> Criminal groups, armed with military-grade weaponry largely obtained from the United States, diversified their activities beyond the lucrative trafficking of illicit drugs to include predatory activities such as extortion and theft. Many factors contributed to this expansion of crime, including the lack of a politically agreed-upon national architecture for security and justice, incoherent and unsteady security strategies, and political dysfunction between state and federal governments. The result was that conflict became endemic in many regions.

It is perhaps even more striking that this crisis of violence has occurred in a G20 country, a primary trading partner of the United States, one with a higher level of human development than many of its Latin American neighbors.<sup>2</sup> This context underscores the complexity of Mexico's violence and what is at stake for its security strategies.

A central driver of this ongoing tragedy is corruption within security forces. This analysis examines how Mexican elites capture security institutions and structures and subsequently manipulate those structures for private—rather than public—benefit. It further explores how US engagement has failed to mitigate elite capture and has, at times, even indirectly enabled it, given that the institutions the United States supports have simultaneously been at the center of elite capture.

Two forms of elite capture and manipulation are discussed here. In the first, elites manipulate security forces for criminal ends. Most commonly, political elites manipulate security forces to the benefit of organized crime groups in exchange for payoffs. Elites also, however, use corrupt security forces for personal illegitimate purposes, including extortion and property theft. This analysis details how both practices occurred in the state of Nayarit from 2011 to 2017.

In the second form, security elites such as high-ranking military officials partner with political elites to dramatically expand budgets and responsibilities for security forces, often in ways that reduce transparency and facilitate corruption and self-dealing. Although the pattern has played out nationally, this analysis focuses on the state of Sinaloa in 2017 and 2018.

The analysis supports four key findings:

- First, elite capture of security forces contributes to “choosing winners” among competing criminal groups, although criminal groups do not necessarily depend on such support. The



involvement of security forces in managing criminal activity does not result in a stable peace and almost always leads to serious human rights abuses.

- Second, when elites reformed security institutions in ways that concentrated authority in state prosecutors' offices (*fiscalías*) or military agencies and that increased the tactical capacity of security forces, the changes did not insulate those institutions from manipulation. Instead, these processes undermined transparency, rarely allowed independent oversight, and in some cases contributed to increased corruption and human rights abuses.
- Third, the military's growing role in designing security policy and strategies on the state and federal level has increased the opportunities for no-bid contracts and fiscal manipulation. High-ranking military officials have negotiated sweetheart deals with political leaders that channeled public funds to shell companies.
- Fourth, US policy in Mexico responds to multiple and sometimes competing political pressures and often lacks coherence when addressing complex security issues. The result is uneven interventions and a strategy that avoids—rather than engages with—situations in which elites are manipulating security forces for criminal ends. Although Washington sanctions elites linked to narco-trafficking, it has no strategy for addressing other ways elites manipulate security forces.

The situation in Mexico demonstrates that capturing and manipulating security structures by militarization, hard-line strategies, reductions in transparency or oversight, and concentration of authority leads to dangerous outcomes. The instrumental manipulation of security forces for criminal ends and personal enrichment is harmful, but when this manipulation occurs in the context of institutional changes and shifts in security strategy, the impact on citizens is exponentially worse.

## Background

In Mexico, elite manipulation of security structures is best understood as the use of armed security institutions (police and military) for private benefit to the detriment of the broader public good. This is often, but not exclusively, an instrumental practice in which leadership orders security forces to engage in or support criminal activity that provides material benefits to elites, either high-ranking members or elected officials, who control the institutions.

This capture and manipulation occurs within the context of a 50-year war on drugs. Mexico has long been the locus of illegal drug production and transshipment. During the 20th century, the lucrative US market for illegal drugs contributed to the emergence of powerful trafficking organizations such as the Sinaloa Cartel.

During the single-party Institutional Revolutionary Party (*Partido Revolucionario Institucional*, or PRI) regime (1929–70), antidrug enforcement efforts were manipulated by corrupt politicians or security

officials. Politicians, military, and police officials routinely received payoffs in exchange for allowing traffickers to operate. At times during the PRI regime, security officials actively facilitated the operations of drug trafficking groups, or trafficked drugs themselves.<sup>3</sup> During this period, the state acted as a sort of arbiter of illicit activity, and levels of violence declined throughout the second half of the 20th century.<sup>4</sup> Even when ostensibly serious drug eradication efforts were made in the 1970s during Operation Condor, nearly all of those arrested were peasant farmers rather than traffickers.<sup>5</sup>

During this period, US support for Mexican security forces was largely focused on Cold War–era national security concerns.<sup>6</sup> Corruption and security force abuses were not central policy issues, and even though US political pressure regarding combating drug trafficking was steady, it was also toothless.

Following Mexico’s formal democratization in 2000, the government of President Vicente Fox attempted to assert greater control over the military and state security apparatus, particularly in regard to human rights abuses and increased transparency.<sup>7</sup> These efforts largely foundered. Corruption remained a serious issue, and top security officials were accused of receiving bribes in exchange for aiding DTOs. Despite arrests at local, state, and national levels, there is credible evidence of ongoing manipulation of security forces to either favor specific trafficking organizations or facilitate their operations.

Democratization also destabilized the historical operation of federal- and state-level corruption and these stability-oriented protection rackets. The current dynamics of security force manipulation have become more complicated as criminal groups fragment and violence increases.

Drug war violence, meanwhile, led to a substantial increase in the power of security forces over the past two decades. Federal security budgets quadrupled between 2000 and 2016.<sup>8</sup> During this period, the military (rather than the federal police) became the primary security force tasked with combating organized crime. This shift responded to two factors: first, the increasing use of military-grade weaponry by criminal groups and, second, the imperative of limiting the impact of corrupt civilian law enforcement institutions on security strategy. More than a decade after their deployment in 2007, military forces remain on the ground as a primary actor in domestic security because no clear civilian alternative is in place. This has both empowered Mexico’s largest military branch, the Army and Air Force (SEDENA), and led to a dramatic expansion in the size and influence of the Navy and Marines (SEMAR). The Andrés Manuel López Obrador administration has continued the trend, pushing legal reforms to cement the military’s role in domestic security.

This militarization has contributed to a situation in which armed conflicts occur both among criminal groups and between criminal groups and the government. Government strategy emphasizes armed confrontation rather than investigation and prosecution of crimes.<sup>9</sup>

Corruption within security forces persists, and officials at the highest levels are often accused of collaborating with or assisting criminal organizations. Notable cases include former Security Minister Genaro García Luna, a career security official who headed the federal police under the presidential

FIGURE 1.

## US foreign assistance to Mexico (2006–2019)



**Source:** US Agency for International Development, *U.S. Overseas Loans and Grants: Obligations and Loan Authorizations, July 1, 1945–September 30, 2019*, <https://explorer.usaid.gov/reports.html>; Security Assistance Monitor, [www.securityassistance.org](http://www.securityassistance.org).

administration of Vicente Fox (2000–2006) and was head of the cabinet-level Security Ministry under Felipe Calderón (2006–12). In 2019, he was arrested in the United States and charged with accepting bribes from the Sinaloa Cartel.<sup>10</sup> Other cases, such as that of the former head of the vetted Sensitive Investigations Unit, Ivan Reyes Arzate, who was found guilty of collaborating with the Sinaloa Cartel, underscore that the corruption was more structural than individual.<sup>11</sup> Notably, both García Luna and Reyes Arzate cooperated closely with US enforcement agencies, which either overlooked or were unaware of their relationship with organized crime. In at least one instance, information the Drug Enforcement Administration (DEA) shared with Reyes Arzate’s unit was leaked to a criminal group, leading to a horrific massacre in 2011.<sup>12</sup>

The dynamics of violence and corruption in Mexico also respond, often in oblique ways, to US policy toward the country. In broad terms, Washington has sought to reduce the flow of illicit drugs through Mexico into the United States by supporting Mexican security forces’ confrontation with organized criminal groups. From 2007 to 2020, the Department of Defense (DOD) and Department of State trained nearly 25,000 members of the military, at a cost of more than \$138 million (see figure 1). Even as overall assistance to Mexico pivoted to civilian-led security strategies after 2011, the DOD expanded tactical training for the military, reinforcing the influence and strength of SEDENA and SEMAR.<sup>13</sup>

US influence over security strategy is limited, however, and US agencies in Mexico have distinct, sometimes competing, interests. For example, tensions between Department of Justice (DOJ)

law enforcement objectives, such as the arrest and extradition of a DTO leader, may temporarily increase violence; US Agency for International Development (USAID) programs operate in territories that have a stable arrangement between a criminal group and state authorities.

The complexities of the binational relationship make the shared security agenda particularly challenging. Mexico is a primary trading partner in the licit economy, which sees more than \$600 billion in trade annually. In the illicit economy, Mexican DTOs supply an estimated 90 percent of the heroin in the United States, smuggle “most” of the cocaine, and have entered the synthetic opioid market.<sup>14</sup> Mexico is also a partner on managing migration issues and other national security concerns along the border. Sources with experience at the embassy in Mexico City remarked that they had “never seen so many agencies around one country table.”

Managing the complex relationship between the two countries requires that the embassy take a holistic view of interactions. As a result, criticism of security forces may be limited or private, even when abuses are apparent. Ambassadors have generally avoided applying public pressure on the Mexican government surrounding security issues, with a few exceptions.<sup>15</sup>

The primary vehicle for security cooperation has been the Mérida Initiative and its successors. Proposed in 2007 by the Mexican government after decades of friction and a narrow security agenda focused on narcotics, the initiative was reformulated in 2011 and replaced in 2021 with a new framework, the Bicentennial Framework for Security, Public Health, and Safe Communities. Arguably, the Bicentennial Framework is merely a continuation of its predecessor, and the name change merely responds to domestic politics. The Mérida Initiative did not enjoy widespread support within Mexico, due to attitudes about national sovereignty and the initiative’s failure to reduce violence. The new framework therefore includes language that broadens definitions of security, addresses community harm, and emphasizes shared responsibility. Nevertheless, the Mérida Initiative was undeniably a turning point for security cooperation between the two countries for at least two reasons.

First, it institutionalized a high-level dialogue across agencies in both countries. Even though some of these efforts were rolled back under the administration of Enrique Peña Nieto (2012–18), it created incentives for building working relationships between agencies.

Second, it expanded the definition of security beyond concerns about drug trafficking. The dialogue on security had been focused on the US certification of counternarcotic efforts by drug producing countries. The Mérida Initiative broadened the scope under its reformulation around four pillars: disrupt the capacity of organized crime to operate, institutionalize capacity to sustain rule of law, create a 21st-century border structure, and build strong and resilient communities. The new framework emphasizes a public health perspective on drug use, brings to the fore the need to address firearms trafficking from the United States, and echoes Mérida’s emphasis on resilient communities. These objectives dovetail with ongoing efforts to address disappearance and torture, such as USAID programs to assist the Mexican government in improving forensic capacity in response to the disappearance crisis.<sup>16</sup>

## Dynamics

The dynamics of elite capture and manipulation of security structures in Mexico are complex. This is due in part to the numerous forms these practices take and the range of actors and interests involved (see figure 2). In this analysis, *capture* refers to elites gaining control of security institutions while reducing oversight and accountability; *manipulation* describes the instrumental use of the human and financial resources of those institutions for private benefit. The broad patterns of these intertwined practices—and how they reflect Mexico’s criminal landscape, political institutions, and militarization in the context of the drug war—follow.

The most common manipulation of security forces in Mexico is in the context of organized crime, which systematically seeks to limit enforcement activities and to enlist state actors as allies in conflict with rival groups. These dynamics are complex: criminal groups seek to establish working relationships with security forces and political elites by maintaining a low profile in areas where the state is relatively strong, using coercion and threats in areas where the state is relatively weak, and suborning officials when possible.

Criminal capture occurs on all levels, from municipal police to federal investigative agencies. The most common form occurs at the lowest levels, when criminal groups corrupt municipal police and officials using coercion and bribery. Although this contributes to undermining the rule of law and has a negative impact on security dynamics, it does not always amount to elite capture. Nonetheless, because political elites at all levels negotiate with criminal actors, they effectively manipulate security forces to some degree.

Traditionally, politicians have also negotiated with criminal actors to limit violence and disruptions to licit economic activity. When security forces can effectively confront organized crime groups (OCGs), politicians may enforce turf divisions between groups as a way of controlling violence and maintaining the state as an arbiter of illicit activity. When the supremacy of security forces is less clear, politicians may negotiate with criminal groups to avoid confrontations with security forces and to limit disruptions to licit economic activity. Most governors prefer security strategies that reduce overall levels of violence. As a result, even state police forces that are not actively corrupted by criminals may limit enforcement activity where less-violent DTOs or less-predatory OCGs are concerned. There is reason to believe in Mexico that high levels of homicide often correlate with disruptions in political arrangements among DTOs and local officials that guaranteed nonenforcement, and areas of relative peace may indicate higher levels of state-criminal collusion.<sup>17</sup>

Elite capture of security forces occurs when political elites seek to negotiate arrangements that benefit them personally. These arrangements typically involve manipulation of the security forces to protect certain OCGs over others, to target opponents, and to extract revenue. At the state and local level, elite capture is possible because security forces are restricted by limited local budgets and many positions within security institutions are political appointments.<sup>18</sup>

FIGURE 2.

## Key actors in Mexico

Drug Trafficking Organizations	Organized Criminal Groups	Politicians (state level)	Military (SEDENA/SEMAR)	Police (state and local)
<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• Cultivate, process, and transport illicit narcotics with minimal loss to law enforcement or rival organizations</li> <li>• Control key territorial points and exert influence over the state to achieve these ends</li> </ul> <p><b>Use of Violence</b></p> <ul style="list-style-type: none"> <li>• Often strategic for intimidation, sometimes extreme for purposes of signaling</li> <li>• Disputes over territory or political influence often intense</li> <li>• General desire to avoid violence that attracts excessive enforcement attention</li> </ul> <p><b>Level of Corruption</b></p> <ul style="list-style-type: none"> <li>• Preferred strategy for obtaining political cooperation</li> <li>• Typically involves a mix of bribery and threats</li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• Exert territorial control for predatory crime such as kidnapping, extortion, and theft</li> <li>• Minimize enforcement activity as much as possible</li> </ul> <p><b>Use of Violence</b></p> <ul style="list-style-type: none"> <li>• Violent disputes over territorial control with rivals</li> <li>• Performative violence to ensure compliance with extortion and racketeering demands</li> </ul> <p><b>Level of Corruption</b></p> <ul style="list-style-type: none"> <li>• Predatory groups rely more on coercion than bribery to obtain political support, as politicians and security institutions are less inclined to support predatory activities</li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• Reduce levels of predatory crime and violence that are politically damaging</li> <li>• On occasion to seek personal enrichment</li> </ul> <p><b>Use of Violence</b></p> <ul style="list-style-type: none"> <li>• Preference for avoiding frontal confrontations with DTOs/OCGs when possible</li> </ul> <p><b>Level of Corruption</b></p> <ul style="list-style-type: none"> <li>• Pursuit of personal enrichment varies</li> <li>• Most engage in negotiations with DTOs/OCGs in exchange for bribes or to reduce violence</li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• Maintain institutional cohesion and high levels of popular support</li> <li>• Expand political influence</li> <li>• Reinforce perception of territorial control</li> </ul> <p><b>Use of Violence</b></p> <ul style="list-style-type: none"> <li>• Typically extremely lethal when confronting criminal groups; disproportionate ratio of killed-to-captured</li> <li>• Documented participation in extrajudicial killings and disappearances</li> </ul> <p><b>Level of Corruption</b></p> <ul style="list-style-type: none"> <li>• Limited number of documented cases of bribery by DTOs/OCGs as a result of weak civilian oversight and a lack of transparency</li> <li>• Similar impunity/opacity surrounding embezzlement practices</li> </ul>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>• Institutional and personal survival</li> <li>• Minimize risk from conflict with DTOs/OCGs and takeover by federal forces</li> </ul> <p><b>Use of Violence</b></p> <ul style="list-style-type: none"> <li>• Preference for avoiding frontal confrontations with DTOs/OCGs when possible</li> </ul> <p><b>Level of Corruption</b></p> <ul style="list-style-type: none"> <li>• Often corrupted by coercion and bribery</li> <li>• Frequently work on behalf of DTOs or OCGs as enforcers</li> <li>• Often independently engage in enrichment through kidnapping or extortion</li> </ul>

In the context of Mexico’s drug war, these patterns have been shaped by two significant shifts in the country’s security architecture. First was the widespread deployment of the military for internal security operations against criminal groups and a corresponding increase in military presence in urban areas where it had not traditionally operated. Second was eliminating the federal police in favor of a new National Guard under the direction of SEDENA. This militarization of security has occurred alongside ongoing patterns of corruption. Rather than creating safeguards against the manipulation of security forces, these strategies have added unstable elements to the historical mixture, increasing budgets, firepower, and intelligence while reducing transparency and accountability.

The reliance of successive Mexican federal governments on military-led security strategies, and US support for this approach, has reinforced the autonomy and political power of SEDENA and SEMAR. The military has thus remained significantly insulated from civilian oversight on both corruption and human rights issues. It was not until a 2014 reform that members of the military could be tried in civilian courts for crimes involving civilians, and corruption investigations still rarely result in punishment. An audit of military tribunals found that, between 2010 and 2021, 583 investigations were opened into corruption, including irregularities in contracts, administrative negligence, and influence peddling. Of these investigations, most resulted in punishments for rank-and-file members; only nine generals were sanctioned and the sanctions were minimal.<sup>19</sup>

Ultimately, militarization has facilitated elite capture by reducing transparency and allowing the armed forces to engage in corruption with minimal accountability. At the same time, the military's expanding role in law enforcement has not prevented criminal capture. Recent nationally representative survey data show that 52 percent of the population believes the armed forces cut deals with criminal groups.<sup>20</sup>

The structure of Mexico's political system also presents challenges in addressing both criminal violence and security force corruption. Federalism means that Mexican federal security agencies—such as the military—that tend to be less involved in local corruption exist side-by-side with corrupt state and local institutions. As a result, enclaves of capture continue to exist because independent federal oversight mechanisms are weak, and the political costs of confronting entrenched local elites can be high. In certain cases, governors engaged in capture of security institutions were protected by their connections to the national political structures.<sup>21</sup>

## Practices

This analysis examines two primary modes of elite manipulation of security forces in Mexico, as described in table 1. First, political elites and criminal actors use security forces for criminal ends in various ways, from directly supporting DTOs to being complicit by not enforcing laws to supporting elite enrichment by illicit activity.

The second mode involves security elites colluding with political leaders to implement policies that benefit security institutions through public spending and militarized enforcement.

Nayarit exemplifies the first form of manipulation, direct support and predation, and Sinaloa the second, collusion and public spending. Other cases may illustrate stronger US connections to corrupt actors or highlight the impact of US assistance on local security actors. The two examined here instead point to the substantial long-term impacts of elite capture and illustrate the general absence of US policy engagement with capture or manipulation prevalent across states and institutions. Examining these modes of elite capture clarifies why strategies for addressing drug war violence have largely failed.

### NAYARIT

In Nayarit, under the governorship of Roberto Sandoval (2011–17), the state government engaged in a complex mix of corrupt activities, manipulating security forces to support organized crime and enrich political elites. As it did, private citizens endured dual deprivations. Nayarit became a bastion for three DTOs that used violence to control highland indigenous opium poppy cultivation, urban heroin-processing activities, and street-level drug dealing. Simultaneously, government officials used threats and coercion to acquire valuable properties, capitalizing on justified fears that state security forces would harm citizens with impunity. The story of how this constellation of criminal activity arose, and how it ultimately collapsed, illustrates the complex ways security forces are captured for private benefit in Mexico.

TABLE 1.

## Typology of elite manipulation of security forces

Form	Activity	Mechanism	Economic Beneficiaries
<b>CRIMINAL</b>			
Nonenforcement	Nonintervention in illicit activity, from not intercepting drugs to not intervening in kidnappings	Bribery or violent coercion of security or political elites by organized crime group	Criminal group through proceeds from illicit activity Political elite through bribes
Direct support	Active participation in criminal activity including kidnappings or disappearances, or active support for specific organization against rival group	Bribery or violent coercion of security or political elites by organized crime group	Criminal group through proceeds from illicit activity Political elite through bribes
Predation	Kidnapping or extortion of civilian population	Orders from security or political elites	Political elite through expropriation and extortion
<b>POLICY</b>			
Collusion and public spending	Enrichment through the implementation of militarized enforcement that requires additional public spending	Capture of state resources and institutions, control of security policy	Security elite through civilian appointments and contracts for services or supplies Political elite through contracts with shell companies and diversion of spending

With a population of only 1.2 million, the small but strategically significant Pacific Coast state of Nayarit is located on the coast north of Jalisco and south of Sinaloa, sandwiched between regions with major drug production and trafficking organizations (see figure 3). Nayarit itself produces a significant quantity of opium poppy in its impoverished highlands and has lower-profile trafficking organizations. It also has a sizable agricultural sector and important coastal tourism zones. Historically, Nayarit has also been a stronghold of the PRI, which ruled the state in alliance with local powerbrokers.<sup>22</sup> Although opposition governors were elected in 1999 and 2017, the PRI retains significant influence.<sup>23</sup>

Central to the PRI's control of the state is the dense network of relationships among local elites. A defining characteristic of politics in Nayarit is thus the importance of friendships, intermarriages, and mentorships. Roberto Sandoval's rapid rise to the mayorship of Tepic in 2008 was possibly due to the political patronage of Governor Ney González. As mayor, Sandoval appointed his friend Edgar Veytia, a local transportation entrepreneur, as head of transit police for the city. Veytia had sketchy credentials but had married into a politically influential family and may have already been using his fleet of buses to transport opium paste and heroin.<sup>24</sup> These networks would have, almost inevitably,



FIGURE 3.

## Map of Nayarit and Sinaloa States



Source: Map adapted from artwork by Rainer Lesniewski/Shutterstock.

connected Sandoval and Veytia with local OCGs, and their criminal activity appears to have begun before 2011.<sup>25</sup>

Sandoval's victory in the gubernatorial election came amid a wave of violence in the state that paralleled a nationwide trend.<sup>26</sup> From 2009 to 2010, the number of homicides in the state increased from 148 to 367, and to 456 in 2011—killings largely connected to disputes between OCGs in the state.<sup>27</sup> Sandoval campaigned on a promise of improving security. Upon assuming the governorship, he installed Veytia in the *Fiscalía* (State Attorney General's Office) and pushed to consolidate power within that office.<sup>28</sup>

From the outset, Sandoval and Veytia sought to impose a *mando único* (single command) model of policing, placing the operations and strategies of the state's 20 municipal police forces under the command of Veytia's *Fiscalía*.<sup>29</sup> A subsequent reform in 2015 created a Super *Fiscalía*, which concentrated control of the judicial apparatus as well as state and municipal police forces.<sup>30</sup> This, combined with Veytia's ability to handpick local police commanders, meant that he personally oversaw nearly every aspect of security in the state and was able to design policing strategies to suit personal interests.<sup>31</sup>

A second reform created a new state police force, the *Policía Nayarit*, which was presented as an elite unit to combat drug trafficking, kidnapping, and other high-impact crimes. The new force, just over 1,000 strong, wore military-style uniforms, including black balaclavas to hide their faces, and received military-grade weaponry such as armored vehicles and helicopters.<sup>32</sup> A number of former military officials were also given key roles in the state.<sup>33</sup> To ensure the loyalty of the *Policía Nayarit*, Sandoval offered government housing to hundreds of members of the force.<sup>34</sup>

These reforms were credited with the rapid improvement of the security situation in Nayarit. Homicide rates fell in the years following Sandoval's victory, achievements that earned widespread acclaim for the governor and his security chief. However, the success was a mirage: the administration manipulated crime statistics and the concentration of power produced by reforms was used not to combat crime but to perpetrate it.<sup>35</sup>

An expert familiar with the human rights situation in the state observes that Sandoval and Veytia presented the *Policía Nayarit* as a response to the violence of 2010, arguing that the state needed a force with serious firepower. Within the *Policía Nayarit*, specific units or cells that worked closely with Veytia were responsible for much of the criminal activity. None of this required new agents, the source remarks, because Veytia did little to replace personnel; what made the criminality possible was an aggressive set of reforms that concentrated power in the *Fiscalía* (under Veytia) and dramatically reduced transparency and oversight.

As head of the Attorney General's Office, Veytia was most directly implicated in the security force manipulation from 2011 to 2017. Sandoval, however, was almost certainly complicit and is alleged to have benefited from it. Although the description of events presented here emphasizes the roles of Veytia and Sandoval, the criminal activity during this period was possible only with the collusion of a network of political elites. This includes not only judges and notaries who facilitated coercive property transactions, but also other prominent state and national politicians who would have been aware of the regime's corruption.<sup>36</sup>

This web of corruption unraveled in 2017 when Veytia, a dual citizen of Mexico and the United States, was arrested in San Diego on drug trafficking charges. He would subsequently plead guilty, though he now claims he was misled by prosecutors. Sandoval remained in office until the end of his term, and though he disavowed Veytia's activities, which had become public thanks to reporting largely by *Proceso* news magazine, he was dogged by a growing public awareness of his regime's corruption.<sup>37</sup> In November 2020, a judge ordered a warrant for his arrest; after spending eight months as a fugitive, he was captured in Nuevo León, in the northeast of Mexico, in June 2021.<sup>38</sup>

Despite the arrests of Veytia and Sandoval, loyalists in the state, including within the security institutions, have continued to protect the former governor and his allies by arresting or harassing citizens who have presented complaints against Sandoval and Veytia.<sup>39</sup> The activists, who formed a truth commission, have documented numerous crimes that occurred, from theft to kidnapping and enforced disappearance, but have done so at considerable risk and have faced constant harassment and threats.<sup>40</sup>

During Sandoval's administration, security forces were manipulated in one of two ways. The first is a fairly common pattern in Mexico, where security forces facilitate the operations of criminal organizations in exchange for bribes. The second is less common and involves political elites using security forces to support predatory forms of personal enrichment. Combined, these two forms of manipulation created a landscape of corruption that was egregious by any standard.

### Direct Support

Edgar Veytia used his control of the judicial apparatus and his leadership of the state's security forces to benefit OCGs. At the start of Sandoval's administration, affiliates of three groups were believed to be active in Nayarit: cells from the Sinaloa Cartel; the Beltrán Leyva Organization (BLO), in particular a group—the H-2 group—under the local control of Juan Patrón Sánchez; and cells of the Los Zetas. According to allegations, Veytia supported the BLO/H-2 group in their conflict with the Sinaloa Cartel cells and allowed the Zetas (who may have allied with the BLO/H-2) to maintain their territorial control. Within a few years of Sandoval's taking office, the H-2 group had largely displaced its rivals.

Support for the H-2 group was wide-ranging. State police protected drug shipments and may have leaked information about federal enforcement operations to H-2 operatives. State police also escorted trucks of gunmen carrying out kidnappings of suspected members of rival organizations in the town of Compostela.<sup>41</sup> According to the sentencing memorandum presented in his trial, Veytia regularly ensured the release of arrested H-2 members and provided the group with information gained from wiretaps of rival groups.<sup>42</sup> Documents from Veytia's trial reportedly show that, beginning in 2013, Veytia received 1.5 to 2 million pesos (\$120,000 to \$160,000) per month from the H-2 group, which he distributed to judges and regional police commanders in exchange for not disrupting the H-2 organization's operations.<sup>43</sup>

It is also believed that Veytia directly ordered the *Policía Nayarit* to kidnap, torture, and kill members of rival organizations, instructing agents to “send them to hell,” according to the sentencing memorandum. Police also kidnapped and tortured low-level drug dealers to obtain information, and it appears that Veytia's officers also used violence to coerce marginalized youth into working for the H-2 organization.<sup>44</sup> Members of the *Policía Nayarit* served as bodyguards for the leaders of the H-2 group. When a Marine raid attempted to arrest Patrón Sánchez at a party in 2013, *Policía Nayarit* officers engaged the Marines in a firefight, allowing Patrón Sánchez and other guests to escape. Seven of those officers were arrested, but a judge subsequently ordered their release.<sup>45</sup>

Such thorough corruption of the *Policía Nayarit* was due to both personal and structural dynamics. On the one hand, Veytia had built a network of loyal collaborators from his time in the Tepic transit police and rewarded them with positions in the state security apparatus. These agents commanded units within the *Policía Nayarit* that functioned as criminal cells, for both their benefit and that of Veytia and Sandoval. By effectively granting them a “license to sin,” as one source put it, Veytia was able to maintain loyalty of these units, who extorted local drug dealers or vendors, and carried out kidnappings for their personal benefit.<sup>46</sup> At least one unit within the state police “directly

participated” in the drug market, controlling the distribution and sale of illicit products.<sup>47</sup> At the same time, the lack of an autonomous oversight body within the state government meant that no institutions were capable of identifying, much less investigating, corruption.

The dynamics of these arrangements were fluid. When the US Department of the Treasury’s Office of Foreign Assets Control designated Roberto Sandoval under the Global Magnitsky Act in 2019, he was alleged to have received bribes from the Beltrán Leyva Organization (though no mention was made of H-2), the Flores DTO (a smaller group), and the Jalisco New Generation Cartel (Cartel Jalisco Nueva Generación, CJNG). Similarly, Veytia appears to have had a shifting assortment of arrangements with OCGs in the state. This underscores that corruption does not produce enduring state-crime alliances, nor does the manipulation of security forces for the benefit of OCGs result in stronger, longer-lived organizations. Instead, as Veytia and Sandoval shifted their alliances—ultimately betraying the H-2 organization and supporting the CJNG—the criminal landscape of the state was repeatedly remade, with deadly consequences for state residents.

One consequence of this collusion is that after Sandoval and Veytia broke with Juan Patrón Sánchez, senior H-2 leadership were not arrested and prosecuted. Instead, the state government coordinated an exceptionally lethal series of operations that observers describe as tantamount to extrajudicial executions.<sup>48</sup> This included an indiscriminate aerial attack on Juan Patrón Sánchez’s home, with cell phone video showing a helicopter strafing the residence for several minutes. Reporters subsequently visiting the scene observed toys, children’s clothing, and evidence of a birthday party, but officials refused to provide information about possible victims.<sup>49</sup> Ensuring the deaths of the H-2 leadership was allegedly the intent: Sandoval allegedly told Veytia that if Patrón Sánchez would not get in line, “then kill him,” and make sure his successor kept things quiet in the territory.<sup>50</sup> For lower-ranking members of the H-2 organization, Veytia and Sandoval’s betrayal also had deadly consequences. A Mexican federal government report alleged that agents of Veytia’s Fiscalía carried out widespread disappearances of H-2 members in early 2017 to clear the way for CJNG operatives.<sup>51</sup>

In the case of Nayarit, it appears that the corruption of state security institutions was a decisive factor in the ability of a given OCG to survive and thrive. The Department of Justice would later allege that the H-2 organization was also receiving the support of top SEDENA General Salvador Cienfuegos, who provided additional information and diverted SEDENA operations away from H-2.<sup>52</sup> A rump H-2 organization continues to exist under the leadership of Patrón Sánchez’s son, but the CJNG is now prominent in the state.

The motivations for this criminality were likely multiple. Both Veytia and Sandoval appear to have received hefty payoffs from DTOs: the Office of Foreign Assets Control designation of Sandoval noted that he had received bribes in exchange for protection and information and Veytia’s sentencing memorandum asserted monthly bribes.<sup>53</sup> These negotiations with criminal organizations also contributed to decreases in crime, however. In one episode, Veytia claimed to have put an end to extortion of businesses in a coastal tourist town, though it was apparently achieved by the killing of the local criminal boss—whether by a rival organization or members of Veytia’s police is unclear.

In another episode, it is claimed that Veytia arrested a group of Zetas attempting to enter Tepic (possibly preventing a conflict with the H-2 organization) but subsequently entered into an agreement to protect the Zetas' control of the southern coast and provided a unit of *Policía Nayarit* to support the group.<sup>54</sup> In some ways, wholesale corruption improved state control of criminal activity, though this was not equivalent to improving security. Instead, it created the façade of a competent administration defeating crime, when in fact the state government was merely using security institutions to administer criminal activity.

It is instructive that this manipulation was masked behind the ostensible improvement of *Nayarit's* police forces—through the creation of the elite *Policía Nayarit* and implementation of *mando único*—and the claim that the changes had contributed to reducing violence in the state. The 75 percent decrease in homicides between 2011 and 2015 benefited *Nayarit's* national and international image, and the state received second place in the 2016 Mexico Peace Index report. Domestic observers, however, noted that the state was almost certainly reporting manipulated data, and indeed subsequent investigations have shown high levels of disappearances, extortion, and other crimes.<sup>55</sup> The illusion of security success was never complete, but it lasted long enough to be useful.

### **Predatory Practices**

Veytia, Sandoval, and their allies used their control of security and judicial institutions for personal enrichment in ways both large and small. One especially cynical strategy that Veytia's *Fiscalía* implemented was to demand payoffs in exchange for executing arrest warrants. One report suggests that by 2017 some 6,000 warrants were active and that officials had demanded sums ranging from 70,000 to 300,000 pesos.<sup>56</sup> Most were for crimes the state government could catalog as minor.

The militarization of security that followed the creation of the *Policía Nayarit* also projected an intimidating image of power to state residents. Traveling in trucks without license plates—making them unidentifiable—and with heavily tinted windows, the new force carried heavy weaponry and hid their faces behind black balaclavas. This atmosphere of menace was central to the second form of manipulation. Activists from the state reported that groups of *Policía Nayarit* conducted kidnappings for ransom, demanding either money or property. The proceeds from this activity may have gone to Veytia, Sandoval, and their accomplices, and in at least one case it appears as though Sandoval was able to personally order that a kidnapped individual be freed.<sup>57</sup>

Kidnapping was only one component of a more complex extortion scheme, however. Veytia and Sandoval targeted owners of desirable real estate and demanded that they sell or otherwise transfer their rights to the property. Veytia used both the authority of his office and the security institutions he controlled, subjecting victims to threats, kidnapping, and torture. An extensive investigation by the NGO *Mexicans Against Corruption and Impunity* (*Mexicanos Contra la Corrupción y la Impunidad*, MCCI) describes an occasion when a group of businessmen met with Veytia to complain about criminal activity in their city. Veytia placed a pistol on the desk in front of him, reinforcing a sense of terror, given that “they all knew” Veytia used the *Policía Nayarit* for his personal ends, including threatening and kidnapping to coerce the sale of property.<sup>58</sup> In one audio recording,

Veytia is heard telling a rancher, “I want you to sell me [the property]. I’ll pay 1,900 pesos per square meter, and if you don’t agree, I’ll get it anyway. What do you think?” Even though this figure was 40 percent below value, Veytia had allegedly kidnapped the rancher’s daughter to force the sale, and Sandoval suggested throwing the rancher in jail if he did not agree. The rancher transferred the properties but never received full compensation even at the devalued rate.<sup>59</sup>

When another property owner refused to sell, Veytia allegedly told him that he would “plant drugs on you, grab your kids, shoot them, and bring you the heads.” One area of particular interest for Veytia and Sandoval was the southern coastal Riviera Nayarit tourist region. There, according to Nayarit Truth Commission spokesperson Rodrigo González Barrios, “every weekend the police detained young people, investigated them, and if their families had houses, they were thrown in jail and only released when the properties were handed over.”<sup>60</sup> As early as April 2017, activists had collected reports of 74 property expropriations.

This scheme involved manipulating multiple levels of the state security apparatus. Not only were the police involved in threatening or kidnapping victims, so were prison officials, state judges, and notaries. The MCCI investigation notes complaints for extortion or robbery against 11 officials other than Sandoval and Veytia, including three former Fiscalía officials, the former head of the investigative police, a former commander in the Policía Nayarit, and three judges. Ultimately, the predatory activities of Veytia and Sandoval not only enriched them, but also benefited a wide swath of corrupt lower-level officials.

The result was staggering. Veytia and Sandoval are alleged to have acquired tremendous wealth through their activities. US prosecutors sought \$250 million in illicit assets from Veytia, and when Mexican authorities blocked Sandoval’s bank accounts in 2020, the accounts held assets of over \$98 million. Sandoval came to possess two houses and four ranches, as well as 800 pure-bred Andalusian horses.<sup>61</sup> Two properties, La Cantera ranch and Fundación Rie, were together valued at more than \$8 million, and overall seizures of Sandoval’s property amounted to \$9.1 million.<sup>62</sup> Nor were Veytia and Sandoval the only ones. A full accounting of the state officials who benefited from corruption during this period would be impossible, and many of the judges, notaries, local bureaucrats, and politicians who participated in these practices are unlikely to ever face justice.

What made the extent of this corruption possible was the constant intimidation by the militarized state security forces under the Policía Nayarit and the lack of transparency and oversight in the concentration of power in Veytia’s Fiscalía. Those steps, presented as good-faith strategies to address organized crime, instead gave elites tools to quiet dissent and expand their predatory activities.

## SINALOA

During the 2016–17 gubernatorial transition in Sinaloa, a security situation similar to that Roberto Sandoval had faced in 2011 led Sinaloan political elites to manipulate that state’s security structures differently. There, incoming Governor Quirino Ordaz Coppel inherited rising violence, sparked by tensions within the Sinaloa Cartel, and police forces that were both ineffective and plagued by corruption in the ranks. To address the situation, Ordaz turned to SEDENA, handing over policing responsibilities to the military,

placing active or retired military officials in key security positions, and financing SEDENA activities through no-bid contracts and agreements. The decision not only failed to improve security but also systematically weakened policing in the state and facilitated ongoing corruption.

With a population of three million, Sinaloa's defining characteristic is its intertwined licit and illicit economies.<sup>63</sup> The state's large and important agribusiness sector has significant export ties to the United States. Historically, the state's mountainous region bordering Durango and Chihuahua states (see figure 3 on page 69) was a refuge for drug traffickers and a hotbed for opium poppy cultivation, and many of the earliest major traffickers hailed from the state. Since the 1990s, it has been the home base for one of Mexico's largest drug trafficking consortia, the Sinaloa Cartel, which has substantial political power in the state.<sup>64</sup> The capital, Culiacán, provides ample opportunity for money laundering and reinvestment of illicit funds. As a result, the Sinaloa Cartel's resources, manpower, and firepower are believed to surpass that of the state's security forces. Neither side seeks direct confrontation, however. Instead, for decades, governance has been negotiated because all sides prefer to avoid outright conflict.

This context shaped the decisions the state government made in 2017. Ordaz, like Sandoval, was a relative political newcomer and lacked experience and had won election by a thin margin.<sup>65</sup> He had campaigned on an anticorruption platform and emphasized police reform.<sup>66</sup> Following his victory the security situation in the state had deteriorated, however. One of the leaders of the Sinaloa Cartel, Joaquin "El Chapo" Guzmán Loera, had been arrested in January 2016, and his impending extradition to the United States (which occurred a year later) set off infighting within the organization and destabilized the relationship between the cartel and the government.<sup>67</sup> In September 2016, gunmen ambushed a military convoy transporting a captured Sinaloa Cartel operator, killing five soldiers and freeing the captive.

To address the troubled security situation, Governor Ordaz requested the federal government's support. He coordinated with SEDENA officials to sign agreements that would bring thousands of soldiers and military police to the state to reinforce and replace the civilian police forces. This decision did not occur in isolation: that year, SEDENA signed agreements to provide similar security assistance to several other states, dramatically increasing its national footprint and circumventing constitutional prohibitions on the use of the military for domestic law enforcement.<sup>68</sup> As a political actor, SEDENA also sought to undermine the work on security carried out by civilians and promoted a narrative that placed them as the only institution capable of delivering results. If local governments wanted peace, they had to ask for help from SEDENA.

In Sinaloa, the arrangement had a personal component: Ordaz had family ties to high-ranking members of the army and was personally close with General Cienfuegos.<sup>69</sup> Cienfuegos was openly furious about the September 2016 ambush, promising to bring the full weight of the military down on the perpetrators.<sup>70</sup>

This militarization enabled SEDENA and Sinaloan political elites to manipulate security policy and institutions in two interrelated ways. First, civilian police forces in the state were supplanted with

military operations and leadership, a strategy that allowed SEDENA to capture public resources and influence policy. Second, SEDENA used this policy influence to obtain no-bid contracts from the state government that had little meaningful civilian oversight, and subsequently channeled funds to shell companies, presumably connected to political elites or relatives of military officials.

### **Public Resources and Reduced Accountability**

In Sinaloa, SEDENA officials pushed for the militarization of state policing through policy, appointments, and spending, benefiting SEDENA and Sinaloan political elites who implemented the changes. In December 2016, even before taking office, it was rumored that Ordaz had met with SEDENA leadership to develop a strategy for military involvement in state security.<sup>71</sup> The apparent first step in that program was naming retired General Genaro Robles Casillas head of the state security ministry (Secretaría de Seguridad Pública, or SSP). Robles Casillas had little experience in security operations, having mostly served in administrative roles, but he was close with Cienfuegos, who recommended him to Ordaz.<sup>72</sup> Lieutenant Colonel Cristóbal Castañeda Camarillo was named the second in command at the SSP. More appointments followed, Ordaz pushing the state's municipal governments to hand over responsibility for local policing to military officials, and Cienfuegos apparently vetting the appointments.<sup>73</sup> Within two weeks, military officials had been sworn in as the security chiefs of the municipalities of Culiacán and Mazatlán.<sup>74</sup>

These practices were not exclusive to Cienfuegos. The relationship between civilian governments and SEDENA is an open secret. According to an expert on the Mexican armed forces, appointing retired army generals to posts intended for civilians is a common way of rewarding friendships and loyalties. These jobs are a quick path for enrichment in that they give individuals both their retirement army benefits plus the salaries they receive as employees of local governments. More important, these posts also allow them to award highly profitable contracts to companies owned by close family members. By design, these contracts are not subject to accountability measures.

The first deployments of military police in the state occurred almost simultaneously, with 1,800 military police arriving at a base in Mazatlán on January 7, 2017. By the following week, brigades of military police had dispersed to at least three other municipalities, including Culiacán.<sup>75</sup> Another 300 military police arrived two months later, and by the following year 3,200 military police were deployed in the state. These units were not proven responses to organized criminal activity and violence, however: although the units had expanded during the course of the drug war, by 2017 military officials decided to dramatically increase the size of the force in order to offer “security services” to governors around the country. In many ways, the military police brigades were untested.<sup>76</sup> Ordaz and Cienfuegos had effectively agreed to turn Sinaloa into a laboratory for SEDENA's domestic law enforcement experiment.

That the situation was dire was not in dispute. Approximately half of all civilian police in Sinaloa had failed their “confidence exams”—the multipart background checks that included polygraph tests and other efforts to determine possible corruption.<sup>77</sup> The military had previously assumed a police role during security emergencies when local police were found to be working on behalf



of organized crime groups—most memorably in Tijuana and Ciudad Juárez. In Sinaloa, though, no commitment to use the deployment as a way of improving civilian policing was apparent. Nor did SEDENA encourage such a commitment: a key element of the military's practices has been to repeatedly assert that civilians are unable to effectively administer security responsibilities and that the best option for policymakers is a military takeover.

This occurred in Sinaloa. Military officials took over nearly every aspect of security, including the C4 camera surveillance system and administration of the state's prisons. Masked military police rode in the vehicles of municipal police departments, their tactical gear and weapons seemingly incongruous with the battered old trucks.<sup>78</sup> Members of the civilian police force protested, noting that the military police received better benefits than civilian police.<sup>79</sup>

It was an expensive experiment. Sinaloa's state government paid 20,000 pesos per month per soldier (around \$1,000), which totaled 250 million pesos (\$13 million) overall by 2018. This amount was paid to SEDENA, not the soldiers themselves.<sup>80</sup> At the same time, Robles Casillas and his successor cut benefits for state police officers, who already received low salaries.<sup>81</sup>

Adding expenditures for vehicles, surveillance equipment, and tactical gear, the state's spending tallied approximately \$50 million in two years.<sup>82</sup> This included, for example, \$3.9 million spent on two drones to be operated by SEDENA.<sup>83</sup>

The most visible expenditure was for SEDENA's construction of a new military police base near Culiacán at El Sauz. When the base was completed in November 2018, it had cost nearly 740 million pesos (\$38 million). By October 2019, the base was nearly abandoned because the agreement for SEDENA to deploy military police there had lapsed.<sup>84</sup> Ordaz's government chose not to renew the agreement for military police deployments in an effort to build political favor with the new federal government under President López Obrador, which had made the National Guard the centerpiece of its security strategy. The National Guard was itself, however, an outgrowth of the military police program and would arrive in the state by 2019.<sup>85</sup>

Although construction projects such as El Sauz and other security investments are significant expenses for local governments, SEDENA often frames its participation as cost-saving relative to public tendering processes. It does so because it can use the human and material resources available in the military regions at no extra cost. Because no union protects soldiers' working rights, and federal labor law does not apply, soldiers deployed on construction projects can be given 12-hour shifts. Further, costs of permitting and other regulatory processes are circumvented in the name of efficiency and restoring order and safety in these territories.

These investments did little to improve security in the state. Sinaloa finished 2017 with the most recorded homicides since 2011, the assassination of a high-profile journalist, and increases in other high-impact crimes such as disappearances and kidnappings.<sup>86</sup> In 2018 the number of homicides dropped by 300 (and the murder rate has continued to decline through 2021), but the overall incidence

of crime—including robberies, extortion, and other high-impact offenses—did not change, and most analysts attribute the change in violence to shifts in organized crime rather than in security strategy.<sup>87</sup>

For political elites, however, the partnership with SEDENA had proved beneficial. Ordaz and Cienfuegos were able to tout the intensive efforts, labeling them Operation Sinaloa, and inaugurate the gleaming El Sauz base in the presence of President Peña Nieto. Ordaz had, in the words of commentator Ismael Bojórquez, touted the military as “the panacea, the solution to the grave corruption that was so plainly evident in the police force.”<sup>88</sup> Midway through his term, Ordaz’s signature security policy appeared to be requesting support from SEDENA.<sup>89</sup>

SEDENA was the clearest beneficiary of these policies, however. Not only did it receive compensation for the deployment and contracts for services and construction, but military officials also became enmeshed in the state’s security apparatus, regardless of their qualifications. Genaro Robles Casillas lasted only a year—due to a high-profile prison break—but was replaced by Castañeda Camarillo, who would subsequently appoint more military officers to key roles in the SSP.<sup>90</sup> The state police forces, under military leadership, also recruited former soldiers into rank-and-file police roles.<sup>91</sup> By the time the military police began to be absorbed into the newly created National Guard in 2018, security operations in the state had been thoroughly militarized.

This militarization was not simply ineffective policy in terms of violence, organized crime, and public safety: it was also a practice that channeled public spending to an institution—SEDENA—that in 2017 already had a budget of \$3.6 billion.<sup>92</sup> Placing former officials in civilian security positions, aggressively advocating for policy shifts, and pushing expensive strategies was a way of creating opportunities for enrichment.

### **Fraudulent Spending**

Under the leadership of military authorities, state funds were misspent or channeled to shell companies, suggesting that SEDENA leadership used security programs for personal and institutional benefit. The most visible example was the El Sauz military base. Even before construction began, local commentators worried that it was unnecessary spending and a potential white elephant should the military decide to subsequently reduce troop levels in the state.<sup>93</sup> Noting that the base was not included in the state budget, one state senator observed that the plan appeared to be a “sweetheart deal.”<sup>94</sup> Those concerns proved prescient. Rather than a transparent public bidding process, the contract for construction of the base was awarded to SEDENA’s own construction branch, a decision made at SEDENA’s suggestion. A subsequent audit of construction costs found that SEDENA had directly misallocated \$145,000, and—more troublingly—had awarded subcontracts for \$3.4 million to a shell company supposedly headquartered in an abandoned house.<sup>95</sup>

The most charitable interpretation of El Sauz suggests that the base was a poorly conceived and ill-advised project that benefited SEDENA and its subcontractors rather than Sinaloa residents. It was not the only instance of questionable practices made possible by the militarization of the state’s security. Audits found that on six SEDENA-linked projects in Sinaloa, contracts were awarded

to 10 shell companies that could not have provided the services. The total amount channeled to these companies was \$4.6 million.<sup>96</sup>

More prosaic operations included no-bid contracts to supply the SSP with uniforms at a cost of \$240,000—uniforms that, when delivered, proved to be of noticeably low quality.<sup>97</sup> SEDENA also sold the state government eight armored vehicles at a cost of just over \$2 million, or \$253,750 each.<sup>98</sup> Those vehicles, denominated DN-XI, were produced by the General Directorate of Military Industry (Dirección General de la Industria Militar, DGIM) which is operated by SEDENA. In 2012, SEDENA invested 143 million pesos (\$10.8 million) in the construction of an assembly plant; however, only 63 vehicles were produced, and they were reportedly underpowered for their weight. Two years after they were sold to the state of Sinaloa, SEDENA replaced them with a new armor system contracted through a domestic arms company, IBN Industrias Militares y de Alta Tecnología Balística. The new vehicles were reported to cost approximately \$280,000 each, suggesting that the 2017 sale was not a substantial discount.<sup>99</sup>

SEDENA's behavior in Sinaloa aligns with a larger pattern of corrupt practices journalists have identified. In 2020 it was reported that the army had diverted \$156 million dollars in contracts to shell companies between 2013 and 2019. In one recent public scandal, it was revealed that SEDENA had signed a contract for \$1.5 million with a company owned by the son of a prominent political ally of the president, even though the company had been cited three times for fraudulent operations.<sup>100</sup>

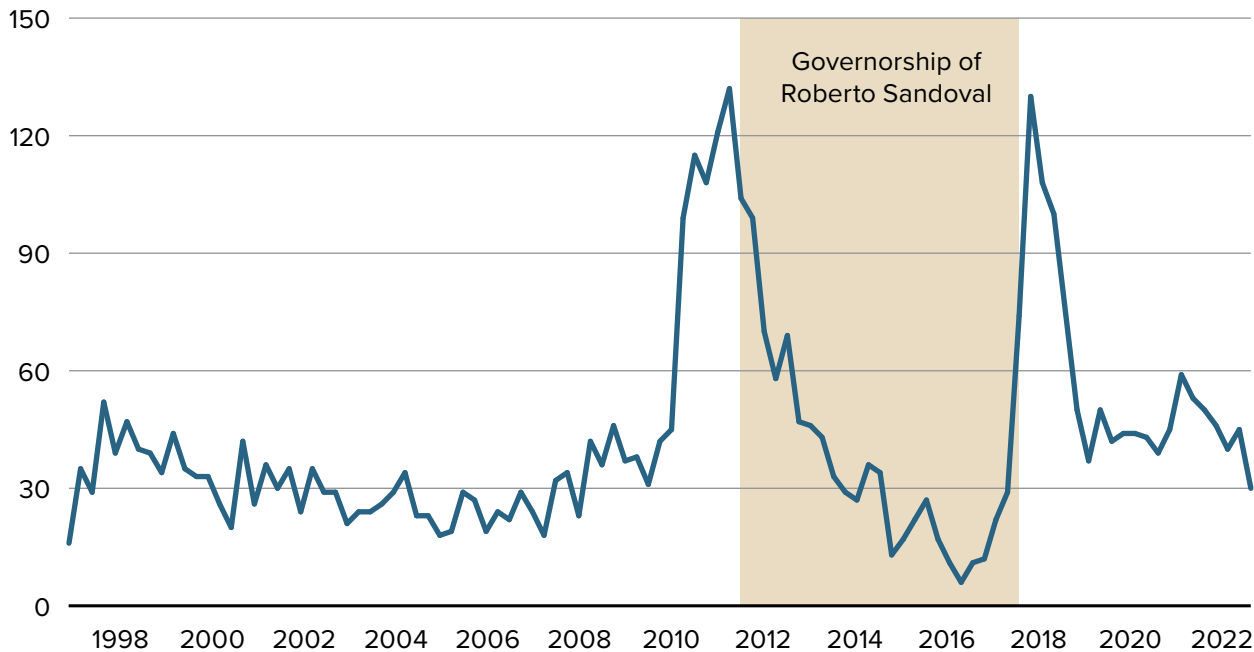
Under the López Obrador administration, the army is increasingly involved in functions that are outside its traditional defense roles, such as the construction of the new Mexico City airport and the Tren Maya railroad. SEDENA's participation in constructing civilian infrastructure has provided additional opportunities for enrichment in a context of increasing opacity; civil society organizations labeled the combination of low accountability and increasing budgets as the “business of militarization.”<sup>101</sup> As the Sinaloa case makes clear, the political imperative of addressing violence, combined with the military's efforts to position itself as the only reliable security institution, has created a situation where such corruption flourishes.

## Consequences

This case study demonstrates that different modes of manipulation have a range of effects on security outcomes. Crucially, the consequences of manipulation are not always visible in the short term, and often have long-term impacts. In certain situations, manipulating security forces to collaborate with criminal groups may result in lower levels of overt violence. As occurred in Nayarit, the collusion of a heavily armed police force with a DTO allowed that organization to consolidate its control over certain regions, reducing levels of interorganizational conflict that affected civilians. Despite manipulation of crime data, homicides did indeed decrease during Sandoval's term (see figure 4), but this success was short-lived: homicides spiked after Sandoval left office and remain at historically elevated levels.

FIGURE 4.

## Homicides in Nayarit State (1998–2022)



**Source:** Observatorio Nacional Ciudadano, <https://delitosmexico.onc.org.mx/tendencia>. Data from Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública.

Those arrangements led to other negative outcomes. In Nayarit, the corruption of security institutions severely damaged public trust. In 2012, at the start of Sandoval's term, 16 percent of residents reported a high level of trust in the state police and Fiscalía, but by 2015 more distrusted both than trusted them. By 2018, after the end of Sandoval's term, only 9.5 percent had a high level of trust in the Fiscalía and only 7.7 percent in the state police; 17.8 percent severely distrusted the Fiscalía and 16.5 percent the state police.<sup>102</sup> Tellingly, those high levels of distrust coincided with the low levels of homicides discussed.

State participation in crime, as occurred in Nayarit, also produced increases in human rights abuses such as enforced disappearances. Since the end of Sandoval's term, more than 30 clandestine graves containing the remains of more than 100 people have been found.<sup>103</sup> One human rights report found evidence of state participation in nearly all documented disappearances, and that vehicles from the Fiscalía or Policía Nayarit were commonly used to abduct victims.<sup>104</sup> A National Search Commission report, released in 2022, found that members of Veytia's Fiscalía routinely kidnapped and executed local drug dealers and cartel lookouts.<sup>105</sup> Even after the arrests of Veytia and Sandoval, state employees involved in these crimes have continued to work in security institutions, making the work of local activists so dangerous that some organizations have asked international human rights institutions to intervene.<sup>106</sup>

Neither is Nayarit unique. Repeated examples have shown that elite state security forces under unaccountable leadership are prone to criminal subversion, and in extreme cases these forces have become independent criminal operators. In Coahuila, a militarized police unit, the Specialized Weapons and Tactics Group (Grupo de Armas y Tácticas Especiales, GATE) took over criminal operations in the state, engaging in drug and weapons smuggling, kidnapping, and extortion.<sup>107</sup> The Nayarit example also suggests that manipulation of security forces to aid a criminal group typically does not dramatically change that group's behavior. Organizations involved in drug trafficking benefit from active or passive support from the state, but their existence is not conditioned on the manipulation of security institutions. To the extent that robust criminal groups learn to adapt, changes in enforcement approaches in Mexico have had minimal impact on the overall availability or price of drugs in the United States over the past two decades.

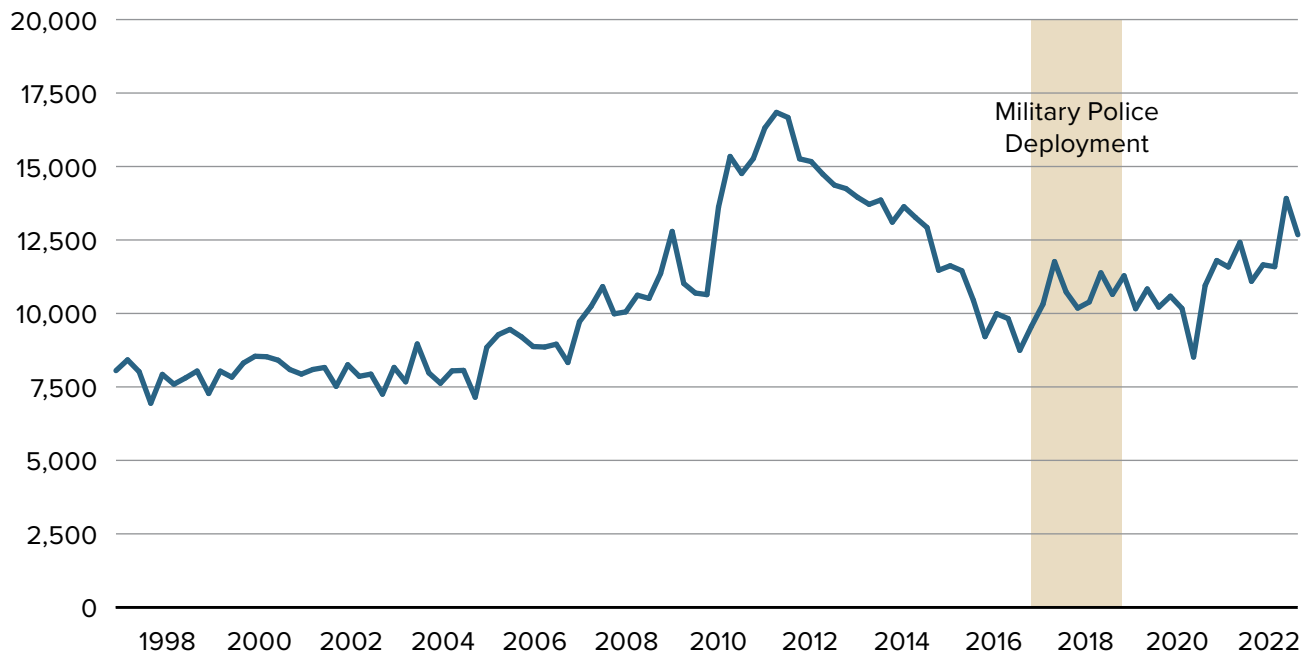
What emerges most clearly from this case study are the consequences of manipulating security policy toward militarization, concentrated authority, and a lack of transparency. In Nayarit, this approach not only resulted in human rights abuses, but also created a climate of fear that enabled corrupt elites to use the security apparatus for personal enrichment. In Sinaloa, militarization was a wasteful experiment that did not yield long-term improvements in security or facilitate civilian police reform. Police in the state remain underpaid and widely distrusted. Only 7.65 percent of residents expressed a high level of trust in the state police in 2020, for example, and only 6.7 percent in the municipal police.<sup>108</sup> Although homicide rates did decrease in the state after 2017, the deployment of military police did not alter patterns of crime overall (see figure 5).

Additional data on arrests and confrontations reveal that SEDENA operations—including military police—are poor substitutes for civilian policing. Of the 100,447 suspects SEDENA and SEMAR detained from 2012 to 2018, all were arrested in flagrante because the institutions were not involved in investigations of crimes.<sup>109</sup> When SEDENA does detain suspects, they have been subjected to torture, and women have experienced sexual violence.<sup>110</sup> In other instances, allegations are credible that civilian victims were disguised as criminal aggressors or were extrajudicially executed.<sup>111</sup> Even setting aside obvious abuses, the lethality of SEDENA's operations suggests that it is hardly providing a suitable replacement for policing. From 2007 to 2021, SEDENA reported 5,134 confrontations, resulting in the deaths of 5,125 "aggressors" and the wounding of 755. During these confrontations, 4,242 civilians were detained. That SEDENA operations killed more civilians than they captured is revealing, as is the relatively low number of casualties SEDENA suffered in the process (294 soldiers killed and 1,756 wounded).<sup>112</sup>

Structurally, it also is apparent that, once military forces colonize civilian security institutions, reversing course becomes very difficult. A former SEDENA official remains the state security minister in Sinaloa and, following municipal elections in 2021, Culiacán's mayor named a retired SEDENA officer to head security in the city.<sup>113</sup> SEDENA continues to acquire a more central role in Mexican politics.

FIGURE 5.

## Crime in Sinaloa State (1998–2022)



Source: Observatorio Nacional Ciudadano, <https://delitosmexico.onc.org.mx/tendencia>. Data from Secretariado Ejecutivo del Sistema Nacional de Seguridad Pública.

The creeping power of SEDENA has allowed the institution to maintain minimal transparency and insulate it from civilian oversight. Security outcomes aside, this has almost certainly led to an increase in corruption; however, without oversight, it is difficult to quantify the costs. In one recent example, SEDENA used two shell companies and inflated the cost of building the perimeter fence of Mexico City's new airport by 89 percent.<sup>14</sup> Yet the same report also noted that public information requests regarding SEDENA's construction contracts were often never fulfilled.

## US Role

Mexico's long and complicated history of security cooperation with the United States has meant that current policies are extremely sensitive to the manipulation of security forces. Public awareness of the participation of Mexican security institutions in drug trafficking activities in the 1990s and early 2000s framed subsequent engagement on anti-drug trafficking efforts.<sup>15</sup> The most intense US engagement involved institutions without established patterns of corruption, such as the underdeveloped Policía Federal. Multiple former officials report that Mexican security institutions also largely insulate illicit activities from areas of interaction with US programs in view of the accountability measures often built into the collaboration schemes. These practices enable US partnerships with institutions that are corrupt, provided that the corruption is not overt.

Multiple sources identified this tension, noting that US policy has limited tools for supporting reform of corrupted security institutions. Current and former US officials cited several reasons for this lack of influence:

- US assistance being a miniscule percentage of Mexican security spending and providing minimal incentives for change,
- domestic political resistance to anticorruption and judicial system reforms,
- lack of political will,
- federal government capture of US assistance resources,
- nationalism and historic resentment of US intervention, and
- strong perception of low levels of institutionalization in Mexico making results highly contingent on personalities.

Historically, US policy has thus failed to prevent both overt criminal corruption and more subtle forms of manipulation. Cooperative efforts have, on occasion, funneled crucial intelligence to security forces that were actively colluding with organized crime groups. Washington has also provided training to units involved in human rights abuses. It has publicly praised top officials such as Genaro García Luna and General Cienfuegos who were later found, in US investigations, to be complicit in large-scale criminal activity.<sup>116</sup> Other examples include US support and praise for local security leadership in Tijuana during a period of extreme criminal violence in 2010. Simultaneously, the security institutions that US officials praised were involved in routine violations of human rights norms. Many observers believe that the subsequent reduction in violence in Tijuana was largely due to a *pax mafioso*—an agreement among different OCGs—that allegedly had the support of security institutions.<sup>117</sup>

Even the most successful examples of US engagement raise questions about local partners. In Guanajuato, support for the state’s Fiscalía was lauded in the 2020 Western Hemisphere Drug Policy Commission report as having “developed a criminal investigation agency with modern forensics technology, including DNA analysis and ballistics. The agency, which is becoming a model for other states, brings together forensics technicians, prosecutors, and police investigators, providing all with training and professional salaries.”<sup>118</sup> Yet the head of that office is currently being investigated by Mexico’s Financial Intelligence Unit for possible corruption and money laundering. Other journalistic investigations have suggested that crime statistics in the state were manipulated (as happened in Nayarit). Neither has the state fared well in standard security metrics: it currently has the highest homicide rate in the country and a significant number of allegations of human rights abuses by security forces.<sup>119</sup> In Guanajuato, as elsewhere in Mexico, the creeping power of state fiscalías is often detrimental to transparency.<sup>120</sup>

More often, when security institutions are corrupted—and engaging in criminality—on a state or local level, it appears that the US policy response is limited to avoidance. In Nayarit, for example, no Mérida Initiative activities were underway during this period, and state security forces did not receive assistance. Sources note that the embassy was aware of issues in the state.<sup>121</sup>

Similarly, assistance provided to the Mexican military has severe restrictions and diligent tracking that prevents overt misuse of Mérida Initiative funds. This does not curb SEDENA's manipulation of security policy, and in fact may strengthen the institution's case that it is the best policy option to address violence. Moreover, US sources with experience of working with SEDENA note that the institution is effectively untouchable and has such domestic political strength that any engagement is extremely deferential. Given this situation, even careful monitoring of security assistance does not prevent SEDENA's financial self-dealing.

One report found that, from 2010 to 2016, SEDENA imported 305,086 firearms for subsequent resale, and that the majority of those weapons came from the United States, including as authorized military sales.<sup>122</sup> This also connects the United States, inadvertently, with corrupt local regimes. During Sandoval's term, SEDENA transferred 121 US-manufactured Colt semi-automatic rifles to Veytia's Attorney General's Office in 2012.<sup>123</sup> The state received more US-manufactured Colt weapons in 2015, and DS Arms rifles in 2016, according to SEDENA's end-user certificate data, though the exact numbers are unclear.<sup>124</sup>

Another area of complicated bilateral interaction concerns law enforcement cooperation. Law enforcement agencies (the Federal Bureau of Investigation and the DEA) have a significant presence in Mexico and engage with Mexican security agencies on a range of objectives. A substantial portion of this law enforcement engagement involves collaboration on capturing US fugitives or "special interest aliens" suspected of terrorist connections, and sources describe relatively smooth working relationships on these issues. The challenges surrounding drug trafficking and corruption are significantly greater. Because US law enforcement focuses on criminal activity that crosses the border—drug trafficking conspiracies—certain forms of corruption are viewed as tolerable. As a source notes, "The general attitude is that whatever happens [within] Mexico does not matter." As a result, willingness to collaborate against certain trafficking organizations is evident even when it is clear that Mexican authorities are colluding with a rival group. Another source noted that, as true of García Luna and the vetted units he oversaw, "they may be dirty, but they can also still be effective in catching criminals." Political dynamics also represent a major challenge: law enforcement operations occasionally threaten to disrupt the bilateral relationship when targeting high-level figures such as governors or generals, and interagency conflicts often require the intervention of the ambassador to reach resolution.

In high-profile cases of corruption, the DEA and Department of Justice have cooperated with Mexican authorities to arrest political figures involved in manipulating security forces as part of broader collusion with drug trafficking activity.<sup>125</sup> However, these law enforcement activities are often subject to political pressures. The arrest of Salvador Cienfuegos generated a furor in Mexico: SEDENA and their political allies protested both the general's innocence and the manner of the arrest. Indeed, sources familiar with US law enforcement noted that such an arrest should never have happened, given that US attorney's offices typically inform the DOJ main offices before indicting foreign officials and the DOJ discusses the matter with the State Department to consider the ramifications. That political considerations often take precedence became clear in the



Cienfuegos case, when the DOJ returned Cienfuegos to Mexico after the attorney general found no evidence to pursue a case against him.<sup>126</sup> DOJ, however, has reserved the right to prosecute him.

US law enforcement was instrumental in disassembling the Sandoval-Veytia regime, and the 2017 arrest of Veytia was a turning point that allowed activists to begin publicizing abuses. Veytia's prosecution, however, was made possible only by the fact that he was a dual citizen of Mexico and the United States and was detained on US soil. Sandoval was not sanctioned by the Office of Foreign Assets Control until 2019, two years after his term ended, even though sources believe that investigators would have been able to identify his links to criminal organizations during his campaign in 2011. Because he is now facing trial in Mexico, it is unclear whether information from US investigators will be shared or whether such assistance would be accepted.

Proactive US engagement in Mexico through USAID has had mixed results in terms of addressing security force manipulation. USAID's operations in Mexico are in conjunction with the Mérida Initiative but follow a strategic plan more extensive than Mérida objectives alone in focusing broadly on justice, human rights, citizen security, and crime and violence prevention. Programs also attempt to address economic development issues and support anticorruption efforts. Over time, these programs have evolved from broad training in support of justice reform to deeper local engagements and partnerships with civil society efforts. That they have has required the agency to identify suitable state-level partners, although sources noted that programming had to be realistic about partners, and that it was impossible to "work with white gloves" in Mexico. One aspect of being realistic involves acknowledging a tension with US security strategies in the country, because objectives such as strengthening institutions, addressing root causes of crime and violence, and reforming the justice sector are best accomplished during times of low violence. Yet those conditions often occur during a *narco-peace*, when criminal groups establish a truce or limit confrontation with authorities, and officials often reduce the aggressiveness of law enforcement around certain criminal activities.

US policy ultimately results in a patchwork strategy, engaging on certain issues with certain partners in certain areas while avoiding situations where obvious corruption or political resistance make cooperation difficult or impossible. This approach has several implications.

First, a source familiar with US law enforcement cooperation suggested that US strategies distinguish between *corrupt* and *narco-corrupt*, and assiduously avoid governments and institutions identified as *narco-corrupt*. Mexico's current reality, however, is that nearly all politicians will have some interaction with criminal groups, and that politicians who are involved in *classic corruption* (such as embezzlement) will also face pressure to collaborate with criminal groups. In many cases, *narco-corruption* exists alongside predatory corruption, as in Nayarit. Ultimately, a fundamental tension exists between the need for pragmatic interventions that achieve policy goals in this environment and the reality that doing so may mean tolerating actors who are not involved in narcotrafficking but may manipulate security forces for personal or predatory ends, including harassing opponents and civil society activists.

Second, limiting engagement with Nayarit—which was clearly narco-corrupt—did not prevent abuses against citizens, nor did it reduce crime that affected the United States. It is likely that US law enforcement was aware of the corruption dynamics in the state early on, and may have shared this information with other agencies, but the knowledge did not result in any proactive policy choices.<sup>127</sup> Veytia was not arrested until March 2017, six months before Sandoval's term was set to end. Predictably, this limited engagement did not prevent the expansion of organized crime groups in the state in ways detrimental to US interests. Indeed, the consolidation of the Jalisco New Generation Cartel in the state at the end of Sandoval's administration strengthened an organization that is now a top US priority.<sup>128</sup>

Third, because US policy in Mexico responds to multiple and sometimes competing political pressures, it often lacks coherence when addressing complex security issues. US policy objectives in Mexico are not—and should not be—a comprehensive nation-building program. Nevertheless, the nature of Mexican federalism means that engaging *only* with reasonably uncorrupted federal institutions ensures that crime and corruption will likely continue to flourish on a state and local level. US support for the improvement of the federal police, and operational partnership with SEMAR, did not prevent manipulation of local forces in Nayarit, nor did support for justice sector reform in the state prevent certain members of the judiciary from abetting criminal activity.

Fourth, this patchwork approach includes US support for civil society activists and organizations that identify corruption and abuses stemming from security forces.<sup>129</sup> However, activists and journalists in Mexico face exceptional risk and are routinely harassed, threatened, and killed—and officials often perpetrate the aggression. Given this dynamic, expecting civil society to check violent and predatory practices by security forces is not, on its own, a realistic policy approach.

Fifth, the broader dynamics of the US-Mexican relationship do not include addressing elite manipulation of security institutions at the center of the policy agenda. The breadth and importance of issues involved in the bilateral relationship, from trade to migration, limit the degree of political pressure Washington can exert in seeking reform of security institutions. For example, requesting that Mexico use federal police, National Guard, or military institutions to stop Central American migrants from transiting the country limits the pressure that can be brought to bear on those same security institutions. As a result, these same deep bilateral ties allow Mexico to dodge, resist, or reduce US pressure around certain issues, including security sector reform. For example, whatever misgivings US policymakers may have about corruption in SEDENA, they have no viable tools to address it.

## Conclusion

The case of Mexico highlights the complexity of elite manipulation of security forces, its diverse and often subtle forms of corruption presenting serious challenges to reform. That low-level manipulation of police is widespread in Mexico is not in doubt. This case study, though, also highlights higher-level elite capture of security forces. The examples presented emphasize that when corruption begins to shape security policy at the state level, the implications are serious for policymakers and lethal for citizens.

In both Nayarit and Sinaloa, the militarization and expanding power of security institutions led to decreases in transparency that facilitated corruption and increases in arbitrary practices that contributed to human rights abuses. A key finding here is that security institutions with greater institutional power vis-à-vis political and civil society counterweights are not necessarily immune to capture.

As in Nayarit, when this consolidation of power intersected with egregious criminal behavior, the results were disastrous. The corruption of security forces in the state did not dramatically change the overall dynamics of organized crime in the long term: OCGs had a significant presence in Nayarit before, during, and after Sandoval. State support for a given group, however, was a decisive factor in that group's survival or collapse in the short term and contributed to creating an atmosphere of terror in the state. Rather than producing a stability-oriented protection racket, which might well be impossible in Mexico's current context, security force manipulation in Nayarit led to a range of predatory abuses.

In Sinaloa, the consolidation of state institutions under the control of SEDENA did not change security outcomes, but the military's role in dictating policy and strategies led to opportunities for no-bid contracts and fiscal corruption. By manipulating security policy, high-ranking SEDENA officials negotiate sweetheart deals with political leaders that channel public funds to elites through shell companies.

The United States has played a mixed role in curbing these abuses. Arrests, prosecution, and sanction of corrupt actors have contributed to ending abusive local regimes, as in Nayarit. Simultaneously, concerns around corruption and human rights violations appear secondary to geopolitical interests, but these issues ultimately undermine strategic objectives. Notably, the United States has extremely limited influence on SEDENA, Mexico's most powerful security institution.

Under the new Bicentennial Framework, Washington will continue to face challenges in designing programs that provide pragmatic responses to local violence and criminality and simultaneously avoiding collaboration with corrupt actors. This new framework, because of its reduced emphasis on law enforcement, may limit the risk of partnering with institutions that manipulate security forces. It will not, however, provide a roadmap for addressing corruption or abuse by political elites.

Ultimately, this case study suggests that a positive response to security force manipulation in Mexico would seek not to prevent all forms of corruption, but instead to influence the structural factors that create more harmful outcomes. In particular, the consolidation of institutional power and the militarization of security strategies without civilian oversight has created scenarios where corruption has extreme consequences. In cases as diverse as Nayarit and Sinaloa, it becomes clear that policies that sideline civil society and facilitate the concentration of power are significant threats to truly effective security institutions.



# Case Study: Uganda

In Uganda, elite capture of the security sector is grounded in regime survival: its roots reach back to the colonial and postcolonial periods, but its growth has been more extensive under the current regime. Ruling elites have manipulated recruitment, appointments, finances, administration, and accountability in the military, intelligence, and Special Forces to maintain loyalty and control. Close-knit networks in the security forces have moved against political opponents and penetrated civil society, leading to human rights violations, the militarization of politics and the economy, and weakened democratic institutions. Although the Ugandan military has contributed to regional security, elite capture has also contributed to destabilizing military interventions in the region. US engagement in this context has been a double-edged sword, both strengthening the Ugandan military for counterinsurgency and peacekeeping, and enabling the regime to entrench the militarization of domestic politics, buttressing the regime against its opponents, and facilitating military adventurism. US policymakers' emphasis on stability over other interests has contributed to these unintended consequences. This case study highlights several inflection points—lost opportunities for engaging Uganda on sensitive issues—that reveal how US policy has unintentionally facilitated elite capture and regime survival.

The elite capture process in Uganda is a dynamic one that thrived under both the colonial and post-colonial regimes, adapting as time passed. Throughout, the core motive has been regime survival.<sup>1</sup> Successive ruling elites created reliable military, police, intelligence, specialized units, and other security machinery. In a context of politicized ethnicities, these successes are attributable to loyalty networks and cycles of ethnic balancing and counterbalancing. Those in power use security agencies to assuage disgruntled security forces, repress political opponents, outsmart competitors, resolve pressing political questions, and purge suspicious elements from political and security institutions.

FIGURE 1.

## Map of Uganda



Source: Map adapted from artwork by Rainer Lesniewski/Shutterstock.

Since President Yoweri Museveni assumed control in 1986, the security forces' close-knit networks and prominent role in state construction have enabled his National Resistance Movement (NRM) to deploy loyal officers to counter internal and external threats. Internally, the security sector has moved against political opponents and penetrated civilian society. Externally, Uganda has intervened militarily in the region, in the Congo, Somalia, and South Sudan.

The security sector has been manipulated to negotiate regime survival with the international community. The United States and other Western powers, keen to maintain reliable partners in the war on terrorism, have supported Ugandan forces deployed in Somalia since 2007. More broadly, US emphasis on security and stability has inadvertently contributed to the militarization of Ugandan politics and buttressed the regime against its opponents. Although the war on terrorism has shifted to countering violent extremism, the imperatives in this region have not fundamentally changed. Efforts to strengthen the security forces have had serious consequences, facilitating political repression internally and military adventurism externally.<sup>2</sup>

This case study examines how these dynamics contribute to violence and undermine fundamental, long-term US policy priorities, and how US policy engagement exacerbates, confronts, or mitigates these dynamics. It focuses on how the NRM, under President Museveni, has manipulated appointments, finances, administration, and accountability in the security sector, gaining the loyalty and control of security forces to ensure that his regime survives. It also examines the consequences of elite capture, including human rights abuses and political repression, as well as its impact on stability in the Great Lakes Region, Upper Nile Valley, and the Horn of Africa (see figure 1). It explores how US assistance, support, and engagement with Uganda may contribute to these dynamics, particularly in light of growing competition with China on the African continent.

The study is based on an in-depth literature review of state and nonstate reports and other documents, reports of independent researchers, scholars, and governmental actors. These are enriched with informal key informant interviews with top security officials and senior politicians familiar with US engagements with Uganda, researchers, experts on US policy in Uganda and the region, and investigative journalists. Care was taken to ensure informants' confidentiality and anonymity and to corroborate findings from desk research with field interviews.

## Origins and Patterns

Two dynamics informed elite capture in Uganda before 1986: first, ethnic balancing and counterbalancing, and second, placing allies close to power. On gaining independence from the United Kingdom in 1962, Milton Obote's government inherited security services recruited mainly from northern Uganda, particularly from the Acholi, an ethnoregional grouping. Obote's government, dominated by the Lango ethnic group, forged an alliance with the Acholi-dominated armed forces to cement its political control. Although the Acholi did not control political power, ruling elites depended on this group for security but also feared its dominance within the military. Negotiating with competing groups, the postcolonial government balanced and counterbalanced the ethnic make-up of the armed forces.

Successive elites attempted to gain the security sector's loyalty by placing ethnic and regional allies close to power. As in other authoritarian regimes, this measure performed a coup-proofing role necessary for regime survival.<sup>3</sup> For instance, a ruling coalition of the republican-leaning Uganda People's Congress (UPC) and ultra-monarchist Kabaka Yekka (King Only) combined votes to defeat the Democratic Party in the elections of 1962. Buganda's king, Mutesa II, became president and UPC's Obote served as prime minister. When the UPC and Kabaka Yekka clashed, they each needed to increase their ethnic and regional advantage. Neither Mutesa (representing the ethnic Baganda) nor Obote (representing the ethnic Langi) was Acholi. Obote tried to increase the presence and influence of coethnic Langi in security services, and after the 1964 East African mutinies to secure cooperation of non-Langi officers such as Idi Amin.<sup>4</sup> When political disagreements between Mutesa and Obote intensified (1964–66), Amin reliably supported Obote's attack on Mutesa's palace in 1966. The resulting "violent constitutionalism" affected Uganda for many years.<sup>5</sup> Because few Baganda served in security forces, Obote's alliance with northern Ugandans in the security forces gave him the upper hand. Yet Amin's 1971 coup d'état demonstrated the limits of this strategy.<sup>6</sup>

Amin continued the strategy of ethnic balancing, relying on allies in the security forces to consolidate power. To tackle threats—perceived and real—from Acholi and Langi personnel, Amin purged both groups, replacing them with co-ethnics from West Nile, violating human rights, and intensifying repressive rule. Security threats and political opponents were treated in similar ways. When Amin was overthrown in 1979, the Acholi, returning from exile, still dominated the returning Uganda National Liberation Army (UNLA), but now with Obote as political head.

During Obote's second presidential term (1980–85), the same patterns continued because he depended on northern-dominated security forces for counterinsurgency operations against Museveni's rebel National Resistance Army (NRA). Obote promoted key loyalists, appointing Lieutenant-Colonel Smith Opon Acak to chief of the general staff after the death of Brigadier-General David Oyite-Ojok. This angered more senior military officers, partly leading to the July 1985 coup d'état of Generals Bazilio Okello and Tito Okello. The Okellos fell to the NRA in January 1986.

## Post-1986

After Yoweri Museveni came to power in 1986, his regime continued earlier practices while introducing new ones, practices that for the most part cemented the role of security forces in regime survival by fusing military and political elites. The new regime's approach to the security sector took shape in the context of continuing threats to President Museveni and the NRM from domestic political challengers and armed opposition. Between 1987 and 2006, Uganda was at war. During that time, although some armed groups—for example, the Allied Democratic Forces (ADF) and Lord's Resistance Army (LRA)—were weakened, they were not defeated. To consolidate power initially, President Museveni defeated his armed opponents militarily and co-opted former security forces and new rebels who surrendered to the NRA.<sup>7</sup> He prioritized singlehanded military defeat because he strongly believed that military defeat is a more sustainable solution to armed conflict than peaceful resolution and negotiated settlements. These tactics did not prevent some groups from engaging in armed rebellions, however, such as Joseph Laor Kony's Lord's Resistance Army war (1987–2005). President Museveni also relied on capture of the security forces, which has consisted of three main elements: ethnoregional allegiances between ruling elites and security forces; the co-opting of military and intelligence into policymaking; and structural alignments, including careful appointments and allocation of rent-seeking opportunities while relying on parallel security forces to protect ruling elites.

Ethnoregional allegiances have evolved in post-1986 Uganda as the groups dominating the military and politics have fused. Dominated by the Hima subethnic group from southwestern Uganda, the new ruling elites were not part of the Obote-Amin martial-political group dynamics, as they were peripheral to military and political affairs. Their cohesion was forged during the armed rebellion. President Museveni himself is both a politician and a soldier. Members of the new Museveni group—the NRA inner circle—call themselves Bush War heroes. One analyst summed up this group as

a cabal consisting of a few 1980s NRA Bush War “historicals” who exercise ultimate decision-making power and authority. . . . They include the President as the predominant leader at the State level, the



Cabinet, and the Uganda People's Defence Force High Command. They have the ability to commit the resources of the state and, with respect to a particular problem, with the authority to make a decision that cannot be easily reversed.<sup>8</sup>

These Bush War “historicals” have more power and influence than many cabinet ministers and may appoint ministers, even when they hold no official public position.

By filling security agencies with regime loyalists who are members of this group, as shown in figure 2, President Museveni has entrenched the influence of the dominant elite. For example, when the External Security Organisation (ESO) and Internal Security Organisation (ISO) were created under the 1987 National Security Statute, regime loyalists were positioned to create a regime-centric intelligence structure, Amama Mbabazi heading the ESO and Jim Muhwezi the ISO. Another regime loyalist, Mugisha Muntu, who later became army commander, headed the Directorate (later Chieftaincy) of Military Intelligence, and Paul Kagame, now president of Rwanda, who fought alongside the NRA, was made deputy director.

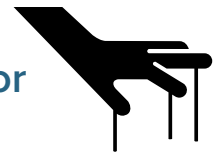
These security structures were central to protecting the regime. The directorate-chieftaincy initially focused on military intelligence, supporting counterintelligence operations. ESO and ISO, however, together with resident district commissioners (RDCs) under the Office of the President, evolved into militarized civil intelligence agencies, working to counter regime critics, both domestic and foreign, to undertake political mobilization for the president and his party, and to identify regime loyalists for reward-appointment to critical positions. Instructively, key roles in ISO and ESO right from the top are filled by serving Uganda People's Defence Force (UPDF) officers, pointing to militarized state agencies and the exploitation of military resources for political benefits.<sup>9</sup> An intelligence officer revealed that political leadership has relied on the security forces, and that today the UPDF “is the biggest political constituency without which there wouldn't be any leader with the kind of power President Museveni has.”<sup>10</sup>

The Internal Security Organisation and RDCs are especially useful in election-related activities. Their work has developed significantly since Besigye, formerly a regime insider, challenged President Museveni, starting with the 2001 presidential election. Election-related violence inflicted by security forces reached its peak in 2017, when Special Forces Command (SFC) entered parliament and manhandled MPs during a debate to amend the constitution to lift the presidential age limit so that President Museveni could run again after reaching the constitutional age cap of 75.

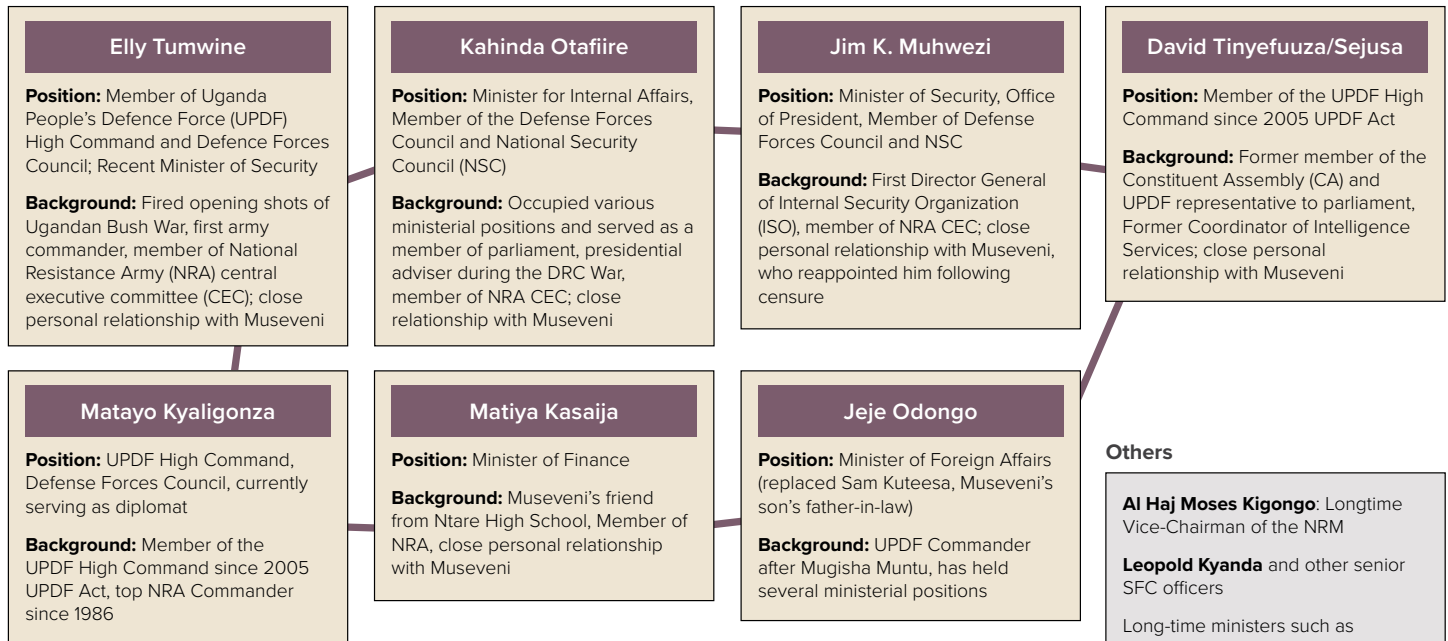
The UPDF High Command and Defence Council has also been dominated by the same core ruling elite who helped bring President Museveni to power. The dominant role of former rebel commanders in the Council is legalized in the Second and Third Schedules of the Uganda People's Defence Force Act. The same loyalists also dominate the National Security Council, which consists almost entirely of presidential appointees, members of the UPDF High Command, or cabinet appointees.<sup>11</sup> Those who led the NRA rebellion also control recruitment of security sector personnel, which allows them to forge a web of alliances inside the security sector.

FIGURE 2.

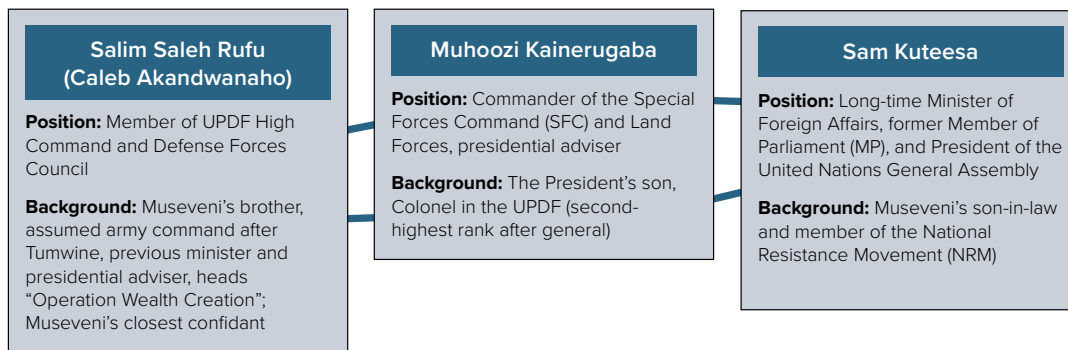
## President Museveni's personal networks in the defense sector



### "Bush War Heroes," NRA-members with Museveni since the 1980s



### Family members



Overall, the role of security forces in regime survival has become far more entrenched in post-1986 Uganda. The regime is characterized by both continuity with and marked departure from previous regimes. Political uses of the armed forces have deepened, but in a context where the same elites who recrafted the sector—the rebel leaders turned state leaders—remain in power. New security personnel are beholden to the same top leadership.

This interweaving of regime survival with the security sector has two broad consequences. First, societal security is seen as inseparable from regime security. This fusion has contributed to political stability and pacification, but it has also spawned human rights violations and repression of opposition and civilians believed to be pro-opposition, along with abuse of key state institutions, including parliament.<sup>12</sup> Second, Uganda's ruling elites have subjected democratic promises to their own narrow power pursuits and have

## BOX 1.

### Elite Capture and Senior Military Positions

Since the regime came to power in 1986, all chiefs of the Uganda People's Defence Forces (UPDF), except Generals Jeje Odongo and Katumba Wamala, have come from southwestern Uganda—as President Museveni does.

General Muhoozi Kainerugaba, the president's son, oversaw Special Forces and now commands land forces. The president's brother and former army commander, General Salim Saleh, is a senior presidential adviser on security affairs, member of the UPDF High Command, commander of reserve forces, leader of an agriculture program called Operation Wealth Creation, and is believed to be the

second-most-powerful actor after the president. The president's former military aide, General Edward Kalekyezi Kayihura, was for thirteen years inspector general of police (IGP). When he left, military officers—Generals Steven Sabiiti Muzeyi and James Birungi, among others—were appointed to command positions in the police, the latest appointment being Major General Paul Lokech as deputy IGP. Kayihura died in August 2021. The current chief of Defence Forces, Wilson Mbadi, is the president's former aide de camp. Finally, top commanders during the Bush War that brought President Museveni to power (both living and dead) are legally entrenched as the only members of the UPDF High Command.<sup>a</sup>

#### Note

- a. UPDF Act 2005; "Museveni Replaces Gen Sabiiti, Gen Muhoozi Returns to SFC," *Daily Monitor* (Kampala), December 16, 2020, [www.monitor.co.ug/uganda/news/national/museveni-replaces-gen-sabiiti-gen-muhoozi-returns-to-sfc-3230880](http://www.monitor.co.ug/uganda/news/national/museveni-replaces-gen-sabiiti-gen-muhoozi-returns-to-sfc-3230880).

used the security sector to flagrantly manipulate election procedures. In the process, they have evaded foreign pressure to strengthen democracy and the rule of law. The regime's ability to manage donor perceptions by cooperating with the security sector may explain how, despite its close ties with the United States, Uganda's human rights records and democratic credentials continue to decline.<sup>13</sup>

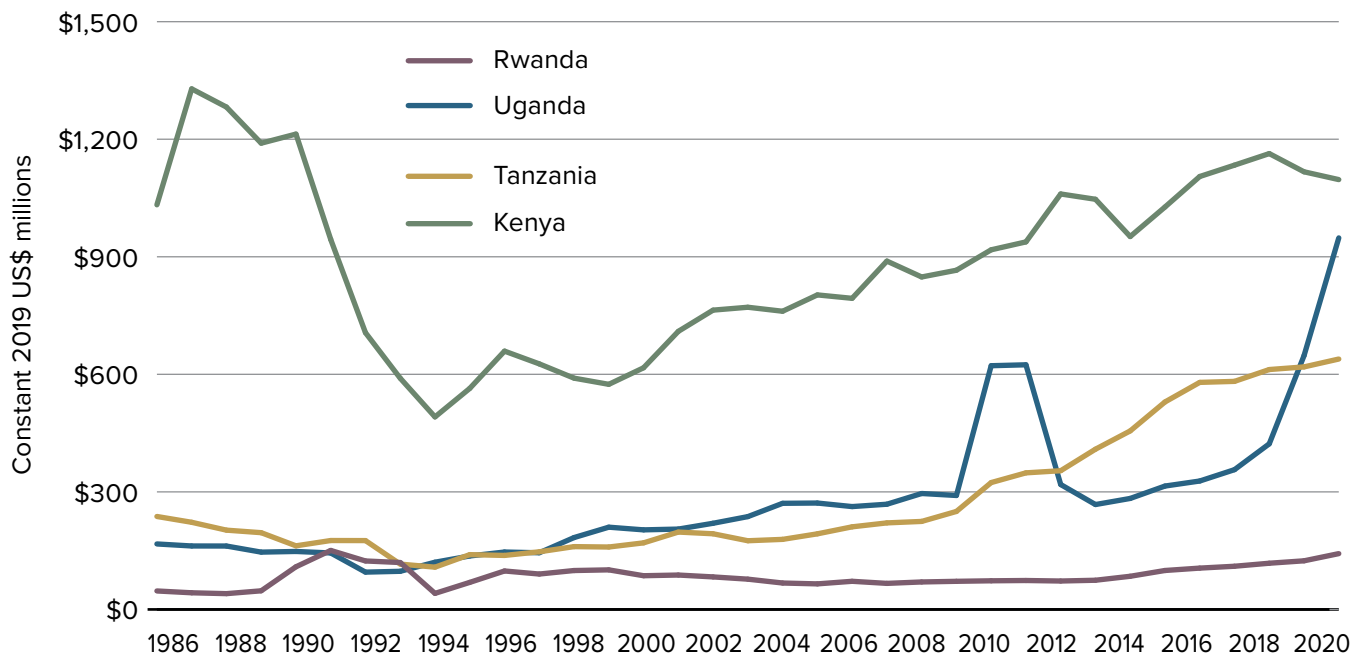
### The Security Sector

On paper, the Uganda People's Defence Force and the Uganda Police Force recruit equal numbers of personnel from different districts—both commissioned and noncommissioned—advertising both in local media and on institutional websites. The recruitment procedures appear transparent, and certain objective considerations—health, physical fitness, minimum level of education—are followed. However, an informal set of criteria is also at work. The Internal Security Organisation's vetting of applicants is not solely to prevent the inadvertent recruitment of foreigners or terrorists, but also to uncover those judged as not supportive of the regime, whether as members of opposition parties or opposition sympathizers, and disqualifies them from the application process.<sup>14</sup>

Media reports have circulated of powerful elites sharing recruitment slots and quotas, or even recruitment exercises displaying regional imbalances.<sup>15</sup> Some powerful individuals recommend a set number of recruits for cadet positions in the police and military, many of whom are either their

FIGURE 3.

## Military expenditures (1986–2020)



Source: Stockholm International Peace Research Institute.

direct relatives, relatives of their close business and political associates, or from areas where elites have business or political interests. This patronage network creates a concentration of recruits close to elites, who are in turn close to the first family, its relatives, its Bush War supporters, family members of the UPDF High Command, or strong NRM supporters.<sup>16</sup> Other ISO-recommended applicants enter through merit-based talent identifications. Allegations point to corrupt practices that allow some candidates to circumvent formal procedures altogether, but the security services assert their commitment to fighting corruption in recruitment.<sup>17</sup>

Military and police training takes place in designated training schools and is characterized by manipulative practices. Unless they are exceptionally talented, recruits who are not close to regime elites yet managed to slip through the recruitment and training processes often miss out on additional training opportunities. Those close to the regime may receive specialized training domestically and abroad in preparation for sensitive command and deployment appointments, as has happened with successive commanders of the presidential guard, which is now called Special Forces Command. Specialist training is provided to officers known to be sympathetic to or overtly supportive of the regime, or who have close ties to regime elites or senior commanders.<sup>18</sup> These training opportunities are critical for career growth because they enable promotion, better deployments, and access to resources. The process through which individuals are selected allows private profiteering in turn because senior commanders and regime elites use favored officers in their shadow business dealings within the region.<sup>19</sup> This may explain why sections of the military leadership often get “entangled in record corruption scandals.”<sup>20</sup>

## FINANCING, EQUIPMENT, AND ARMS

Information about equipment procurement and arms supplies and who controls them is for the most part classified, but signs that corruption is rampant in the security sector are clear.<sup>21</sup> The media has reported disagreements between parliament and the executive over security financing, and classified expenditures have increased as Uganda's involvement in armed conflicts has reduced (see figure 3). Most major armed insurgencies ended in the mid-2000s.<sup>22</sup> The Special Forces Command is better equipped, better armed, and better trained than the regular army. Financing, equipment, and arms supplies are intricately linked with corruption and budget predation, both of which serve the survival of the regime.<sup>23</sup> As one respondent pointed out,

that is why you see our top security personnel are very rich . . . and that is why there is all this patronage in the military. In the last budget, our classified expenditure in the Ministry of Defence was a damn five trillion out of a defense expenditure of seven trillion . . . because they don't subordinate [themselves to civilian structures like parliament], they see themselves as having a prefectorate body that they oversee, and they have a lot of impunity. They know once they have that order from above, nothing will happen.<sup>24</sup>

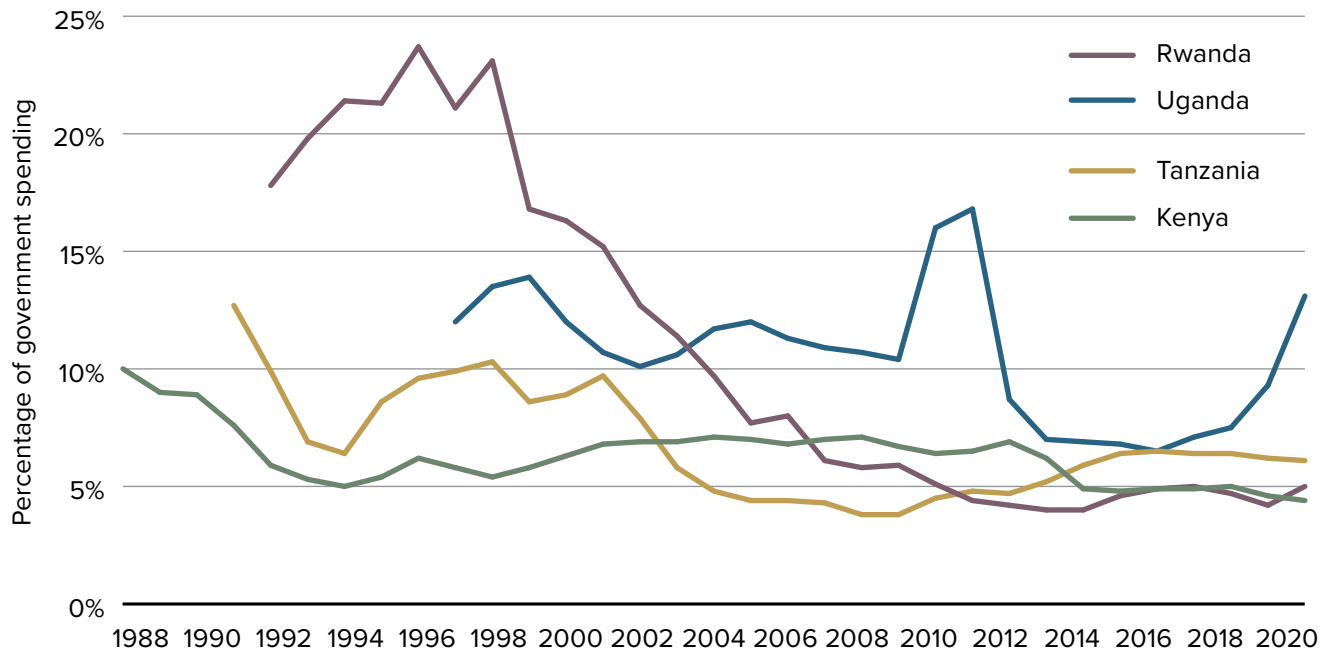
Procurement contracts for supplies, equipment, and building work provide opportunities for regime elites to profit from bribes and inflated budgets.<sup>25</sup> Security elites and private-sector actors also collude in fraudulent acquisitions of state resources. For example, in 2015, the Defence Ministry planned to construct a 250-bed military National Referral Hospital. The Inspector General of Government (IGG) subsequently investigated claims that ministry officials and the contractor had colluded to artificially inflate the cost of the bid. A petition to the IGG suggested that the contractor's initial bid had been inflated from UGX (Ugandan shillings) 113 billion (\$30 million) to over 130 billion (\$34 million), an increase of about 17 billion (\$4.5 million).<sup>26</sup>

Between 2005 and 2016, Uganda reportedly spent around \$618,000 in maintaining a "ghost soldier," a Russian pilot named Valeri Ketrisk, on the Uganda People's Defence Force payroll. Reports on these IGG claims are not in the public domain, but payment to this pilot appears to have gone into a senior security officer's pocket.<sup>27</sup> Since 2014, the IGG's office has investigated the payment of UGX 39 billion (\$10.3 million) to a shadowy association, Uganda Veteran Internal Security Organization (UVETISO), as benefits for former Internal Security Organisation employees. After receiving UGX 10 billion (\$10 million), UVETISO paid out UGX 2.8 billion (\$745,000) to only 117 beneficiaries out of 1,078, and about UGX 6.97 billion (\$1.8 million) requires further investigation by the Directorate of Public Prosecutions.<sup>28</sup>

These instances indicate an intricate network of well-connected individuals who abuse institutional processes to circumvent accountability while appropriating public resources for personal gain. In such procurements and supplies, "You don't know how much the government lost; how many mansions were built. We have had the issue of ghost soldiers. So, the relationship was one sided, beneficial to these top guys but also very bad for the young soldiers who died at war and their families."<sup>29</sup>

FIGURE 4.

## Military expenditures (1998–2020)



Source: Stockholm International Peace Research Institute.

Corruption in security forces remains largely unchecked, partly because elites have exploited new or amended antiterrorism legislation enacted since the United States intensified the war on terrorism. According to one informant, amendments to the Anti-Terrorism Act, along with the Financial Intelligence Act and the Anti-Money Laundering Act, have had far-reaching effects. The definition of terrorism expanded to include many ordinary political and civil crimes, stretching the manipulative reach into society. These laws have also led to an increase in classified expenditures while narrowing control and access to such resources.

The military elite, many of whom are closely linked to political elites, used budgets allocated to implement these laws to get richer. At the same time, “The conditions of ordinary soldiers in and out of Uganda are not enviable.”<sup>30</sup> Defense budgetary allocation shoots up especially around elections. As illustrated in figure 4, Uganda’s military expenditures spike dramatically during election campaign years.

### MILITARIZATION

Military reach into civil agencies in Uganda takes several forms: retired and serving UPDF personnel are deployed in civilian state institutions, civilian state officials are denigrated for alleged poor performance and uniformed personnel praised in a way that indicates trust of military over nonmilitary personnel, and decisions to appoint military officers to civilian positions are made and publicly defended. In short, soldiers have taken over key responsibilities from civilian experts and the military is now fully integrated into regime political dynamics.<sup>31</sup>

## BOX 2.

### Military Presence in Civilian Spaces

- Representatives of the Uganda People's Defence Force (UPDF) are retained in a multiparty parliament, even though the UPDF is legally and constitutionally required to be nonpartisan.
- UPDF and intelligence officers work covertly in election campaigns and UPDF police elections, and provide militarized post-election policing in urban areas.
- Traditional authority structures, mainly kingdoms, have been penetrated: military training is offered to their leaders, serving UPDF personnel supported to assume leadership of newly created kingdoms. The military has been deployed to attack seemingly recalcitrant ones, as seen in the 2016 attack in Kasese.
- The civil service is militarized: military personnel are deployed in ad hoc anticorruption structures, civil registration, cabinet, communication, police, civil intelligence, and other civilian structures.
- UPDF runs agriculture programs such as Operation Wealth Creation, an ostensibly antipoverty campaign headed by General Salim Saleh.

Rather than professionalizing processes that separate military from civilian authority, post-1986 security forces have taken on political roles that, in some cases, date to 1966. As the Ugandan state under President Museveni becomes more authoritarian, the security forces increasingly equate their survival with the survival of the regime.<sup>32</sup> A key informant explained how militarization ultimately works against the interests of those it might seem to serve:

The security services are unable to resist this manipulation because they are part of the system. People have withdrawn, basically; they only work for salary and survival. They fear the consequences [of raising fingers against regime excesses], for example, being court-martialed. In the long run, it has serious consequences for the state because minus Museveni what do you have? If certain things are not addressed, like transition, in the event that he dies what happens? [Yet] many people have been suppressed.<sup>33</sup>

Ultimately, tying regime survival to state security means undermining an independent national security architecture and deepening a long-term infrastructure for national defense. Although Uganda has maintained stability and security in this context of fused national security and elite personal interests, this arrangement is unlikely to endure, especially in the event of the current president's sudden departure.

#### MERCENARIES

The final aspect of elite capture of the security sector in Uganda is the *mercenarization* of security forces—that is, the deployment of Uganda People's Defence Force and related agencies in places where Uganda has no direct security interests or no officially sanctioned UN or African Union (AU) peacekeeping mission is present.<sup>34</sup> Uganda's intervention in South Sudan in defense of President Salva Kiir can be understood in the context of its years of combat operations and political engagements with South Sudan. However, other national army deployments—such as those in the

Democratic Republic of the Congo (DRC) in support of rebel leaders, in the Central African Republic (CAR), and in Equatorial Guinea—look more like the deployment of a mercenary force.

When the UPDF supported Zairean rebel leader Laurent Desire Kabila, the regime initially claimed that it was pursuing Uganda's rebel group, the Allied Democratic Forces, which had safe havens in the eastern DRC. The supposed counterinsurgency operation, however, developed into a full-scale invasion of Zaire and the overthrow of President Mobutu Sese Seko. The UPDF kept deployments deep inside the DRC after Mobutu's overthrow, arguing that they were defending Uganda against rebel incursions. When disagreements later broke out between Uganda and Kabila, the UPDF supported anti-Kabila rebel leaders. The origin of these rebels suggests Ugandan support. Reports about Uganda's plundering of DRC between the mid-1990s and mid-2000s indicate that elites exploited these missions for personal gain. No one has been held to account, in parliament or otherwise, for Uganda's deployment in Zaire (later the DRC).<sup>35</sup>

Since 2016, Uganda's security forces have been deployed in Equatorial Guinea in a covert mission to reinforce President Teodoro Obiang Nguema Mbasogo's personal security. The UPDF leadership maintain that Uganda's armed forces do not need parliamentary approval to deploy in Equatorial Guinea, where they deployed to train that country's armed forces. The official UPDF version is that they are helping build the capacity of Nguema Mbasogo's security forces under a Status of Forces Agreement between Uganda and Equatorial Guinea. It is not clear whether the Parliamentary Committee on Presidential and Foreign Affairs is privy to this agreement. The Ugandan regime's continued disregard of constitutional rules about deployment of security forces, reinforced by senior security officers, illustrates the extent of elite capture in Uganda.<sup>36</sup>

## Consequences of Elite Capture

Elite capture of the security sector has a range of implications that include stifling democratization and consensus building on the most pressing political issues, such as nation-building, national reconciliation, and presidential transition. The rules of political engagement are so intertwined with military heft that the NRM and opposition cannot navigate political disagreement without an implicit threat of violence. They are trapped in warlike political struggles and have no consensus on rules of engagement.<sup>37</sup> Political competition is seen through the prism of confrontation and war. Some operatives and officers view opposition politicians as enemies of Uganda, and political leaders often talk about *my army*, or *tulina amajje* (we have the army), which all makes electioneering violent and chaotic, including within the ruling party.<sup>38</sup>

### SECURITY SECTOR AND CORRUPTION

Protracted counterinsurgency operations have strengthened the military in ways that resemble professionalization, such as providing modern training, acquiring modern weapons, creating specialized structures or sections, strengthening counterintelligence, and monitoring internal security. Commitment to professionalization and modernization has meant—for officers—more training, increased pay, and improved welfare. These actions strengthened the national army, but also



placed the security sector under the full control of the political establishment, providing opportunities for regime and military elites to entrench themselves in nonmilitary spheres.

At the same time, the fusion of political and security elites has profoundly undermined the professionalism of the security sector by subjecting it to political imperatives. The Uganda People's Defence Force displays some effectiveness as a fighting force—has modern equipment, trained personnel, and other elements of a professional military—but neither is independent of partisan politics nor displays institutional autonomy. The leaders of Uganda's security sector know about human rights and professional norms, but they violate them:

They are very much aware of the need to uphold the rights of individuals and citizens; they are very knowledgeable . . . extremely knowledgeable. However, they are also agents of repression. . . . Oh yes, you must have heard about this issue of "orders from above"; so, from whom do the orders come? They come from the ruling elite. They are not necessarily orders from the top leadership of the security forces; they are basically from the political forces. So, they [the political elites] have always used them [the security forces] to carry out their will. Indeed, it's the ruling elite who have always subordinated the security forces and it's evident. If you really talk about "order from above" phenomena, it's all about carrying out the wishes of the powers-that-be.<sup>39</sup>

Elites within the armed forces and intelligence services are pressing national security infrastructure into the service of their individual and sectional interests. This engenders impunity and fuels corruption and abuse.<sup>40</sup> Where elites have vested personal or sectional interests, they instrumentalize the security sector to pursue these interests. For example, military elites have deployed the security sector to control critical natural resources, including land, mining, fisheries, and the oil and gas sector. This move has led to land rights violations, unsustainable natural-resource extraction, environmental damage, and destruction of fishing livelihoods. When the SFC's navy section, the Fisheries Protection Unit, was deployed on Lake Victoria, entire fishing communities were reportedly attacked, abused, and maimed.<sup>41</sup>

The subordination of security services to the personal and political goals of ruling elites (election victory, suppression of political opponents, regional hegemony, and personalized rule) has created a politicized security sector insensitive to human rights. State programs designed and operated by the security sector are not independent but interwoven with regime interests. Armed forces and covert operatives defend the status quo, and some operatives and officers view opposition politicians as enemies of Uganda.

In this fusion of security and political interests, the security sector has acquired illegal and unconstitutional power. The Chieftaincy of Military Intelligence, for instance, has no legal powers of arrest and detention but detains and tortures civilians. Human rights organizations and researchers have produced numerous reports of torture conducted in its "safe houses," in military barracks, and in ungazetted locations. Local media have reported about its personnel assigned to ad hoc security structures, such as the Joint Anti-Terrorism Task Force (JATF), Operation Wembley, and the Violent Crime Crack Unit. The Internal and External Security Organisations, the Chieftaincy of Military Intelligence, and the Task Force

have no legal powers of detention, but they routinely arrest and detain suspects. These highly militarized agencies usurp police work, violating human rights with impunity. Many such violations are made in defense of the regime, targeting “negative minded politicians” against whom security operatives work.<sup>42</sup> The security services also fuel antagonisms between the young population and the aging elites. This was seen in clashes involving younger political activists and other youth on one hand and security forces on the other.<sup>43</sup> In this landscape, youth protests—such as demonstrations and riots—are seen by a captured security sector as antiregime; the security sector, in the eyes of protesting youth, is filled with regime functionaries who are unable to provide unbiased national security.

Despite relative peace in many parts of Uganda, impunity means that encounters with the security sector are dangerous. Rather than defending democracy, freedom, and the national interest, intelligence agencies and the Criminal Investigations Directorate tend to function as instruments for regime survival. Loyal to President Museveni’s life presidency project and dependent on security forces during electoral and other political struggles, politicians tend to willfully ignore unprofessional conduct. This unprofessionalism is not minor in that it involves direct abuses, uses military and police power to settle personal grievances, and has no accountability for failing to secure the lives and property of civilians.

The middle class, businesspeople, and opposition politicians unconnected to—and unprotected by—the regime, rely on private security companies or illegally sourced state security. Self-help security groups have emerged in urban neighborhoods, along with money-driven personalization of police and other security agencies by rich and powerful individuals, all fearing a post–President Museveni crisis.<sup>44</sup> Here, people with wealth “buy” the services of the police for their personal benefit, that is, they pay the police to protect them and those who cannot afford to pay go unprotected.

## REGIONAL INSTABILITY

Uganda’s contribution to regional peace and security is perhaps substantial, but its deployments have sometimes contributed to instability, and they have been unsustainable. President Museveni has asserted his individual influence to shape a regional security complex on the African continent.<sup>45</sup> Neither the DRC, nor South Sudan, nor Somalia has stabilized following Uganda’s deployment. Although Uganda’s initial intervention in South Sudan saved the incumbent government and may have helped avert possible state disintegration, vested interests have complicated resolutions of the conflict. The African Mission to Somalia (AMISOM) has tenuously stabilized the country but has not been the success that Uganda, the AU, the United States, or the United Nations want it to be. Uganda’s bilateral relations with Sudan, the DRC, and Rwanda have endured intermittent strain with grave regional security implications.<sup>46</sup> Uganda’s image in the region has suffered, and hatred of Ugandans among citizens of neighboring communities is growing, rendering Ugandans insecure when they cross borders. In South Sudan, groups allied to Vice President Riek Machar, for example, dislike Ugandans. On several occasions, Ugandan traders and travelers have been attacked or killed inside South Sudan.

Overall, the Ugandan regime’s reliance on military solutions has further strained regional relations. The perception that Uganda’s foreign policy is overly militarized has bred intraregional military

competition, especially between Rwanda and Uganda. It has also created difficulties for regional institutions such as the East African Standby Force (EASF), the East African Community (EAC), and the Intergovernmental Authority on Development (IGAD). The slow-paced pursuit of common regional security measures via the African Standby Force/East African Standby Force may partly reflect regional discomfort with Uganda's hawkish approach to regional peace and security affairs. Uganda's lack of neutrality in regional conflicts—real or perceived—possibly explains why the Stabilisation Force for South Sudan in 2014 excluded Uganda, and why the Foreign Intervention Brigade in the DRC also excluded Uganda and Rwanda in 2014.

Moreover, regional security governance cannot evolve as long as institutional procedures and processes for engaging regionally do not reflect domestic constitutional procedures and processes. Elite capture in Uganda has intensified mistrust and uncertainty within the EAC, IGAD, and the International Conference on the Great Lakes Region (ICGLR). Despite President Museveni's rhetoric about regional integration and pan-Africanism, Uganda's life presidency—to which elite capture has been central—has detrimentally affected regional integration. Because of acute differences in partner states' political systems, the EAC is at a low point.

Regional military activity benefits the regime elites and maintains the status quo. Interventions in the DRC and Sudan during the 1990s, ostensibly in pursuit of rebel groups, showed that military adventures were tied to regime security back home. Because armed groups such as the Allied Democratic Forces and Lord's Resistance Army provided justification for Uganda's regional military adventurism, the missions evolved into costly and deadly regional conflicts. Uganda initially intervened by proxy in Sudan, supporting the Sudan People's Liberation Movement, but later—in 2013—intervened directly in South Sudan. Since 2007 in Somalia, Uganda's political-military elites have realized that regional military intervention has many advantages: along with bringing financial benefits, training, and equipment, these missions keep armed forces occupied and diverted from domestic politics and provide the opportunity to reward regime-loyal officers while “managing donor perceptions.”<sup>47</sup>

As long as Uganda's military interventions are seen to contribute to regional peace and security, international attention is diverted from the domestic sphere and donors apply less pressure in regard to constitutional and democratic backsliding, even though Uganda's regionalized militarism serves the regime rather than the region.

Aside from the efficacy or otherwise of regional interventions, short-term regional security comes at a cost of weakened democratic governance domestically because the regime does not seek parliamentary approval or political consensus for most missions before deploying the UPDF. This undermines constitutional processes, oversight, and democratic governance, eroding the legitimacy and sustainability of Uganda's regional interventions. This has been the regime's practice since the 1990s when Uganda deployed in Zaire (the DRC), and when Uganda deployed in South Sudan.<sup>48</sup> Uganda's president does not face effective parliamentary resistance because Uganda's parliaments since the early 2000s have mainly been rubber stamps. US officials have been aware of these contradictions to constitutionalism and the rule of law.

Thus, Uganda's ruling elites may have benefited from capture of the security sector, effectively manipulating regional and international actors and surviving in power for nearly four decades. Yet their regime longevity and manipulative tactics have not necessarily produced secure and sustainable national and personal security for Ugandans, domestically or within the region. This renders the Ugandan state fragile and susceptible to domestic and regional flare-ups.<sup>49</sup>

## US Engagement

Ugandan-US cooperation is a double-edged sword. On one hand, it has enhanced the capacity of Ugandan security forces in counterinsurgency and peacekeeping missions and contributed to a variety of goals, from economic growth and public health to humanitarian assistance. On the other, it has entrenched domestic militarism and facilitated elites' military adventurism. It has facilitated the regime's reliance on military rather than nonmilitary interventions. In sustaining the regime and reinforcing elite capture in the security sector, US engagement has contributed to exacerbating the domestic and regional consequences of elite capture. Domestically, state-society relations now depend on an entrenched elite class that have perpetrated land rights' violations, unsustainable natural-resource extraction, damage to the environment, and destruction of fishing livelihoods to pursue commercial interests.<sup>50</sup> Regional reliance on military solutions to peace and security problems at the cost of nonmilitary solutions (peace talks and political settlements) is pronounced. This has bred intraregional military competition (such as Rwanda versus Uganda), difficulty in making EASF and EAC security cooperation measures operational, and the perception that Uganda's foreign policy is overly militarized. In this context, President Museveni has asserted his "individual influence to shape a regional security complex on the African continent."<sup>51</sup>

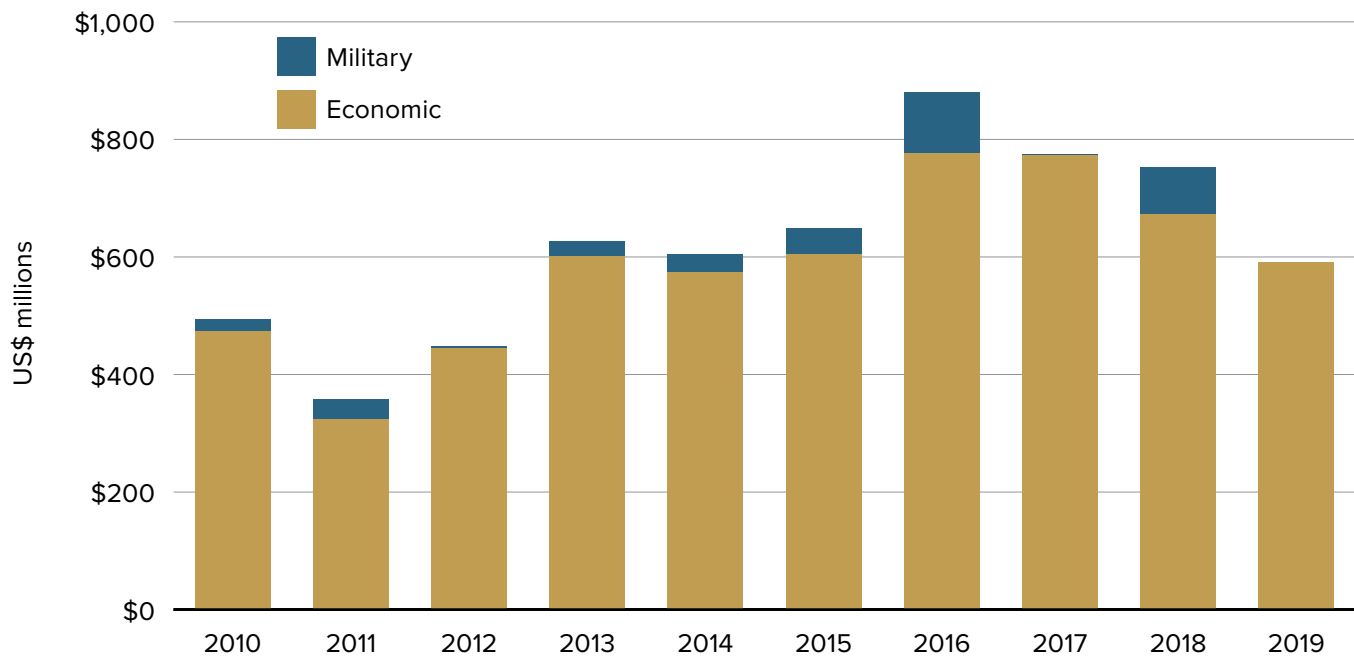
## US INTERESTS

Although various motives have informed US policy toward Uganda, regional and international security interests have predominated in the security sector. Since the terrorist attacks on US embassies in Dar es Salaam and Nairobi in 1998, Washington has needed reliable regional partners. Uganda positioned itself as an ally on regional security. In its partnership with Uganda, the United States has invested strategically and tactically in the struggle against terrorism and regional insecurity. Programs such as the Partnership for Regional East Africa Counterterrorism (PREACT; formerly the East Africa Regional Strategic Initiative, or EARS) concentrated on building the "long-term capabilities of East African partners to contain, disrupt, and marginalize terrorist networks in the region."<sup>52</sup> Since 2007, Uganda has contributed the most troops to AMISOM efforts against the al-Shabab group, an affiliate of al-Qaeda in East Africa and the Horn. Given its security interest in Somalia and the region, Washington has supported AMISOM financially and logistically, providing training, intelligence, equipment, and sizable budget support.

At the same time, security cooperation between the United States and Uganda predates AMISOM and its remit goes beyond fighting terrorism or violent extremism. Washington sees Uganda's military as playing a key stabilizing role in the Great Lakes, and much of Uganda's deployment (in the CAR, the DRC, and Sudan) has received US support, building the capacity of Ugandan security

FIGURE 5.

## US foreign assistance to Uganda (2010–19)



**Source:** US Agency for International Development, *U.S. Overseas Loans and Grants: Obligations and Loan Authorizations, July 1, 1945–September 30, 2019*, <https://explorer.usaid.gov/reports.html>; Security Assistance Monitor, [www.securityassistance.org](http://www.securityassistance.org).

forces and strengthening the bond between individual Ugandan officers and American values.<sup>53</sup> According to one respondent, this stabilization helps the United States and other Western partners “contain the flow of refugees” by preventing and mitigating conflicts or by “pre-empting conflicts . . . because at one time this region was a haven of conflicts.” The approach of US policymakers suggests that the more effective Uganda’s security sector, the greater its effectiveness in dealing with regional conflicts.

Moreover, stakeholders stress that Uganda and the United States have long enjoyed good relations and strong diplomatic ties in areas far beyond the security sector. On the one hand are US economic programs such as the Africa Growth and Opportunity Act (AGOA). Washington is also Uganda’s largest humanitarian donor, supporting the health sector in fighting HIV/AIDS and COVID-19. Still other areas of support include institutional capacity building in the oil and gas sector, macro-economic and democratic governance, and civil society financing. Uganda enjoys preferential trade arrangements, importing machinery, medical instruments, wheat, and aircraft from the United States. Meanwhile, Uganda exports coffee, cocoa, base metals, fish, and minerals to the United States.<sup>54</sup>

These varied interests are evident in US foreign assistance and security assistance funding. According to official figures for 2020, Uganda received more than \$800 million from the United States. The bulk of the funding went to health (\$460 million), humanitarian assistance (\$214 million), and economic development (\$49 million); a smaller but still healthy portion was earmarked for peace and security (\$14.5 million). This proportion has been much higher in the recent past and appears to

have declined only recently; in 2010 and in 2015, peace and security spending accounted for approximately \$30 million of a total disbursement of just under \$600 million (see figure 5). In addition, from 2010 to 2020, Washington spent an additional \$346 million on military aid to Kampala.<sup>55</sup>

Despite the multiple interests and motives underpinning US-Ugandan relations, Washington's focus on promoting stability and security has led to compromises in its engagement, especially the liberalization processes that began in Uganda in the late 1980s. US policymakers may have believed that this liberalization would strengthen democracy. In addition to financing development, public health, and other social services, they supported Uganda's government with training, equipment, and arms in pursuit of security interests.<sup>56</sup> Washington also provided diplomatic cover—avoiding high-level diplomatic pressure on top leaders—and supported Uganda's role in regional security missions. Over time, however, the liberalization process stalled and the consequences of elite capture became evident. Because US interests have repeatedly prioritized stability, Washington has been unable to push back against elite capture of the security sector even at key inflection points that revealed the trade-offs and compromises involved.

### INFLECTION POINTS

US policymakers recognize several instances in which Washington could have pressured President Museveni's regime to respect the constitution and allow peaceful transition of power, but instead chose not to take a clear and strong stand.<sup>57</sup> After certain high-profile incidents—the violence during and after the 2001 elections, the 2005 lifting of presidential term limits, killings by security forces during the 2009 and 2020 riots in and around Kampala, the walk-to-work protests, and reports of human rights abuses by Operation Wembley, the Violent Crime Crack Unit (VCCU), and the Chieftaincy of Military Intelligence—US officials made statements but took little action. In hindsight, US policymakers recognize these incidents as inflection points—lost opportunities for engaging Uganda more firmly and forcefully on sensitive issues.<sup>58</sup>

One critical inflection point occurred in 2005–06, when President Museveni's term of office—his second and supposedly final—should have ended. He succeeded in amending the constitution to remove presidential term limits without attracting much American opposition or any sanctions. His 2006 election campaign promised to professionalize the army, an undertaking he needed American allies to realize. In the absence of effective opposition from Washington, strengthened American support followed.

The United States missed another opportunity to influence a peaceful presidential transition with the elections in 2011. US officials had enough information to gauge whether the Uganda People's Defence Force had indeed become professional and whether it included any US-trained officers with whom Washington could work in a post-Museveni Uganda. (Given the years of bilateral cooperation, opportunities to negotiate with a new leadership were ample, and no radical politicians had emerged as potential successors to President Museveni, as Washington had feared.) US policymakers apparently had little interest in leadership change given the uncertainty about whether a new leader would continue the existing cooperation.

The proposed amendment in 2017 to lift the presidential age limit was a final opportunity for Washington to pressure the regime. Even when Special Forces soldiers invaded the floor of parliament and violently manhandled opposition MPs, Washington made strongly worded statements but did not act decisively to counter either the constitutional change or the violent maneuvers used to keep Uganda's president in power.

US officials have issued “expressions of concern” about election irregularities and abuses by security forces since 2001 in face-to-face meetings with Ugandan officials and in public pronouncements by US diplomats and Department of State officials.<sup>59</sup> Other concerned parties were more explicit; for instance, the Commonwealth Observer Group on the 2006 elections highlighted “violence, intimidation, and harassment,” as well as “assault by members of the NRM, or army or state officials against opposition candidates and supporters,” and “widespread use of intimidation and harassment tactics by the security forces.”<sup>60</sup> In the wake of the January 2021 elections, Washington enforced sanctions or travel bans against individuals, such as General Kale Kayihura and, most recently, military intelligence chief General Abel Kandiho. Yet overt threats to withdraw assistance have repeatedly faced counterthreats from Uganda to withdraw from regional security missions.<sup>61</sup>

To be sure, other interests were at stake beyond security. Former US officials pointed out that they could have achieved greater leverage by threatening to withhold development aid—which constituted a much larger share of overall assistance—but that they did not want to risk placing the entire bilateral relationship in question. Yet Uganda's threats to withhold cooperation with AMISOM and regional security cooperation appear to have most frequently undermined US efforts to push back. Former US officials point out that US interests in Uganda have consistently emphasized stability and that other interests have been less significant. In some cases, these interests have reflected US domestic politics, such as in the outpouring of domestic US support for pursuing the Lord's Resistance Army that led to strengthening support for the Uganda security apparatus. Moreover, US support to the security sector contributed most directly to enabling elite capture and to negative consequences for human rights and regional instability. Within Uganda, indirect, unintentional US support for antidemocratic processes has led some regime critics to believe that Washington lacks credibility as a promoter of democracy, human rights, constitutionalism, the rule of law, and institutional predictability.

### **UNINTENDED CONSEQUENCES**

US support, focused on improving professionalism and state-society relations, has had a series of unintended consequences in Uganda. US-trained security forces have facilitated the survival of President Museveni's regime. The regime has expanded and deepened elite capture of security forces, and human rights violations have increased. Regime interests have taken precedence over national interests, and state institutions have become militarized, personalized, or weakened.<sup>62</sup>

Even as President Museveni has manipulated the security sector and strengthened his stranglehold over his opponents, he has leveraged US support, which has increased in tandem.<sup>63</sup> Washington has been inadvertently complicit by failing to rein in the growing misuse of security services since

at least the 2001 elections.<sup>64</sup> The regime's hawkish posture and apparent willingness to intervene in regional security missions have diverted Western attention from the domestic stage. There, elites have exploited Uganda's enhanced security capacity to "manage" security. For example, sharpshooters who had been deployed in Somalia have been used against regime opponents in Kampala. Thus, as one research respondent noted,

he [President Museveni] can do anything here—maiming opponents, rigging elections, violation of human rights— but nothing comes from the US against these abuses. Museveni has manipulated them also. Read UN reports on DRC. When the report came out, Museveni threatened to withdraw from Somalia, which silenced them! Now he uses foreign policy to suppress internal criticism. Manipulating the foreign to silence the domestic is now his easiest tool. . . . And this started with Uganda's involvement in Liberia with the ECOMOG [Economic Community of West African States Monitoring Group] forces in 1994–1997, then DRC, then Sudan and South Sudan, then efforts against the Lord's Resistance Army. Today, AMISOM seems to have given Museveni a right to do anything. He has used it as bargaining chip for international blackmail.<sup>65</sup>

Simplistic as the informant's depiction may sound, it speaks to how the United States inadvertently aids the persistent dynamics of manipulation. As another respondent noted more succinctly, "Museveni has been around for a long time: he is savvy about how to play actors off against each other."<sup>66</sup>

These unintended consequences play out clearly around Special Forces Command. Although SFC is not a legal structure within the UPDF and is not listed in the Uganda People's Defence Force Act of 2005, it is the mainstay of Uganda's armed forces, acting both nationally and regionally. By providing it training and equipment, Washington has contributed to its evolution and dominant role in Uganda's security and political landscape.

An expansion of the Presidential Guard Brigade (PGB; formerly the Presidential Protection Unit, or PPU), the Special Forces Command was once under the command of President Museveni's son and rumored successor, General Muhoozi Kainerugaba, a graduate of Sandhurst and Fort Leavenworth, who was fast-tracked through the ranks and was recently posted to command the land forces. SFC commandoes, trained by US Navy Seals, are highly capable specialized soldiers. They have been deployed outside Uganda, in the CAR, the DRC, South Sudan, and Somalia, where they displayed combat effectiveness in Mogadishu in 2010.<sup>67</sup> US support for the SFC is also in line with support for the Partnership for Regional East Africa Counterterrorism and the African Standby Force/East African Standby Force, which evolved into support for AMISOM. In all, regime elites have successfully exploited US support for East African Community military exercises, counterinsurgency operations (especially against US-designated terrorist organizations such as Allied Democratic Forces and Lord's Resistance Army), and counterterrorism efforts, for their political and other interests.<sup>68</sup>

Even though the SFC is an elite military combat force, it functions within Uganda as a political tool, taking on civil roles like conducting criminal investigations and carrying out arrests. It is not only the president's and first family's protection unit, but also the president's most trusted unit for regime-sustaining



operations, such as the antiriot deployments after the 2021 elections. The SFC, not the civil police, has been involved in conducting patrols especially in Kampala during election protests, violating human rights in the process.<sup>69</sup> It has also demonstrated a high level of capability and readiness in regional stability operations. Within Uganda, however, it works to protect regime interests.

### GROWING COMPETITION

As the United States focused on elite capture in the security sector, it lost valuable opportunities and its leverage has weakened in the face of other external sources of support, such as China, Iran, Russia, and Turkey. Any international partner aiming to curb elite capture would need to engage directly with ruling elites, presenting limited assistance options, conditions, or approaches aimed at promoting national and regional security and development, human rights, and consolidation of democratic good governance. Uganda's ruling elites, however, have other, less demanding, options. China is becoming a strong actor in the country: its loans and grants support the country's infrastructure development, and its investors are in situ. Beijing offers Uganda alternatives without the pressure that Washington does because Beijing has little interest in elites' conduct and domestic governance credentials as long as Uganda's ruling elites meet the Chinese side of the bargain. Nevertheless, Uganda's military adventurism and the use of the security sector would arguably still play out without the China option, given the Ugandan president's idiosyncratic attitude.

Moreover, just as the United States brings its priorities to relationships with partner countries—fighting terrorism, regional peace and security, stability, commercial relationships—China offers ruling elites an alternative set of ideas and policies. In addition, exposure to China may reinforce elite capture, given that Chinese ruling elites, parties, governments, and states are fused with society. If US pressure becomes unbearable, local elites can instrumentalize Chinese presence and assistance to reinforce their hold on the security sector. China wants to offer viable security sector support to autocratic elites in the global south and is modernizing its military to that end. For now, China is not as interested or invested in the Ugandan security sector as the United States is, but should the United States withdraw, regime elites know they can turn to China for support.

For US pressure on Ugandan elites to be effective, the US must engage China in a long-term strategy. As one informant notes, this is clearly not straightforward:

The problem is that they do not trust each other, and therefore fail to find common ground. . . . Because the Chinese have a poor domestic democracy and human rights record and are not easy to convince, they will just say “we do not want to interfere in domestic affairs,” and then the Americans fail to move an inch. But if the two agreed on this issue, it is possible to change the ways the regime relates with security forces in Uganda.<sup>70</sup>

Given that the aims underpinning much of US policy diverge so strongly from those of China and of regime elites, Washington needs first to build trust and to exploit those specific interests that converge with Beijing's. It is in both Beijing's and Washington's interest that Uganda is stable and the region is peaceful and secure.

Multilateral engagement may also be necessary to avoid reinforcing elite capture of the security sector. The United States has not engaged as directly or extensively as it could have with the European Union, United Nations, African Union, or countries in the region to address regional security issues. A multilateral approach could have prevented the sense of reliance on bilateral relations with Uganda. The United States could also build on trade ties with China and other powers with which Uganda has security relations and global security commitments (Iran, Israel, Russia, Turkey). It could penalize US companies that are complicit in elites' illicit exploitation of resources. For this pressure to be effective, however, the United States needs support from China, Iran, Israel, or Russia. Moreover, the regime could potentially survive for ten years without Western funding or income from oil and gas investments.

## Conclusion and Policy Options

Although elites have long controlled the security sector in Uganda, their manipulation of it has increased in depth and scope. Through changes in regime and leadership, the primary motive behind elite capture has been regime survival. Increasingly, elite capture also furthers the exploitation of security resources for personal ends.<sup>71</sup> This deepening is evident in how powerful individuals in the military and political circles have used their positions for personal enrichment. Elite capture today includes influencing appointments, promotions, specialized training, deployments, financing, and administration; assigning regime-loyal officers to handle political-security questions; militarizing civilian political and bureaucratic spaces; eroding constitutional and legal parliamentary controls and oversight over security decisions; undermining accountability; and using the security sector regionally as a mercenary force. Locally, elites depend on co-ethnics, specific social groups, or trusted personnel from the civil war days, and Bush War heroes have used legal structures to position themselves as security guardians of Uganda's future.

US support has enabled Uganda's ruling elites to create trusted military, police, intelligence, and other security material—such as the Special Forces Command (SFC), Police Flying Squad, Very Important Persons Protection Unit (VIPPU), and the JATF. Elites have used these agencies to muzzle political opponents, to discourage and intimidate electoral opponents as well as armed challenges, and to penetrate civilian society. These agencies have served the Ugandan president's personal interests in relation to other domestic and foreign leaders and enabled him to resolve pressing political questions in his favor, such as removing presidential age limits.

Regime elites do not respond to Western critique because Western actors have relied on Uganda's cooperation in the war on terrorism, now countering violent extremism, and in efforts to secure peace and security in the region. This regional and international context informs the US failure to present an effective challenge whenever the ruling regime deviates from democratic ideals, whether in state-society relations, civil-military relations, or in the creation of a pro-people security sector. Uganda's regional military adventures and role in countering violent extremism have become a useful way to negotiate regime survival with the international community.<sup>72</sup>

The prolonged capture of the security sector has adversely affected both domestic politics and regional peace and security: it drives violence against regime opponents and human rights violations with impunity; it has eroded constitutional rule, especially since the mid-2000s, and damaged state-society relations. It undermines US policy objectives on good governance and democratic civil-military relations. Elite capture in the security sector further threatens to undermine sustainable peace after regime changes. Elites have exploited US support, whether regionally in countering violent extremism and peace support operations, or in strengthening national security capabilities, to advance narrow regime priorities: life presidency and self-enrichment. In the process, abuses associated with elite capture have been exacerbated.<sup>73</sup>

Growing competition with China may affect these dynamics, but evidence is limited that Beijing would replace Washington as a major security actor, unless the United States withdraws completely. This leaves space for Washington to explore policy options that could curb elite capture of the security sector.

Taking a longer view, and given that random occurrences like mutiny, assassination, or President Museveni's incapacitation or death in office could dramatically alter elite dynamics, the United States could also invest in preparing security officers for a post-Museveni Uganda.<sup>74</sup> Washington could seek to strengthen conventional assistance approaches to deepen relationships with senior personnel in the security sector and beyond, deepening its emphasis on training officers on civilian control and human rights, reinforcing Leahy vetting, and documenting abuses by the security sector. It could take a stronger stand in response to abuses, conditioning training, equipment, and financing on greater respect for human rights, constitutional rules, and institutional autonomy of the security sector. Although China, Iran, Russia, and Turkey can provide alternatives to US cooperation, most security personnel in Uganda prefer Western training and security cooperation and want to maintain good relations with the United States. Yet these approaches may be reassessed in light of the regime's interest in the security sector and the presence of alternatives. To avoid this possibility, Washington could strengthen its relationships with those in the top and middle tiers of security agencies who will serve as the future of those institutions and reemphasize the values of human rights, civilian control, and professionalism.

Senior US officials can exploit the US technological and scientific edge over China to engage Uganda on shared geostrategic interests such as regional integration and trade, regionalized industrial investments, and shared management of strategic resources. Engagements on regional-level developments would both be consistent with the rhetoric of Ugandan elites on regional integration and allow US investors to participate more meaningfully in strategic transformation of East Africa via technology transfers, research and development, investment partnerships, and increasing exports. Although Washington may not currently have major geoeconomic and geostrategic interests in Uganda, some Ugandan security and policy observers note that this may be changing:

in a sense that the United States may be interested in Uganda since the discovery of strategic minerals like uranium, which is bringing in Russia. . . . Then oil . . . and gas. All these make Uganda more strategic in terms of geoeconomics. Ugandan elites [however] need the United States's diplomatic cover . . . to be able to stay in power.<sup>75</sup>

Drawing on this possibility, Washington has several reasonable entry points for engagement with regime elites revolving around regionalized management of strategic and shared resources.

Washington could also invest more heavily in regional and collective efforts to strengthen regional stability. One US policy weakness in dealing with Africa is its emphasis on bilateralism relative to multilateral regionalism. Most African actors acknowledge the need for subregional and continental integration.<sup>76</sup> Uganda is a member of several regional security structures, and this provides opportunities to strengthen regional security measures as alternatives to reliance on Uganda. Structures such as the EASF, the EAC's Directorate of Peace and Security Affairs, IGAD, and AMISOM can help integrate and expose Ugandan security forces to ideals, experiences, and perspectives that transcend domestic regime interests. Channeling matériel, financing, and training support to Ugandan forces only as part of joint regional forces would play an important part in meeting US regional peace and security interests and reduce the potential for the United States to contribute to elite capture and to unilateral military adventurism. Working more closely with regional and international organizations would also enhance US leverage in seeking to mitigate instances of elite capture.

Last, support to strengthen Uganda's civic space is more critical than ever in light of increasing human rights violations, mounting opposition repression, and a shrinking space for civic engagement. US support to build robust and credible civic organizations is crucial to the defense of freedoms and personal liberties in the context of a highly militarized political environment hostile to democracy, constitutionalism, and the rule of law.

# Case Study: Ukraine

Elite capture of Ukraine's justice sector evolved from its Soviet legacy during the transition to democracy and a market economy. It has, in turn, antagonized parts of Ukrainian society, destabilized the state, and weakened its capacity to fight Russia. The examples presented in this case study—the District Administrative Court of Kyiv, the Constitutional Court of Ukraine, and abuses of authority in the criminal justice sector illustrate how actors with close ties to Russia use judicial institutions to protect their interests. This case study examines how US policy has interacted with elite capture in the judiciary. The United States has supported judicial reform in partnership with other donors and had both mixed results and, more recently, successes. Although initial efforts relied too heavily on captured institutions to improve themselves, recent efforts to increase accountability by vetting judges, supporting the Public Integrity Council, and establishing the High Anti-Corruption Court have advanced through partnerships among donors, civil society organizations, and supportive political actors. This case study addresses ongoing reform efforts and their prospects of successfully tackling elite capture in the justice sector.

Elite capture of the justice sector has been a recurring problem in Ukraine since the country regained its independence in 1991. Although elite capture on its own does not create conflict, it does make democratic governance reform more difficult. This in turn contributes to increased violence and decreased resilience in face of Russian aggression.

The role of oligarchs is central to elite capture in Ukraine. Oligarchs own the large industrial groups, banks, export industries, and energy monopolies created by privatization in the early 1990s. They use their considerable financial and economic weight to influence and control the political system through their media outlets; they also manipulate the justice sector to secure personal impunity as well as their political and business interests, and to preserve the current political and economic system. Capture of the justice sector can involve undue influence on judicial careers and financing, along with a lack of accountability in justice institutions. Judiciary and law enforcement agencies

FIGURE 1.

## Map of Ukraine



Source: Map adapted from artwork by Rainer Lesniewski/Shutterstock.

use their power to advance the interests of particular financial and political groups, enabling oligarchs to evade justice, maintain market monopolies, and use the justice infrastructure against business competitors and political opponents.

The judiciary has traditionally been one of the least trusted public institutions in Ukraine. According to a national survey on public trust in early 2021, 79 percent of Ukrainian citizens did not trust the judiciary, with more than two-thirds of respondents believing that judges are not independent.<sup>1</sup> People cited corruption inside the judiciary, impunity of judges, and judges' dependence on politicians and oligarchs as significant problems.<sup>2</sup>

The state of the judiciary has consequences for Ukraine's ability to grapple with violent conflict. Elite capture of the justice sector weakens the country's resilience against Russian armed aggression. Institutional anticorruption reforms in the justice sector were one of Russia's justifications for its full-scale invasion in February 2022.<sup>3</sup>

Three major factors have shaped the Ukrainian judiciary over time:

- Ukraine inherited a Soviet-era judicial system in which judges were never independent but acted according to requests from party officials and the KGB (the former Soviet intelligence and security service). These practices continue, with judges responding to well-funded requests from business tycoons.
- Political elites have controlled the selection of judges, guaranteeing political loyalty and the continuity of this system.
- Oligarchs and politicians have learned to use the judiciary for their personal benefit and have strengthened their influence over the judiciary and its governance.

This case study examines how the dynamics of elite capture of the justice sector in Ukraine contribute to the risk of violence in the country and region and how US policy instruments may contribute to these dynamics. It focuses on two of the most important judicial institutions: the District Administrative Court of Kyiv and the Constitutional Court of Ukraine.

## Origins of Ukraine’s Judicial System

The judiciary was never a separate branch of power in the Soviet system. Because only those with KGB approval could apply to law school or be appointed as judges, the KGB could guarantee loyalty to Soviet political leadership. Once appointed, judges signed an agreement to cooperate with the KGB, becoming its informers. The entire legal infrastructure, from law schools to the legislature, was under the ideological control of the Communist Party. Cases were considered impartially only if they had no political or ideological implications. When the interests of political leaders or the regime were threatened, judges adopted decisions prepared by those in high office.

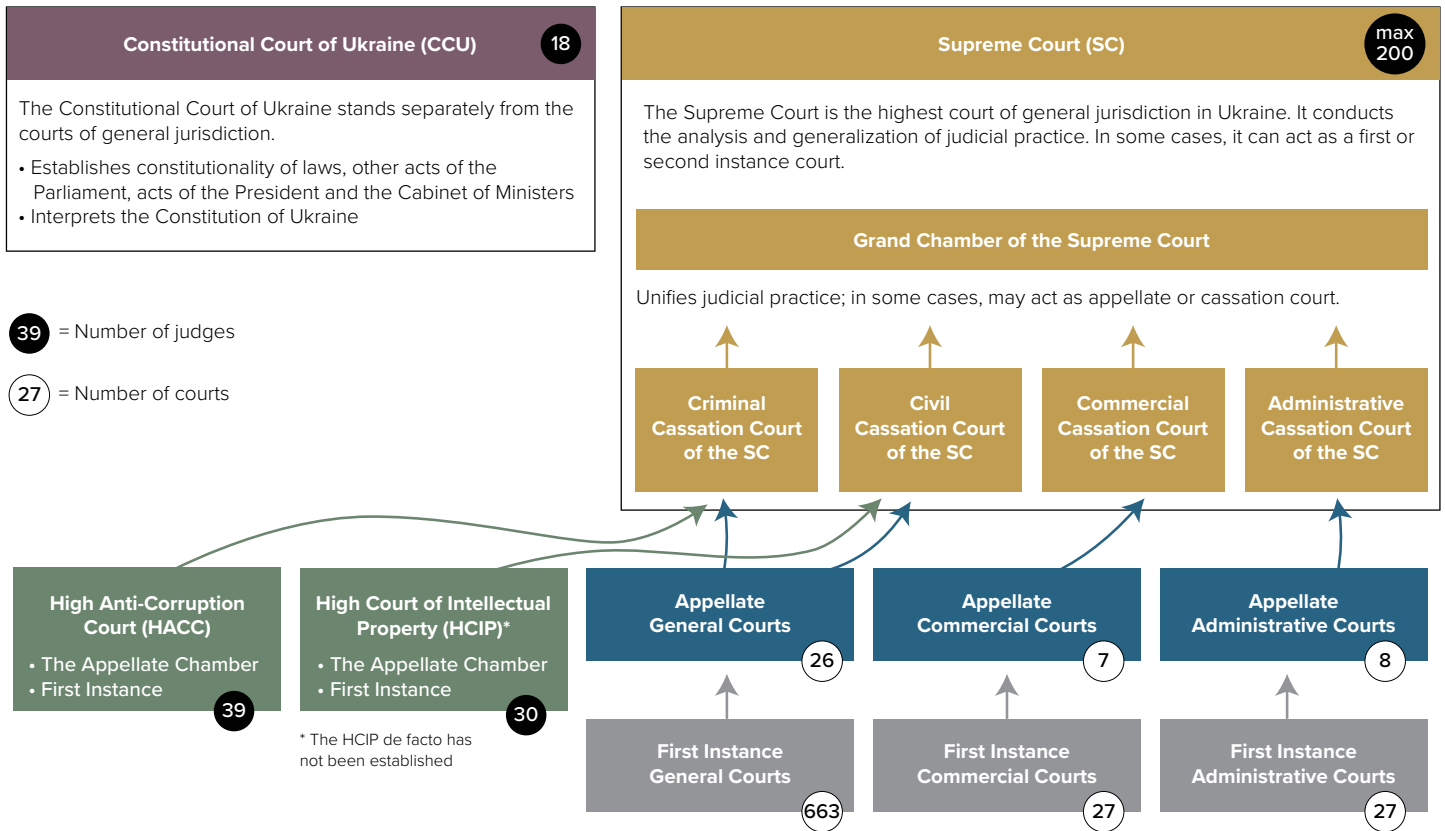
Elite capture of the justice sector illustrates a conundrum common to countries transitioning from authoritarian to more democratic systems of governance: institutional reforms rely on actors within those institutions who have the power to constrain or block those reforms. The judicial branch can block legislation or administrative acts in many democracies, but this power can undermine a transition to democracy. This case study examines the extent to which elite capture has exacerbated this dilemma in Ukraine and contributed to risks of violence and instability.

The newly independent Ukrainian state inherited its judiciary from the former Soviet system. Judges were told not to provide checks and balances, to scrutinize the government, or to protect human rights and the constitution, but instead to serve the interests of the Communist Party and its leadership. This kind of judiciary suited Ukraine’s postcommunist political leaders—who had been highly influential party officials and “red directors” of major state enterprises in the Soviet era. They therefore made little attempt to root out judicial corruption.

Judges who adopted some of the most controversial decisions during the Soviet era continued to serve as judges for decades. One was Borys Plakhtiy. He played a leading role in political cases

FIGURE 2.

## Structure of the Ukrainian court system



Source: DEJURE Foundation, "Ukrainian Judiciary," 4, <https://en.dejure.foundation/library/ukrainian-judiciary>.

against fighters for Ukraine's independence during the Soviet era (including issuing death sentences) and continued his career in Ukraine's judiciary until 2006. His daughters both became judges in his hometown; and in 2021, his older daughter, Inna Plakhtiy, was appointed to the High Council of Justice (HCJ), the highest judicial governance body, responsible for the appointment and dismissal of judges. His granddaughter, Kateryna Trots, is head of the HCJ disciplinary inspectorate.<sup>4</sup> (See figure 3 on page 126 for a depiction of Plakhtiy's influence on Ukraine's judicial institutions.) Plakhtiy exemplifies how Soviet judges who were never removed used their connections with state officials, including the former KGB, to strengthen their positions in the judiciary and build judicial dynasties.

Political elites have continued to influence the appointment of new judges and judicial governance bodies. The president initially appointed judges for five-year terms, and Parliament then extended this to a life term for loyal judges. The president, the minister of justice and prosecutor-general (both presidential appointees), and the parliamentary majority appointed the HCJ. The top judges who represented the interests of the political elites in turn managed the judicial hierarchy. Rather than selecting new judges via transparent or competitive procedures, sitting presidents of the courts handpicked new judges based on their personal loyalty.



Between 2000 and 2009, Kyiv introduced minor changes, including separate branches of commercial and administrative courts. The commercial courts, intended to simplify legal aspects of commerce, legalized ownership of property obtained during the privatization of state assets. The administrative courts, rather than protecting human rights, handed down politically motivated judgments. (See figure 2 for the structure of Ukraine’s court system.)

Following the Revolution of Dignity (*Revoliutsiia hidnosti*) in 2014, also known as the Maidan Revolution, a demand for judicial reform led to 2016 legislation that mandated the vetting of the entire judiciary and the establishment of a new Supreme Court. These reforms failed, however, because political elites used the reform process to their personal advantage. Rather than expelling judges with low integrity and creating a Supreme Court with judges of impeccable reputation, the then president used the reform process to appoint judges loyal to him to the highest judicial offices.

## Dynamics of Elite Capture

The dynamics of elite capture of the justice sector in Ukraine can be better understood by looking more closely at those who seek to control the judiciary and what they hope to gain by doing so.

### THE OLIGARCHS

Most significant changes in Ukraine after independence occurred with the introduction of a market economy and the privatization of state assets. The poor planning and implementation of this shift, along with the weakness of emerging state institutions, gave rise to criminal gangs—the major beneficiaries of the new market. More broadly, the fall of the Soviet Union created a context in which transnational organized crime could develop quickly in newly established states such as Ukraine. Criminal organizations emerged in industrial centers such as Crimea, Dnipropetrovsk, Donetsk, Kharkiv, Luhansk, Odesa, and Zaporizhzhia and of course in the capital, Kyiv.<sup>5</sup> Former criminals became respectable businesspeople and went on to become the oligarchy in the late 1990s to 2010.<sup>6</sup>

Those who became oligarchs were already well connected to Ukrainian authorities such as the president, Russian authorities, and commercial elites, along with long-standing international criminal syndicates, which continued to operate in former Soviet republics. A few of these individuals divided up the most attractive state assets and resources through the privatization process, using them to influence the justice system, which in turn helped protect—and increase—their property. They concentrated first on acquiring the most profitable industrial assets (mainly in the Dnipropetrovsk and Donetsk regions) and on gaining footholds in the media and political parties, which then helped them capture the political system, including the judiciary. It was against the interests of these new business networks to support the creation of fair, transparent law enforcement and justice systems that might challenge their rights to property acquired during privatization.

The primary goal of oligarchs in capturing the political system was to protect and strengthen their economic influence. Through this influence over the legislative and the executive branches, they pursued specific economic interests:

- **Establishing economic monopolies.** The most commercially successful state-owned monopolies were privatized and turned over to oligarchs (for example, steel production, Ukrtelecom state communication company). Monopolies remaining in state ownership were divided between oligarchs and effectively controlled by their proxies (Ukrnafta oil company is still effectively controlled by oligarch Ihor Kolomoyskyi).
- **Protecting monopolies.** Oligarch-controlled companies have sole access to licenses to exploit key natural resources. Foreign investors were not allowed to enter markets dominated by oligarch-owned monopolies, such as the mobile communication market.
- **Influencing state budgets.** Oligarch-controlled companies were given preference in state procurement and other schemes to extract money from state budgets.
- **Avoiding taxes and laundering money.** Legislation provided preferential regulatory and tax arrangements to oligarch-controlled companies, along with instruments of tax evasion. Oligarch-controlled banks were able to launder money and transfer it to offshore companies even as they were recapitalized from state funds.

Because protecting their economic interests depended on controlling the legislative and executive branches, oligarchs used their influence to ensure that their hold over the political system was not contested. Legislation governing political parties, elections, and the media guaranteed that only oligarchs or their representatives could enter these spheres. Political parties could never become independent because they were all either created or funded by oligarchs. Presidents also needed the support of oligarchs to be elected.

Moreover, by pressuring, bribing, or otherwise influencing judges, oligarchs could secure court rulings that either formalized monopolistic control over economic assets or that shielded them from legal accountability if the state tried to bring them to justice. For example, oligarch Ihor Kolomoyskyi tried to take back PrivatBank, nationalized in 2016 to help stabilize the economy as agreed with the International Monetary Fund; Russian proxy Viktor Medvedchuk used courts to take over a state-owned diesel pipeline in 2015 and 2017; the richest and most influential oligarch, Rinat Akhmetov, who owns a vertically integrated monopoly in the energy sector of Ukraine and steel production, went to court to significantly reduce his companies' pollution-related fines.<sup>7</sup>

Enormous financial resources enabled oligarchs to buy decisions and preserve their influence despite political upheavals. At the beginning of the 1990s, political leaders controlled the judiciary; a decade later, however, oligarchs had increased their political and economic influence enough to share control with politicians. Oligarchs influenced Parliament and the president, who in turn appointed most members of the High Council of Justice, and loyal HCJ members then filled judicial vacancies with loyal judges.

After the Maidan Revolution, reform experts believed that eliminating undue influence could make the judiciary independent.<sup>8</sup> A law was enacted to dismiss sitting court presidents and members of

existing judicial governance bodies and to ban their reappointment. Some 80 percent of former court presidents were reappointed regardless.<sup>9</sup> Given the scant appetite for reform among judges, establishing an independent judiciary was not a likely prospect. In addition, oligarchs' proxies in Parliament blocked votes for independent judicial institutions.

The same dynamics seen in the courts apply to police, prosecution, and security service reforms. At the local level, connections are made between a city mayor, a chief judge, and a chief prosecutor or chief of police. The mayor or local barons who control economic activity—and who became even more powerful through decentralization—provide local law enforcement officials with access to valuable resources such as land or public procurement contracts; in return, officials secure common business interests and impunity. Under such conditions, the judiciary does not function as an independent authority.

Rather than applying the law equally, the judiciary has increased inequality by ruling in the interest of those with more power or those offering greater financial compensation. This influence does not occur in isolated pockets; recent judgments from the High Anti-Corruption Court (HACC) and criminal investigations by the National Anti-Corruption Bureau of Ukraine (NABU) show that all jurisdictions and all levels of judiciary are affected. According to the Public Integrity Council, approximately 23 percent of new Supreme Court judges do not meet integrity or professional ethics criteria.<sup>10</sup> Although the courts that decide on the most important cases at a national level are subject to illegal influence, district administrative courts in big cities such as Dnipro, Kharkiv, and Odesa are as well. The District Administrative Court of Kyiv is the most visible and influential. Appellate courts are also subject to corruption. For instance, a state prosecutor was filmed taking a bribe of \$100,000 to settle a high-profile case; in the video, he states that he could find a way to “agree” with all but one of the 113 judges of the Kyiv region appellate court.<sup>11</sup>

For obvious reasons, oligarchs do not trust the Ukrainian judiciary to settle cases between them. Even when they have strong legal cases, they know that their business rivals might outbid their own bribes, resulting in unfavorable judgments. Many oligarchs therefore manage their most valuable assets through offshore companies, avoiding any involvement of Ukrainian authorities and allowing cases to go before arbitration courts in London or Stockholm.<sup>12</sup> In sum, oligarchs use the Ukrainian judiciary to defeat emerging rivals but use foreign jurisdictions to resolve disputes with other established oligarchs.

## THE JUDICIARY

Oligarchs' protection of their personal interests alone does not explain how elite capture has taken root in a theoretically independent branch of government. Elite capture of the judiciary has involved the active cooperation of segments of the judiciary itself. This section examines interests within the judiciary, the development of factions aligned with oligarchic interests, and their relationships to their patrons outside the judiciary.

Although judges initially took a more passive role—influenced by politicians and oligarchs, receiving instructions and incentives—some judges began to actively pursue their own interests. Influential judges formed groups or clans that first existed to service their patrons but are now used to further the

judges' interests. Identifying all members of these clans or groups is difficult, but some leaders whom other judges try to align with can be identified, such as the president of the District Administrative Court of Kyiv (DACK), Pavlo Vovk, or the former deputy head of the Supreme Court, Bohdan Lvov.<sup>13</sup>

It was later discovered that Lvov has Russian citizenship, as do his wife and daughter. A journalistic investigation revealed that he failed to declare owning real estate in Moscow.<sup>14</sup> Even though the Ukrainian Constitution explicitly prohibits judges from having any foreign citizenship, the judges of the Commercial Cassation Court (which he chaired) failed to vote him out of his position. Later, the Chair of the Supreme Court Vsevolod Kniazev excluded Lvov from the list of Supreme Court judges based on the provisions of the Constitution. Lvov challenged this decision in the DACK.

Most—but not all—judicial clans cooperate with each other, given their similar goals. These clans started pursuing their own interests: self-preservation, increasing their influence in the judiciary, multiplying corrupt sources of income, and gaining political power. The judiciary was responsive to the changing political climate, a feature inherited from the Soviet *nomenklatura* system, in which positions were allocated according to political ties. Under that system, when the executive branch was powerful, officials followed the party line, but when the executive was weak, other factions and individuals had greater latitude to influence state officials through corruption.

After institutional and economic instability in the early years of independence, state power in Ukraine stabilized during Leonid Kuchma's presidency. The constitution adopted in 1996 granted the president a vast range of powers. This, together with his authoritative style of governing, allowed him to extend these powers, using law enforcement and the judiciary to prosecute his political opponents. Following the Orange Revolution of 2004, presidential powers were somewhat restricted. President Victor Yushchenko lost control over the ministerial cabinet, which depended more on the parliamentary majority. Frequent conflicts between the prime minister and the president weakened control over the judiciary. Judges were left on their own, which created a favorable environment for the emergence of judicial clans. After Viktor Yanukovich was elected president in 2010, he used the Constitutional Court to regain super-presidential powers and to rebuild control over the judiciary. Judges, controlled by the president's administration, simply received orders and the texts of the judgments they should hand down.<sup>15</sup>

After the Maidan Revolution, newly elected President Petro Poroshenko used public demand for judicial reform to take control over the judiciary. Although judicial clans retained their power, they chose to cooperate with the government in view of potential dismissals. Many leaders of judicial clans showed that they could be useful to the new political elites and consequently survived the qualification assessment.

Although President Volodymyr Zelenskyy and his *Sluha narodu* (Servant of the People) party won a clear majority in Parliament in the 2019 elections, inexperience in politics and public administration left them struggling to establish their authority. For example, during the presidential campaign, DACK judges controlled by court president and judicial clan leader Pavlo Vovk had issued a decision in favor of one of Zelenskyy's companies.<sup>16</sup> Although this action did not tamper with the

election process, it clearly showed the public that a judicial clan was ready to support the opposition candidate and future president. However, when the NABU investigated DACK judges for corruption and seizure of state power, judges opened a court case to cancel the registration of the president's Sluha narodu party, which could have influenced local elections.<sup>17</sup>

Although some judges are loyal to certain elites, most judges align themselves with the highest bidder or operate on a first-come, first-served basis. Two distinct dynamics are at work here: first, certain judges are loyal to elites because of informal networks, and the elites use those networks to secure favorable outcomes; second, other judges accept bribes to serve their personal financial interests. This second dynamic prevails. Given increased scrutiny of the judicial appointment process, along with the automated case distribution system that randomly assigns cases to judges, it has become more difficult for oligarchs to control individual decisions, allowing more latitude for judges to accept the highest bidder.

Many judges are either corrupt or tolerate judicial corruption. The few that speak up, no matter how senior, face severe consequences. The best-known case is that of Judge Larysa Holnyk. When she was offered a bribe by the mayor of a large city, she publicly blew the whistle, only to be subsequently bullied by her fellow judges and the president of the court. Her public reaction was used against her in a disciplinary measure that prevented her from applying to join the HACC.<sup>18</sup> The HACC was established in 2018 with the support of international partners, including the United States, to review cases of serious corruption. Because HACC judges pose a real threat to corruption in the judiciary, they have faced pressure from the High Council of Justice, which is tasked with disciplining judges.<sup>19</sup>

## Practices of Elite Capture

Elite capture in the Ukrainian judiciary falls in one of three areas: control of key institutions, judicial selection, and law enforcement.

### KEY INSTITUTIONS

Judicial clans and politicians control appointments to judicial governance bodies. Before 2017, elected officials such as the president and members of Parliament or their appointees, including the minister of justice, the prosecutor-general, and the All-Ukrainian Conference of Prosecutors, determined the composition of the High Council of Justice. Some members were appointed by the judiciary, private lawyers, and legal scholars, usually under the influence of political actors. After the 2017 reforms, a Council of Europe standard—"judges elected by judges"—nominally gave the judiciary influence over the HCJ.<sup>20</sup> The influence of political actors did not disappear, however.

The Congress of Judges—the so-called judicial parliament—is a representative body of all judges made up of delegates elected at all levels and jurisdictions. The Congress elects 10 High Council of Justice members and six judges of the Constitutional Court.<sup>21</sup> In 2018, the Congress of Judges voted by secret ballot for four HCJ members from a pool of 23 candidates. A day before the ballot,

activists received a list of the four candidates for whom delegates had been instructed to vote. The next day, these four candidates were elected to the HCJ. In 2019, journalists shared audio recordings of Bohdan Lvov instructing delegates how to vote.<sup>22</sup> Lvov was then president of the High Commercial Court and, until 2022, deputy president of the Supreme Court. He is currently president of the Commercial Cassation Court within the new Supreme Court.

In 2019, the Congress of Attorneys appointed Pavlo Hrechivskiy and Oleksiy Malovatskiy to the HCJ for a second time, even though the Constitution directly forbids the reappointment of HCJ members.<sup>23</sup> Hrechivskiy had first been appointed in 2015 by the Congress of Attorneys, and Malovatskiy by Parliament. Both had close political ties with the then ruling Petro Poroshenko Block.<sup>24</sup> Their second, unconstitutional reappointment was heavily influenced by friends in the ruling party. As two of the most influential HCJ members, Hrechivskiy and Malovatskiy (now the acting head of the HCJ) are shaping its practice of protecting corrupt judges and pressuring independent ones, following the instructions of DACK president Pavlo Vovk.<sup>25</sup>

Such practices of staged appointments continued to govern the composition of key judicial governance institutions until recently.

## JUDICIAL SELECTION

The clearest example of elite capture in judicial selection is in the appointment of Supreme Court judges. After the comprehensive judicial reforms of 2016, the Supreme Court was supposed to be rebuilt from scratch. The High Qualification Commission of Judges (HQCJ)—the inspectorate of the judiciary—would select from a pool of professional judges, private lawyers, public attorneys, and legal scholars with appropriate professional experience.<sup>26</sup> Candidates underwent integrity checks conducted by the Public Integrity Council. A candidate found to be lacking in integrity could not be elected unless approved by two-thirds of the HQCJ. Of the 195 judges the HQCJ selected, however, 44 had low integrity and were appointed with little or no justification. Even though the High Council of Justice had the power to prevent dubious candidates from being appointed, it approved the commission's decisions without challenge.<sup>27</sup> The selection of judges to other courts (except the High Anti-Corruption Court) is conducted similarly.

The High Council of Justice, controlled for decades by judicial clans, politicians, and oligarchs, protected those whose integrity was in question and pressured independent whistleblower judges. It also used disciplinary procedures to attack judges of the High Anti-Corruption Court. For example, when a judge conducted a preliminary consideration of the case against DACK president Pavlo Vovk, the HCJ began disciplinary proceedings against the judge. These proceedings took place while the judge was deciding whether to grant extra time for investigative activities.<sup>28</sup> Other HACC judges have publicly accused the HCJ of pressuring them.<sup>29</sup>

The HCJ also protects judges—including DACK judges—who have allegedly committed crimes, refusing to suspend them from their duties as the law requires. It drags out disciplinary proceedings against corrupt judges and has kept in office the Maidan judges who illegally imprisoned activists during the

Maidan Revolution.<sup>30</sup> These HCJ practices create a strong perception among judges that those who fail to obey orders from the top will be punished and those who follow orders will be rewarded.

## LAW ENFORCEMENT

Corrupt judges actively involve themselves with corrupt prosecutors, police, and other law enforcement officials pursuing similar interests. They mutually guarantee that they, their patrons, and anyone of importance to them are not brought to justice; police and prosecution guarantee that investigations are not effective, so judges, prosecutors, politicians, and oligarchs never fully face criminal liability. In the rare situations when a case does come before the court, a corrupt judge will guarantee that no one is imprisoned. This mutual protection arrangement also helps corrupt judges and law enforcement officers to move up the career ladder. Police and prosecutors have knowingly charged innocent people with serious crimes to secure promotion, and such schemes have been covered up by court decisions.<sup>31</sup>

Despite the demands of the law, legal prosecution continues to depend on politics and remains corrupt. The system is hierarchical, and prosecutors are strictly subordinate to the prosecutor general, who is nominated by the president and appointed by Parliament. Until 2016, prosecutors had quasi-judicial powers inherited from the Soviet era. For decades, they used these powers to pressure businesses for their personal financial benefit while providing similar services to politicians and oligarchs.

## Examples of Elite Capture

Although these dynamics play out across the Ukrainian judicial sector, this case study focuses on key jurisdictions, which provide concrete illustrations of particularly acute dynamics of elite capture. This is true of the District Administrative Court of Kyiv, the Constitutional Court of Ukraine, and the criminal justice sector.

### DISTRICT ADMINISTRATIVE COURT OF KYIV

The District Administrative Court of Kyiv is a distinctive jurisdiction within the Ukrainian judiciary. It conducts judicial reviews of decisions and actions taken by all Kyiv-based institutions—including virtually all national-level decisions of the executive, apart from the few categories that the Supreme Court hears in the first instance. This concentrates enormous power in one single first-instance court.<sup>32</sup> Lawyers call the DACK “the second Constitutional Court,” because it can reverse almost all political and administrative decisions other than those of Parliament, the president, and judicial governance bodies. For example, in 2019, in an attempt to block public health reform, the DACK issued a decision banning the acting minister of public health from adopting any decisions.<sup>33</sup>

The DACK was shaped by former President Yanukovich’s legal architect Andriy Portnov, who appointed people he controlled as its judges.<sup>34</sup> Pavlo Vovk, now president of the DACK, is one of them. Vovk was also a former assistant to a pro-Russian MP, Serhiy Kivalov, who played a prominent role in politically motivated cases. Kivalov was behind the presidential election tampering in 2004 that led to the Orange Revolution, and during the Yanukovich presidency led the parliamentary

legal committee that approved judicial appointments until 2016.<sup>35</sup> Vovk also openly admires Andriy Portnov, who would, he has said, make “a great prosecutor-general.”<sup>36</sup> (See figure 3 for examples Vovk’s influence on Ukraine’s judicial institutions.)

The DACK has become the most notorious court in the country. In 2020, the National Anti-Corruption Bureau released the so-called Vovk tapes—wiretapped audio of Pavlo Vovk that revealed massive corruption; undue influence on other judges, judicial governance bodies, and politicians; and attempts to take over state institutions.<sup>37</sup> Vovk and six other DACK judges are accused of establishing an organized criminal group to take control of the HQCJ and the HCJ.<sup>38</sup>

The DACK also systematically issues unlawful decisions that are anti-Ukrainian in nature, such as halting reforms in the army and reversing decommunization.<sup>39</sup> In a particularly telling example, the DACK opened a case on the claim made by Yanukovich, the former pro-Russian president, that he had been illegally removed from his position, even though the eight-year time frame for bringing such a case had elapsed.

According to one civil society expert, the court also acts as a “free cash desk,” where judicial decisions are exchanged for cash. The DACK judges and trusted attorneys offer a “wholesale” service, allowing customers to buy three decisions at once. Sometimes the service includes the development of a legal scheme on how to avoid or uphold a particular decision.

Vovk and his colleagues allegedly control an anonymous channel, Под мантией (Under the Mantle), on Telegram, a popular messaging service. This is used for refuting allegations about DACK judges and for spreading fake news and hate speech about reformists, nongovernmental organizations and activists advocating for reform, and foreign diplomats supporting reform.<sup>40</sup> When the president and the National Security and Defense Council (NSDC) initiated sanctions against Russian propaganda television channels owned by oligarch and Russian proxy Viktor Medvedchuk in 2021, the Telegram channel suggested that this action could be halted by addressing the lawsuit to the DACK instead of the Supreme Court.<sup>41</sup>

In 2022, during the ninth month of Russia’s invasion, a journalistic investigation revealed how DACK judges planned to assist Russia in returning the fugitive pro-Russian president Yanukovich to his former position.<sup>42</sup> Previously, NSDC secretary Oleksii Danilov had stated that DACK judges were supposed to legitimize Yanukovich in Ukraine.<sup>43</sup>

Some unconstitutional decisions have been made under the clear influence of Andriy Portnov, Yanukovich’s legal adviser. In several cases Portnov filed, the DACK inexplicably ruled in his favor, for instance, on revising history textbooks, reversing the decommunization of place names, and canceling celebrations of the World War II anticommunist underground movement.<sup>44</sup>

Several DACK decisions have posed a direct threat to national security and undermined Ukraine’s image abroad. Its decisions also have implications beyond Ukraine’s borders, including for the United States and the European Union. For instance, the Ukrainian Security Service (SBU), police,



and other authorities ban entry into the country for members of organized crime groups, predominantly from the Russian Federation, and the DACK overturns the bans. These decisions erode national security and contribute to violence.

DACK president Pavlo Vovk is also intricately connected with former Interior Minister Arsen Avakov and his associates, the SBU, and the Sixth Appellate Administrative Court, which reviews DACK decisions. At least five judges of the Sixth Appellate Court visited Vovk regularly to coordinate their positions on certain cases.

This dynamic does not rely on payment because these judges feel obliged to those who put them in lucrative positions. They are invested in a state of “organized chaos” in the country, effectively working against the state and its institutions. These judges see strong Ukrainian institutions such as the National Anti-Corruption Bureau and the High Anti-Corruption Court as their natural enemies; they use their power to undermine these institutions, preventing further democratic reforms and geopolitical movement toward the West. They sustain organized chaos by damaging the NABU’s anticorruption investigations, questioning the authority of organizational heads, and reversing reforms, including those in the security sector.

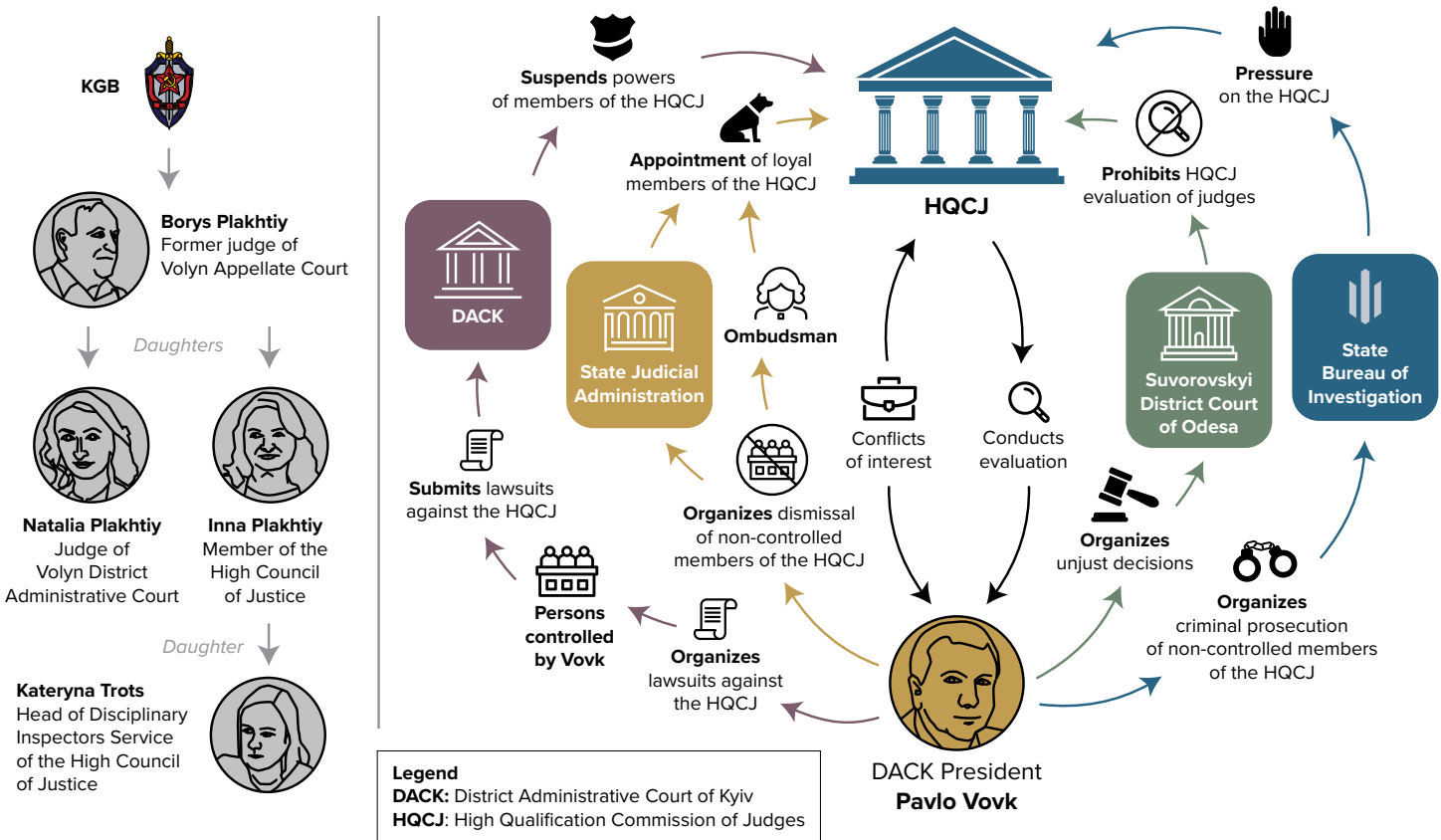
Because the High Council of Justice takes no action to sanction judges for illegal activity, the DACK’s activities go unpunished. During their investigation of the Vovk tapes, the NABU asked the DACK to suspend Pavlo Vovk and his associates. Instead, voting unanimously against doing so, the DACK issued a statement condemning the investigation and accusing NABU of “unlawfully pressuring the judges.” This extraordinary step elicited a response from the Supreme Court, which usually refrains from commenting on such matters. The Plenum publicly condemned the DACK activities under investigation.<sup>45</sup>

DACK judgments also have direct financial consequences for the macrofinancial state of Ukraine, not least because they damage cooperation with the International Monetary Fund.<sup>46</sup> For instance, PrivatBank’s nationalization formed part of a deal between the Ukrainian government and the IMF aimed at delivering macroeconomic stability to Ukraine and its financial system.<sup>47</sup> PrivatBank was declared insolvent. After nationalization, the government injected more than \$5 billion to cover capital shortfall created by the previous owners. Most corporate bank loans were distributed among shareholders’ companies and never returned. US authorities are investigating allegations that Kolomoyskyi withdrew and laundered PrivatBank funds.<sup>48</sup> Immediately after PrivatBank was nationalized, Kolomoyskyi instigated court action to take it back, an action that involves dozens of cases both in Ukraine and abroad.<sup>49</sup> Kolomoyskyi continues to use his political influence and enormous financial capabilities to try to win back the bank.

The DACK was the first court to respond to Kolomoyskyi and, during the April 2019 presidential electoral campaign, ruled the nationalization of PrivatBank unlawful. The judgment was appealed, but the DACK’s ruling—three days before the second round of presidential elections—demonstrated the allegiance of DACK judges to the anticipated election winners. Kolomoyskyi actively supported

FIGURE 3.

## Examples of elite capture in Ukraine’s judicial institutions



Source: National Anti-Corruption Bureau of Ukraine and Anti-Corruption Action Center, “Sins of District Administrative Court of Kyiv,” 2019, <http://oaskfails.antac.org.ua/en>.

Volodymyr Zelenskyy during his campaign, with his media empire providing positive coverage of the candidate. Although the IMF monitored these developments closely, the National Bank of Ukraine asserted that the DACK’s ruling threatened Ukraine’s macrofinancial stability.<sup>50</sup>

The DACK also suspended the acting minister of health, Ulana Suprun, a Ukrainian American doctor who moved to Ukraine during the Maidan Revolution. After Russia invaded Crimea in 2014, Suprun organized tactical health trainings for the Ukrainian army, supplying thousands of tactical health kits to the front lines. On her appointment as acting minister of health, she began comprehensively reforming the health-care system, inherited from Soviet times, in which corruption was rife.<sup>51</sup> These reforms threatened those who benefited from corruption in procurement and health-care management—public officials, local pharmaceutical manufacturers, and clinic directors. The DACK therefore questioned the legality of Suprun’s appointment and overturned it, forcing the Cabinet of Ministers to come up with a legal way to reinstate her.<sup>52</sup> The cabinet granted her the right to make decisions as acting minister of public health but not to vote in cabinet meetings. Suprun claimed that the DACK ruling, and the consequent delay in her partial reinstatement, meant that urgent shipments of medicine were delayed for weeks.

As part of its adoption of NATO standards in the Ukrainian army, the Ministry of Defense implemented a new food supply and distribution model, which the DACK blocked.<sup>53</sup> The DACK also ordered that the National Anti-Corruption Bureau director should be removed from the state register as the head of NABU, undermining the legality of his decisions. (An independent NABU leadership was a primary condition of cooperation with the IMF and of visa liberalization with the EU.) The DACK also unlawfully ordered that the former president of the Constitutional Court, who had been dismissed from his office for violating judicial ethics, be reinstated.<sup>54</sup>

Although DACK decisions are not final and can be revised by higher courts, some decisions are not intended to stand up to appeal. Many of them—such as canceling street renaming or revising references to the Maidan protest movement in textbooks—are part of the information war, creating news stories and feeding Russian and pro-Russian propaganda.

It serves the interests of the High Council of Justice and Pavlo Vovk (along with other DACK judges) to maintain consensus around corrupt activity so that they can continue to profit from it. Because of the enormous power concentrated in their respective institutions, Vovk and the HCJ leadership, along with certain Supreme Court judges, are known as the judicial mafia. The Vovk tapes reveal how, in one instance, Vovk used a third party to instruct the HCJ on which disciplinary cases against judges to pursue and which to drop. Vovk essentially makes decisions that the HCJ should make.

In April 2021, the NABU seized \$5 million in cash from the office of Pavlo Vovk's brother, Yurii Zontov. Its investigation found that the cash belonged to both brothers. Zontov, an attorney, is also alleged to have passed a \$100,000 bribe to Vovk.<sup>55</sup> Following Vovk's arrest, President Zelenskyy initiated a bill to disband the DACK.

On December 9, 2022, the United States sanctioned Pavlo Vovk and two of his relatives.<sup>56</sup> On December 12, the Ukrainian Parliament adopted the presidential draft law regarding the DACK's liquidation, which had been pending for 20 months.<sup>57</sup> President Zelenskyy signed the law into force that same day.<sup>58</sup>

## **CONSTITUTIONAL COURT OF UKRAINE**

The Constitutional Court of Ukraine (CCU) was established in 1996. Its primary function is to interpret the constitution and to verify the constitutionality of laws and decisions made by Parliament, the president, and the Cabinet of Ministers. Parliament, the president, and the Congress of Judges each appoint six justices for a single term of nine years.

At the outset, the CCU comprised reputable lawyers and demonstrated true independence from political leaders. Politicians, oligarchs, and other interested actors (including Russia) soon understood the extent of the CCU's power, however: it could not only cancel any law or government decision, but also permanently prohibit certain legal mechanisms, formulas, or institutions as unconstitutional. Moreover, the CCU's decisions are final. They cannot be appealed. Interested parties have therefore influenced appointments to the CCU to secure votes.

Before the constitutional amendments of 2016, appointing authorities could dismiss any judge without legal grounds. President Kuchma successfully forced the CCU in 2003 to allow him to run for a third term, despite an explicit prohibition against it in the constitution.

The most blatant attempt to capture the CCU came in 2010 when President Yanukovich came to office. The CCU had previously decided that forming a government with individual MPs rather than parties was unconstitutional; after the 2010 election, however, it reversed the decision. Yanukovich's party had not won a parliamentary majority, so Yanukovich forced MPs to leave opposition parties and join his new coalition. He then forced into retirement the four CCU judges who had opposed the decision to give him his parliamentary majority. The Congress of Judges appointed four new judges loyal to Yanukovich.<sup>59</sup> Only a week into these judges' tenure, the CCU reversed constitutional amendments of 2004 that distributed power more evenly between president and Parliament. This was widely perceived as an unconstitutional overthrow that gave Yanukovich almost unlimited power.<sup>60</sup> He then used this power to flood the CCU with other loyal judges.

Yanukovich's excessive power, criminal-style management, and his revocation of the EU Association agreement resulted in mass protests in 2014—the Maidan Revolution. More than 100 people were killed during the government's violent attempt to suppress the protests.

After Yanukovich fled the country, Parliament reversed the CCU decision, and the constitutional amendments of 2004 were reinstated. Parliament dismissed five CCU judges, calling for the president and the Congress of Judges to follow its example and dismiss the CCU judges they had appointed. The Congress of Judges did not, so most of the CCU judges who had voted for the unconstitutional decision retained their seats until their terms ended.

In 2016, Parliament adopted constitutional amendments on the judiciary, including changes to the way the CCU functions, in an attempt to limit unlawful interference. This involved making the selection of CCU judges competitive and removing the power of dismissal from appointing bodies; judges could now be dismissed only by a two-thirds majority of other CCU judges. In theory, the new regulations should have strengthened the CCU's independence and accountability, but this did not unfold. President Poroshenko and the governing coalition were not interested in fully implementing these changes, which meant no transitional period or vetting. Guarantees were granted to all sitting judges, including those who had supported the unconstitutional overthrow in 2010. Despite the supposedly competitive selection process, the appointment procedure did not provide real competition, and Parliament continued to appoint politically loyal candidates. Competitions organized by the president and the Congress of Judges lacked transparency for the same reasons.

Independent anticorruption infrastructure threatened to undermine illegal influence in the political system and led to confiscation of illegally acquired assets. When 47 pro-Russian and pro-oligarch MPs filed a submission to the CCU, the court found it unconstitutional to make public officials criminally liable for fraudulent declarations of property and income. Some CCU judges who supported the decision had been facing liability for violating the very provisions they declared unconstitutional.<sup>61</sup> This CCU ruling

of October 2020 severely undermined not only judicial and public sector accountability but also the independent anticorruption infrastructure, established in 2014 with the support of Western partners, the United States among them.<sup>62</sup> As a result of the ruling, the National Agency for Corruption Prevention could no longer operate the electronic asset declaration system or fulfill its other key functions.

Along with the e-declaration scheme, anticorruption rules established in 2014 involved open property registers, anticorruption law enforcement institutions, and the establishment of the High Anti-Corruption Court. These systems aimed to make corruption less attractive and more costly for public officials. This in turn made it more costly to capture the judiciary and law enforcement. The CCU's October 2020 decision was an attempt to reverse this.

Earlier in 2020, the CCU had found Article 375 of the Criminal Code of Ukraine—which made any judge who knowingly delivered an unfair judgment criminally liable—to be unconstitutional. This decision came just as verdicts were about to be delivered in the cases of dozens of judges who had illegally sentenced protesters during the Maidan Revolution. The CCU actions made their criminal conviction impossible and undermined the accountability of judges.

The Vovk tapes revealed that DACK judges were behind this and other CCU decisions, and that DACK judges had influenced individual CCU judges. DACK president Pavlo Vovk can be heard telling his colleague, “Two courts already belong to us—the DACK and the Constitutional Court.”<sup>63</sup>

The history of CCU appointments shows that former judges of general courts (alongside politically loyal appointees) took most seats in the CCU.<sup>64</sup> These judges came to the CCU with conflicts of interest, invested in the financial implications of decisions they had made in their former roles.

Of the 15 judges currently sitting in the CCU, four did not support the decision to dismantle the anticorruption infrastructure and issued dissenting opinions. Two were appointed after a rigorous competition held with the help of international experts. Judges from other groups were selected by politicians, making them susceptible to political influence and to corruption.

Following the crisis, the Venice Commission held that CCU judges are prone to political influence given the appointment procedure.<sup>65</sup> Selection of CCU judges is heavily politicized rather than competitive as set out in the constitution. The Venice Commission recommended establishing a single selection commission consisting of independent international experts (such as former judges of the European Court of Human Rights) and reputable representatives of civil society (such as the Public Integrity Council).<sup>66</sup> Ukrainian NGOs that deal with judicial reform and fight against corruption made similar recommendations.<sup>67</sup>

Both president and Parliament have been hesitant to establish these rules, however. In the aftermath of the CCU ruling, dozens of bills were submitted to Parliament, but none included the Venice Commission's recommended proposal.<sup>68</sup> Instead, the government sought to maneuver individual judges to serve its interests. In early 2021, a new judge, Viktor Kychun, was appointed to the CCU as

part of the Parliament's quota. He has strong ties to Fedir Venislavskiy, the president's representative in the CCU. During his appointment speech, Kychun stated that if Parliament selected him it would get "at least one proponent of deterring the Constitutional Court." Such a statement clearly violates the principle of political neutrality among CCU judges. The selection of this judge was only nominally competitive and transparent.<sup>69</sup> The parliamentary committee certified that all candidates nominated by parliamentary parties complied with constitutional requirements. Their candidates, however, included Yuriy Pavlenko, an MP from the pro-Russian Opposition Block party who did not have the requisite 15 years of legal experience, having received his law degree less than six years before he submitted his candidacy, and in fact had no legal experience, having only held political office.<sup>70</sup>

President Zelenskyy has tried to replace two judges of the CCU, Oleksandr Tupytskyi, chair of the CCU, and Oleksandr Kasminin, who were among the last appointed by Yanukovich. In early 2021, the media published tapes alleging that Tupytskyi was engaged in bribery and witness tampering.<sup>71</sup> Journalists found that he acquired land in Crimea under the Russian occupation law and that his mother is living in Donetsk, which is occupied by Russian-supported forces.

Zelenskyy first suspended Tupytskyi and then issued a decree "reversing the decrees on appointment" of the two judges.<sup>72</sup> The constitutional amendments of 2016 give the president no power to dismiss CCU judges or to reverse their appointments, however.<sup>73</sup> The judges challenged their dismissal in both the Supreme Court and the Constitutional Court.<sup>74</sup> Rather than waiting for the Supreme Court to consider the case, Zelenskyy stated officially that he would begin the process of selecting new CCU judges to replace the two he had dismissed. Andriy Yermak, head of the Office of the President, called on the G7 ambassadors to nominate experts to the new selection commission.<sup>75</sup> The diplomats did not respond to the request.

Despite disapproval from civil society and international partners, the president began the selection process for two CCU judges in August 2021.<sup>76</sup> The selection procedure was a formality, however, and candidates whose integrity was in question were not duly scrutinized.<sup>77</sup> In late November 2021, the president appointed two judges to the CCU. The CCU postponed the plenary meeting at which the judges could take their oath until September 2022, when the terms of both "dismissed" judges had ended, thus preventing the court from being delegitimized due to the unconstitutional appointments. The two judges took their oaths later, when their predecessors' terms expired. In July 2022, the Parliament appointed Olha Sovhyria as a CCU judge; Sovhyria was a member of President Zelenskyy's party and served as deputy chair of the parliamentary committee on legal policy.<sup>78</sup>

In July 2021, the government's approach to CCU appointments had seemed to be shifting. The parliamentary legal committee approved a transparent selection procedure involving an independent commission made up of experts as recommended by international partners.<sup>79</sup> Although the committee reversed its decision in September 2021, reforming the selection process gained traction in June 2022, when the EU granted Ukraine candidacy status. The EU identified CCU reform as a priority, without which Ukraine could not broach accession negotiations. The EU further stated that CCU reform should follow the Venice Commission's recommendations.

In September 2022, the Parliament preliminarily adopted CCU reform legislation in a first reading.<sup>80</sup> However, a subsequent opinion by the Venice Commission in November reversed almost all of its recommendations.<sup>81</sup> The opinion contained factual errors and suggested that the selection panel's decisions should not be binding and not involve civil society.<sup>82</sup> The opinion also greenlighted the participation of the political appointees.<sup>83</sup> The G7 ambassadors emphasized the importance of “meaningful involvement of independent experts, including a casting vote.”<sup>84</sup>

In December, Ukrainian authorities weakened the draft law before adopting it in a second reading. The revised legislation establishes a selection commission comprised of 50 percent political appointees; only candidates sanctioned by political authorities will be considered.

## **CRIMINAL JUSTICE SECTOR**

Serhiy Sternenko is a Ukrainian activist and blogger known for opposing illegal construction and development in the port city of Odesa, which has long harbored organized crime. In 2014 and 2015, he organized pro-Ukrainian rallies in a predominantly Russian-speaking region where pro-Russian sentiment was strong among a large segment of the population. When Russia invaded in 2014, he actively opposed the spread of the so-called Russian spring and the creation of the Russian proxy Odesa People's Republic (or a similar quasi-state entity). He also became known for countering Russian propaganda on YouTube and other social media.

Sternenko survived three murder attempts in 2018. First he was brutally beaten, then shot in the head with a rubber-bullet gun, and then attacked by a group armed with knives.<sup>85</sup> None of these attacks were effectively investigated. During the latest attempt, he defended himself and wounded one of his assailants, who later died as a result.

Russian and pro-Russian media and politicians propagated misinformation, accusing Sternenko of murder and demanding his imprisonment. The media campaign aimed to turn Sternenko into an object of hate for pro-Russian citizens of Ukraine. Mainstream Ukrainian media outlets mentioned Sternenko seven times in two months, whereas pro-Russian media mentioned him negatively more than 100 times.<sup>86</sup> The main goal of these pro-Russian campaigners was to silence Sternenko and to teach pro-Ukrainian activists a lesson.

In June 2020, the Prosecutor General's Office notified Sternenko that he was suspected of manslaughter.<sup>87</sup> Several lawyers, human rights advocates, and opinion leaders publicly defended him, and rallies were held near the Shevchenko district court building in Kyiv.<sup>88</sup> When the case began to crumble, the prosecution opened a five-year-old criminal case against him, alleging that Sternenko had kidnapped a pro-Russian member of the local council, Serhiy Shcherbych, and demanded his resignation. The case had been inactive for more than three years. The court considered the case against Sternenko with uncharacteristic speed. Evidence was inconsistent, and the judge, Viktor Poprevych, was not impartial—he had earlier expressed his pro-Communist political beliefs publicly, and his lack of integrity had been proven by the Public Integrity Council.<sup>89</sup> Sternenko was eventually given a prison sentence of seven years and three months for the alleged

robbery of €300 (roughly \$11) and two SIM cards from Shcherbych. The accusation of alleged kidnapping was dropped because the statute of limitations had expired. The verdict was met with public outcry, and 10,000 people rallied in front of the Office of the President.<sup>90</sup> The higher courts later reversed the decision, but only after Sternenko had spent weeks in jail.

In another case, Andriy Antonenko, a Ukrainian veteran and musician, was declared a suspect in the murder of journalist Pavel Sheremet. Antonenko and two others were accused of assembling an explosive device and planting it on Sheremet's car. They were effectively named as guilty parties during a press conference involving Interior Minister Avakov, then Prosecutor General Riaboshapka, and President Zelensky.<sup>91</sup> Despite weakness in the prosecution's case—the alleged murderer in the video is significantly shorter than Antonenko, and expert reports are inconclusive—judges agreed to repeated prosecution requests to extend Antonenko's detention.<sup>92</sup> The rationale for the 30-plus court hearings that have taken place is not compelling. After 505 days in prison, Antonenko was moved to house arrest in May 2021, when the prosecution abruptly stopped resisting calls for a more lenient approach.

The Sternenko and Antonenko cases, well known to the Ukrainian public, are but two controversial decisions of courts and law enforcement and instances of undue influence of politicians, oligarchs, and other agents on the justice system that have caused unjust suffering. More than 100 people, for example, were arbitrarily given life sentences under the Soviet 1960 Criminal Procedural Code, in force until recently. These individuals would not be convicted under modern criminal procedural law, and many remain imprisoned for crimes they did not commit. Nonetheless, no mechanism is in place to review their cases.<sup>93</sup>

Along with severely violating the rights of the wrongly accused, this dynamic contributes to a pervasive atmosphere of insecurity and injustice, and mistrust in state institutions. It speaks to the violence fueled by elite capture. Meanwhile, Russia continues to undermine the Ukrainian state in order to pull it back under its influence or even control it. Active citizens, who might otherwise put their energies into transforming the country, must instead fight back, facing injustice and prosecution.<sup>94</sup>

The Ukrainian judiciary has already been called on to adjudicate crimes committed during the recent war, including those in Bucha and other occupied territories. Because the judiciary is mistrusted by 79 percent of the population, it may not be able to adjudicate credibly.

## Consequences of Elite Capture

How does elite capture of the judiciary increase the risk of violence and instability in Ukraine? Answering this question requires examining broader sources of violence and instability in Ukraine and their relationship to Ukraine's transition conundrum and the dynamics of elite capture.



## **VIOLENCE AND INSTABILITY**

Current conflict dynamics in Ukraine are tied to the Russian regime's perceived security interests and its desire to keep certain sovereign states—such as Ukraine—within its sphere of influence. Ukraine's decision to sign a Stability and Association Agreement with the European Union, combined with its willingness to develop closer ties with NATO, triggered Russia's illegal occupation of Crimea in 2014. Ukraine's further movement toward the West and gradual implementation of institutional reforms threatened Russian influence in the country and thus was part of the justification for Russia's full-scale invasion in February 2022. In a speech preceding the invasion, the Russian president referred to the reform of judicial governance bodies (the High Council of Justice and the High Qualification Commission of Judges) as proof that Ukraine is moving in the wrong direction.<sup>95</sup>

The first of two conflict theaters current in Ukraine is a violent one, involving both armed confrontation between Ukrainian forces and the regular Russian military, and constant missile and bomb attacks across the country; the second is nonviolent and seeks to destabilize Ukraine from the inside. Although the European Union, the United States, and other Western countries support democratic reforms in Ukraine, the current Russian regime seeks to undermine Ukraine's democratic governance using political, administrative, and legal methods. These include propaganda, fostering corruption, and undermining the rule of law. The Kremlin's coordinated campaign against Ukraine is multidimensional, and the primary battlefield is the minds of the Ukrainian people.

In this context, an improved Ukrainian system of governance goes against the Russian regime's interests by making it less likely that Ukrainians will acquiesce and “return to Russia.” Democratic progress in Ukraine makes it increasingly difficult for the Russian regime to maintain authoritarian control over its own population if next door a more democratic Ukraine progresses toward a more prosperous future.

## **TRANSITION CONUNDRUM**

Within this broader context, Ukraine's transition conundrum and the dynamics of elite capture contribute to the risk of violence and instability. To reform the country's governance system, Ukrainians must rely on actors within the system who have the power to block the very reforms necessary to advance the transition.

Given the crucial role judges play in the reform process, they—and other elites with influence over the judiciary—are well-positioned to block, annul, or neutralize attempts at reform. As described earlier, a group of parliamentarians, reportedly tied to Russia and to oligarchic interests, used the Constitutional Court of Ukraine to revoke criminal liability for fraudulent declarations of property and income by public officials, which made it impossible for critical anticorruption measures to be implemented.

Manipulation of the Ukrainian justice system allows Russia to operationalize its campaign in Ukraine, providing several entry points to support nonkinetic resistance from within. More broadly, elite capture constrains Ukraine's movement toward stable democracy, contributing to the risk of violence and instability in the following ways.

Elite capture affects Ukrainian resilience by fostering corruption, draining public funds, and weakening the bond between the Ukrainian state and its citizens. It also undermines Ukraine's resilience by affecting the state's relationship with the IMF and other donors and thus Ukraine's capacity to finance its transition toward more democratic governance.

## US Interactions with Elite Capture

The United States has been one of the biggest promoters of reforms in the justice sector. Washington actively supported the implementation of Ukraine's 2016 constitutional reform that included the formation of the "new" Supreme Court as well as the creation of the High Anti-Corruption Court and several other anticorruption institutions. In many cases, Washington has worked alongside other donors, notably the European Union and the Council of Europe (see figure 4). Although most of these efforts have led to positive results, some have been mixed successes. This section examines ways donors have attempted to strengthen or reform the justice system and how they have interacted with the dynamics of elite capture.

### JUDICIARY

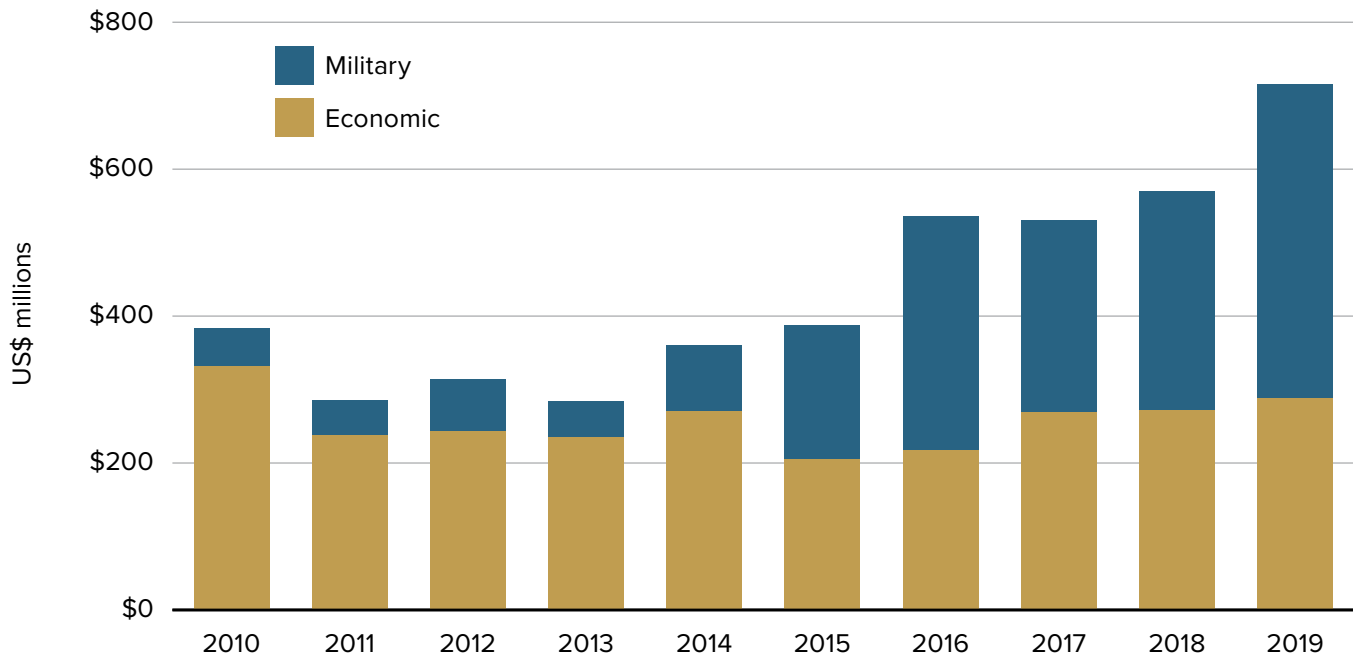
Donors have encouraged judicial reform by promoting new standards for judicial governance. In particular, the Council of Europe has proposed a model, implemented in many European democracies, that aims to enhance the credibility of the judicial system by preventing the removal of sitting judges. The principles of judicial self-governance and of "judges elected by judges" entail that judges themselves should appoint members of judicial bodies, including the HCJ and the HQCJ. The United States and the EU actively promoted this principle. However, given that the model is designed to protect the judiciary from interference and keep it in place, it has, in Ukraine's captured and corrupted judiciary, simply reinforced corruption.<sup>96</sup> Rather than creating an independent judiciary, it has fostered a judiciary independent of the law.<sup>97</sup>

In 2016, a comprehensive program of judicial reform sought to vet the entire judiciary. The Public Integrity Council (PIC)—an official independent body formed of civil society representatives—was created to review judicial integrity. Judges were forced either to undergo the PIC's qualification assessments and integrity checks or to retire. The Supreme Court was to be rebuilt from scratch, and all candidates were required to undergo the PIC's assessments. The PIC found that at least 30 percent of judges had violated integrity criteria. Violations included confirmed mismatches between property and income, unlawful decisions, or severe violation of judicial ethics.<sup>98</sup>

Although roughly half of Ukraine's judiciary was vetted, only about 1 percent of all assessed judges were dismissed.<sup>99</sup> This is explained by the fact that the vetting process was conducted by the High Qualification Commission of Judges, which is made up of judges invested in keeping their peers in the system. The PIC found more than 22 percent of the new Supreme Court to have a low integrity rating, but this did not prevent their appointment. Instead, the HQCJ judges elected their candidates to administrative positions within the Supreme Court rather than judicial ones. For example, Bohdan Lvov, former president of the High Commercial Court of Ukraine, was elected deputy president of the

FIGURE 4.

## US foreign assistance to Ukraine (2010–2019)



**Source:** US Agency for International Development, *U.S. Overseas Loans and Grants: Obligations and Loan Authorizations, July 1, 1945–September 30, 2019*, <https://explorer.usaid.gov/reports.html>; Security Assistance Monitor, [www.securityassistance.org](http://www.securityassistance.org).

Supreme Court. Former presidents of the other highly specialized courts became presidents of the Courts of Cassation within the Supreme Court. The PIC had given negative opinions of all judges but one.<sup>100</sup> This reform failed primarily because the qualification assessment and Supreme Court judicial selections were conducted by those who were to be removed from the system.

The failure of this reform reflects a false assumption that judicial standards that work in stable democracies are as effective as those in transitional democracies. Transitional democracies need a more comprehensive approach, including a gradual and carefully sequenced move toward judicial independence and judicial self-governance. In Ukraine, exacting standards of judicial independence were introduced immediately, and the judicial body used the new mechanisms to take over vetting and to obstruct the reforms. Unfortunately, the national and international partners who designed and supported these reforms, including the United States, the EU, and the Council of Europe, did not foresee this outcome.

These donors have invested significant resources in reform and have helped both state institutions and civil society technically, financially, and politically. Even though donors were aware that vetting and selection of the new Supreme Court had not gone as expected, the US Agency for International Development (USAID) organized a series of trainings for the PIC, the newly formed HQCJ, and newly appointed judges—including those assessed as having low integrity. Although the HQCJ did not refute the PIC’s findings, it gave no rationale for disregarding them, greenlighting

judges found to have low integrity. Donors perceived this to be because the HQCJ and the PIC used different criteria to judge integrity; USAID therefore brought the two bodies together to establish a common approach. This effort led nowhere, however, because the HQCJ did not adopt transparent criteria and continued as before. Although donors were aware of this, they did not publicly admit that reform had been jeopardized. They acknowledged the flaws in the reform process only later, in 2019, during a renewed attempt to support judicial governance bodies. Current reform efforts aim to correct these earlier mistakes and to develop new judicial governance standards more appropriate for a transitional democracy.<sup>101</sup>

The formation of the High Anti-Corruption Court is a striking counterexample to the failures in reforming the Supreme Court. The HACC considers cases of grand corruption that are investigated by the National Anti-Corruption Bureau and the Specialized Anti-Corruption Prosecutor's Office. It consists of a first-instance chamber and appellate chamber of 39 judges; its decisions are reviewed by the Supreme Court.

The success of the HACC's formation chiefly stems from cooperation between Ukraine's civil society and its international partners, including the United States.<sup>102</sup> An agreement between the IMF and Ukraine conditioned roughly \$1 billion in financial support on the involvement of international experts in the selection of HACC judges with the power to veto individual candidates. Ukraine's political leadership accepted this condition, and international anticorruption agencies proposed a list of sitting and former judges or prosecutors from Canada, Denmark, Lithuania, and the United Kingdom, and the European Court of Human Rights. The HQCJ then chose from this list to form the Public Council of International Experts.

The approach that led to the successful creation of the HACC was then scaled to the reboot of judicial governance bodies, the HQCJ, and the High Council of Justice.

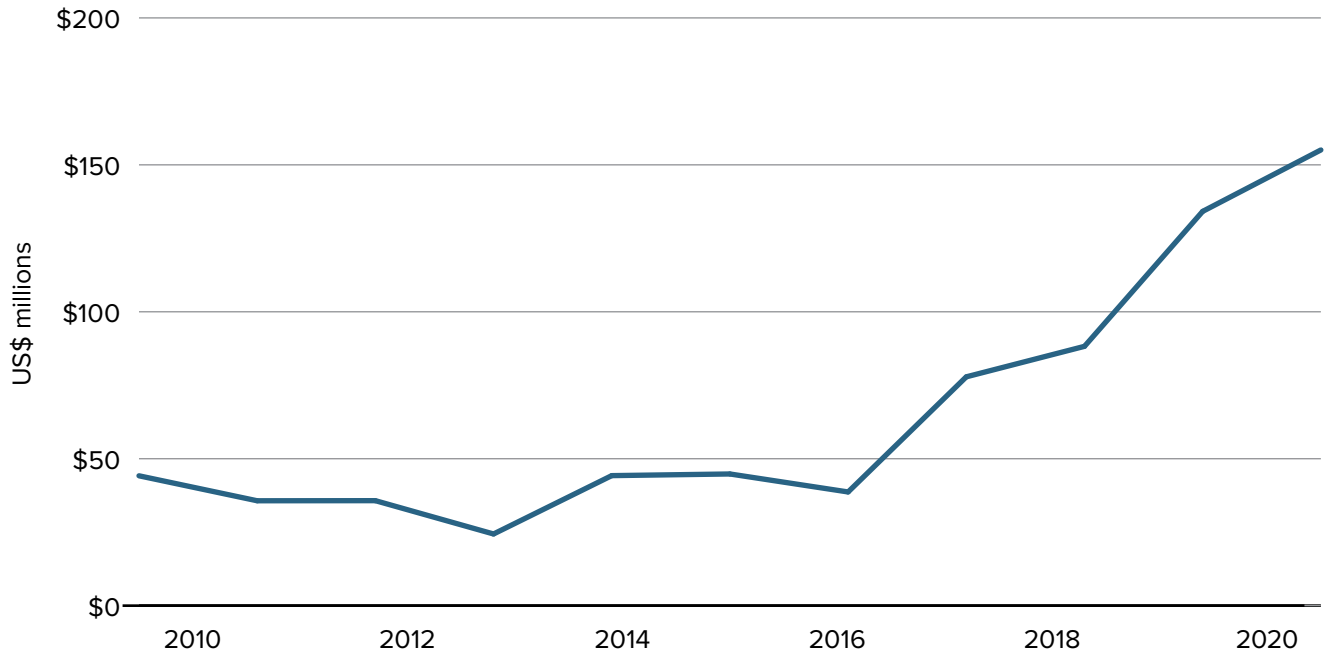
## CIVIL SOCIETY

After the Maidan Revolution in 2014, Washington saw an opportunity to support Ukrainian civil society initiatives working for comprehensive reform. USAID had previously funded activities in the justice sector, supporting state authorities and in particular judicial governance bodies (see figure 5). These bodies and their representatives often exploited their cooperation with international partners to legitimize questionable activities: international donors supported judicial governance bodies with technical and institutional support, but members of these bodies then implied that international donor support legitimated their unlawful decisions and activities.

USAID's New Justice Program (a project aimed at reforming the justice sector) continued to cooperate with state authorities, but its decision to support the Public Integrity Council—a "civil society enclave" within the judiciary—had a positive impact. The PIC receives no state funding, so USAID support contributed significantly to its institutionalization, providing impetus for other international partners to offer support.<sup>103</sup> USAID support for civil bodies as agents of change, such as the PIC, was central both to initiating judicial reforms and to strengthening the capacity and sustainability

FIGURE 5.

## US foreign assistance obligations to Ukraine for democracy, human rights, and governance (2010–2020)



Source: ForeignAssistance.gov.

of the new institutions. The PIC performed a crucial role in bringing transparency to the judicial selection process for the new Supreme Court, but when it withdrew from the qualification process for Supreme Court judges, stating that the HQCJ-led process was dishonest and opaque, USAID abruptly withdrew its support.<sup>104</sup> Because the PIC relies on donor finance, the review of judges stalled and, at the time of writing, 1,500 still await review.

### OLIGARCHS

Ukrainian oligarchs are as serious a threat to national stability as Russian aggression and corruption. They are eager to use the judiciary to protect their economic and political interests, and they have done so during the 2022 Russian invasion.<sup>105</sup>

The G7 countries—Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States—actively supported the adoption of legislation needed to bring the Ukrainian energy sector in compliance with free market standards. These changes helped loosen oligarch-owned monopolies in gas (controlled by Dmytro Firtash) and electricity (controlled by Rinat Akhmetov).<sup>106</sup> Another critical step was banking reform, overseen by the IMF, given that oligarchs such as Ihor Kolomoyskyi had long used Ukrainian banks as their personal wallets.

When new political leadership came to power after the presidential and parliamentary elections of 2019, it pledged to curtail the political and economic power and influence of oligarchs through *deoligarchization*. The president introduced a draft law proposing that the Council for National Security

and Defense, led by him, would draw up a list of oligarchs on whom specific restrictions would be imposed.<sup>107</sup> After fierce debate, Parliament adopted the law in November 2021.<sup>108</sup> G7 ambassadors welcomed the government's intention to fight oligarchs' influence on the political and economic life of Ukraine, but they noted that this would only happen under systemic strengthening of the rule of law, particularly significant reforms in the judiciary, in prosecution, and in antitrust legislation.<sup>109</sup>

A holistic approach is needed to combat the harmful influence of oligarchs on the Ukrainian political system. Dividing monopolies will undermine their dominance of markets and adverse effects on economic development. The establishment of an independent judiciary can guarantee that the new market players abide by the rules.

## **SANCTIONS**

The United States has introduced sanctions against Russian agents in Ukraine, including MPs Andriy Derkach and Oleksandr Dubynskyi, for their attempt to influence the US presidential election in 2020.<sup>110</sup> These MPs actively spread Russian propaganda in Ukraine and intentionally targeted the new anticorruption institutions. Dubynskyi, together with DACK judges, also filed lawsuits to ban President Poroshenko and some of his inner circle from leaving the country.<sup>111</sup> After sanctions were imposed, Derkach and Dubynskyi went off the radar and stopped their activities, at least publicly.

In December 2021, Washington imposed sanctions against Andriy Portnov, architect of the judiciary during the Yanukovich presidency, and Oleksandr Tupytskyi, president of the Constitutional Court.<sup>112</sup> Both were accused of corruption and unlawful influence over the judiciary. Portnov used his connections to influence judges—including those of the Constitutional Court—in significant cases. In September 2021, journalists revealed information indicating that Portnov, Vovk, and Tupytskyi had used their influence in the CCU to overthrow its then president Stanislav Shevchuk, whose seat Tupytskyi later took.<sup>113</sup> Personal sanctions have proved effective against those who use their connections to pursue their personal interests and jeopardize institutional reforms. Such sanctions also effectively warn other officials against continuing to act illicitly.

## **CONDITIONALITIES**

Since the Maidan Revolution, conditioning support on concrete policy decisions has helped advance reforms. One such powerful vehicle was the EU's Visa Liberalization Action Plan. Visa-free travel within the EU was highly desirable, and the government was willing to implement ambitious anticorruption reforms—144 separate actions—to obtain it.

Financial support conditionalities were another important instrument. Coordinating reform measures with the IMF helped achieve the creation of the High Anti-Corruption Court, with independent international experts playing a crucial role in judge selection in 2018. This selection model became a benchmark for reform of the rest of the judiciary.

The joint efforts of the IMF, the EU, and the G7 countries—especially the United States—paved the way for an ambitious attempt to relaunch judicial reforms that had begun in 2016. Aimed at

correcting a crucial flaw in the initial project, the new attempt addressed the renewal of the judicial governance bodies responsible for stalling the earlier reforms. Although unpopular among the Ukrainian judiciary and political actors, vital legislation was passed precisely because this reform was a condition of macrofinancial support from the IMF and the EU. Close cooperation between embassies and civil society created a synergy that opponents of the reform could not challenge.

As the economic situation improved, financial conditionalities became less effective. After the 2019 elections, the new political leadership was motivated mostly by popular demand, so new reform incentives needed the full support of Ukrainian society. Over time, closer ties with the EU and NATO became the top political priorities. Just before Russia launched its invasion of Ukraine in February 2022, 62 percent of Ukrainians supported the path to NATO and 68 percent supported EU membership.<sup>114</sup> After the invasion began, support of further integration with the EU and NATO increased: 76 percent support joining NATO, and 86 percent the EU.<sup>115</sup>

Although Ukraine's accession to the EU and NATO depends on political and security considerations among member states, it remains an ultimate geopolitical goal inscribed in Ukraine's constitution. The extent of Russia's invasion in 2022 raises the urgency of integration still further. Although the EU might use Ukraine's desire for closer integration to further incentivize crucial reforms, including within the security and justice sectors, decisions on Ukraine's future NATO membership should be conditioned solely on the security interests of NATO and Ukraine, rather than the state of reforms in Ukraine, given that Ukraine has already implemented more NATO standards than several current NATO members.<sup>116</sup>

In response to the devastation caused by Russia's invasion, Western governments are proposing a Marshall Plan variant to rebuild Ukraine; such a plan should be oriented toward modernizing infrastructure and state institutions rather than rebuilding old ones.<sup>117</sup> Economic and institutional reforms—which Zelenskyy has already initiated and would be welcomed by European leaders—will inevitably be part of the process of Ukraine's accession to the EU.<sup>118</sup> Such instruments could build on the international community's facilitation of reforms in Ukraine.<sup>119</sup> G7 ambassadors have already stated their intention to work with Ukraine on judicial reform when the war with Russia is over.<sup>120</sup>

## Current and Future Reform Efforts

The Ukrainian judiciary reflects several factors: the inheritance of a Soviet totalitarian regime, decades of oligarchical influence, political control over key judicial institutions, and strong opposition from influential members of the judiciary to any changes threatening their otherwise unchallenged power. Until recently, reform efforts did not deliver any significant change. Instruments of reform were handed to politicians and judges with vested interests in maintaining the existing system rather than establishing independent institutions, hence the failure of judicial vetting in the most ambitious iteration of judicial reform in 2016. International donors and Ukrainian civil society experts had hoped that the Ukrainian judiciary, with the right tools, could rid itself of corrupt and unethical elements. However, the Council of Europe principle that most judges should be elected

by their peers is not an effective tool of reform when the judiciary is already corrupt. Political and corporate loyalty prevailed: vetting instruments were used to appoint untrustworthy judges and newly formed judicial governance bodies failed to discipline corrupt judges, even in obvious and extreme cases of engrained corruption seen in the DACK.

Ukrainian civil society experts and donors have learned lessons from failed reform efforts; reform now focuses on guaranteeing the integrity of judges appointed to judicial bodies. The Judicial Reform Roadmap formulated by leading NGOs in the field reflects this change theory.<sup>121</sup> President Zelenskyy and his political party supported this plan during the election campaigns of 2019 and later promised to implement it in the memoranda on financial support with the IMF and the EU.<sup>122</sup>

Government attempts at judicial reform from 2019 to mid-2021 have been largely ineffective. Given tremendous resistance from the judiciary, initiatives directed at relaunching judicial governance bodies were never finalized.<sup>123</sup> The HCJ blocked the implementation of reforms, and the Constitutional Court declared the reforms unconstitutional. Reformist members of the new administration were dismissed and replaced by people with vested interests in rejecting reform, and the government invested significant effort in compromising with the judicial “clans” for political capital. Although the Venice Commission’s recommendations for international institutions led to an imitation of reform, presidential bills on HCJ reform and the formation of the High Qualification Commission of Judges would only preserve the influence of the corrupt judiciary.<sup>124</sup>

G7 ambassadors presented the Judicial Reform Roadmap based on recommendations of the Venice Commission and civil society, which proposed that independent international experts should have a decisive role in the vetting and appointing judicial governance bodies, as well as in participating in the selection of the CCU judges.<sup>125</sup> Following a series of public discussions, a campaign by Ukrainian civil society, and a united stance by donors, the Ukrainian Parliament adopted two laws on judicial reform in July 2021: the first (Bill No. 3711-d) on the formation of the High Qualification Commission of Judges, the second (Bill No. 5068) on the reform of the High Council of Justice. International experts were granted a casting vote in selecting members of these bodies.<sup>126</sup> Implementing these laws was not straightforward, however, because senior judiciary officials continued to sabotage reform efforts, stalling the formation of the Ethics Council—made up of Ukrainian judges and international experts—whose role is to vet the HCJ and select its members. The Supreme Court has also challenged the reforms in the CCU, where the case is still under consideration.

Nevertheless, the united position of civil society, donors, international partners and pro-reform members of the government has paved the way for the formation of trustworthy judicial governance bodies. Threatened by the inevitable integrity checks, 12 members of the HCJ resigned in January and February 2022. Despite the new phase of the Russian invasion in February 2022, the Ethics Council successfully vetted the new HCJ members. In May 2022, it suspended one who failed to comply with integrity criteria and confirmed the integrity of three others. Although stalled by the invasion, the selection of the new members of the HCJ and the HQCJ is likely to resume before the war ends.



As the security situation in Ukraine deteriorated in late winter 2022, some public officials called to cancel judicial reform or to significantly reduce the transparency of the process. As the main aim of these reforms is to build public trust in the judiciary as an institution, the transparency of the reform process is a key principle, endorsed by donors and by civil society experts. Even considering questions of security, this principle of transparency must govern both the formation of judicial governance bodies and other policy decisions needed to see the reform through.<sup>127</sup>

Like any democratic reform, judicial reform requires a network of allies both international and local. Although democracy in Ukraine's government is often distorted by the influence of oligarchs and Russia, this is somewhat mitigated by the active role of civil society organizations in making and implementing policy and in cooperating with the international community. Strengthening Ukrainian civil society actors, helping others emerge, and facilitating their active involvement in reform has proved successful in building effective and sustainable democratic institutions. This extends the network of allies advocating for further institutional reforms and protects the reforms already achieved. The united position of international partners, civil society, and new democratic institutions will ensure that current reforms are fully implemented, push the government toward further democratic changes, and create the opportunity for reform to spread into other sectors and other countries facing similar issues, promoting and strengthening democracy, both in the region and globally.



## SECTION III

# Recommendations



# Recommendations

This report has explained the potential and the hazards associated with the provision of security sector assistance in contexts where elites have captured the security sector. It has highlighted how considering the causes and effects of elite capture can be like looking through a wider lens, revealing traps and potential opportunities that would otherwise be hidden from view. The case studies present in-depth analysis of security sector successes and challenges and make a strong argument for new ways of seeing and responding. In this section, we turn our attention to the specific actions that will help us do just that.

Our recommendations are based on the following five principles:

- 1. Detect elite capture:** Integrate the elite capture lens into intelligence, political economy analysis, and other analytical tools that guide assessment, program planning, and policy decision-making.
- 2. Do not enable elite capture:** Reduce the likelihood that donor policies contribute to elite capture by enhancing the transparency of security assistance, improving risk management and accountability for security sector assistance, and increasing domestic efforts to prevent elite capture in the security sector.
- 3. Confront elite capture:** Use decision points and off-ramps in assistance programs, targeted sanctions, and multisectoral anticorruption and governance initiatives focused on the security sector.
- 4. Mitigate elite capture:** In captured environments, operate multilaterally, strengthen civil society oversight, conduct cost-benefit analysis of providing security sector assistance

and limit the scope of such programs if necessary, and support approaches that tackle the drivers of elite capture.

- 5. Play the long game:** Build effective and accountable security forces, strengthen security governance, and address the drivers of elite capture and violence.

These principles acknowledge that every conflict-affected country has its own unique history and circumstances. Practitioners must therefore customize the solutions we propose for different contexts. These principles and the recommendations that follow also take as a given that the security sector operates within a larger social, economic, and political ecosystem that is affected by a wider set of conflict and power dynamics. Elite capture is a function of those dynamics, and security sector assistance must take these connections into account to be more effective. At the same time, elite capture of the security sector has implications well outside the security sector that can affect the success of any larger strategy to reduce conflict, promote democracy, and increase security.

The following recommendations offer our best assessment of how donors, multilateral organizations, civil society, and academia can apply the five principles. To enable successful implementation, these recommendations must be supported by appropriate funding from the relevant departments, agencies, and appropriations bodies.

## US Government and Other Donors

### DEPARTMENTS AND AGENCIES

- 1. Elevate the issue:** Include elite capture—and how to address it—in key policy documents laying out the goals of US security sector assistance (SSA). Dedicate specific time, space, and funding in policy processes to consider elite capture. For example, include an agenda item on certain interagency policy committees. Require that SSA planning documents (such as security assistance strategies) assess the risks and consequences of elite capture—as a phenomenon that intersects with broader anticorruption and governance issues—in security assistance. Incorporate elite capture analysis into integrated country strategies and combatant command security cooperation strategies. Issue a biennial elite capture report to highlight both offenders and good performers. Request agency action plans for tackling elite capture. Develop a presidential statement or executive order elevating elite capture as a national security concern.
- 2. Ensure elite capture focus within anticorruption efforts:** Highlight elite capture as a driver of corruption and emphasize that countering elite capture will contribute to the US Strategy on Countering Corruption. Include security sector considerations as part of the strategy.
- 3. Support embassies:** Establish and fund an interagency coordination mechanism (piloted in two or three geographically diverse contexts) to empower and support embassies as they address elite capture by conducting analysis, pursuing multisectoral strategies,

strengthening governance reform, bolstering civil society, conducting routine reviews, and monitoring the security sector. For example, a newly designated subgroup within the anti-corruption task force could be vested with that function. When embassy capacity is limited, provide the appropriate staffing, auxiliary support, and funding to address elite capture.

- 4. Collect and analyze information:** Assess the landscape by prioritizing information collection and analysis on corrupt actors and networks as part of the implementation of the US Strategy on Countering Corruption and integrate anticorruption considerations into foreign assistance. Targeted information collection, analysis, and sharing could support ongoing monitoring and reporting on these dynamics.
- 5. Integrate elite capture into program planning:** Integrate identification and analysis of elite capture throughout program planning and implementation. Establish protocols for assessing elite capture risks before new SSA programs are initiated; develop early warning mechanisms and integrate analysis into Department of State, USAID, Department of Defense, and Regional Combatant Command approaches, engagements, and forecasting. New programs could require a political impact statement updated annually or biannually. Create an environmental impact statement of how SSA affects elite capture. Consider developing a checklist or rubric for country experts to assess elite capture.
- 6. Increase transparency:** Conduct baseline “start-from-scratch” analysis to comprehensively review existing programs in collaboration with suitable or impartial third parties; make the details of these programs more accessible to civilian officials, legislators, civil society, and journalists in partner countries. Evaluate high-cost SSA programs on a regular basis. Publicize the details of US government assistance—recognizing the sensitivity for national security but requiring a level of transparency comparable to that provided within domestic processes. Publish publicly available reports on SSA. Encourage security sector public expenditure reviews.
- 7. Broaden vetting:** Expand the scope of vetting beyond individuals and units to focus on broader organizations to assess the political and economic interests that have shaped them, and to conduct assessments of risks in organizational processes like personnel, financing, and accountability prior to initiating programs. Look beyond human rights abuse to involvement in political repression and corruption. Appropriately fund vetting activities where relevant, and consider a sliding scale mechanism to broaden the scope of vetting for recipients of significant SSA investments.
- 8. Track indicators of elite capture:** Track specific indicators related to personnel, financing, internal investigations and prosecutions, ratios of military personnel and resource dedicated to civilian functions, activities of specialized units, corruption in the security sector (such as bribery or beneficial ownership). Integrate elite capture indicators with mandated reporting on human rights and corruption. Shift resources toward supporting policy goals with more robust support outside the security sector if the risk of capture is high.

- 9. Incorporate benchmarks and off-ramps:** Incorporate benchmarks and off-ramps into security assistance planning and implementation to measure transparency, accountability, fraud, and human rights abuses that could trigger more detailed reviews or changes in assistance levels. Develop actionable guidance on working within captured systems, including quantifiable elite capture thresholds to inform decision-making.
- 10. Conduct periodic reviews:** Using benchmarks and off-ramp opportunities, conduct periodic reviews, points for renegotiation, breaking up assistance into multiple tranches, or sunset clauses that require new agreements for assistance to continue to enhance flexibility and bolster the credibility of threats to withdraw assistance in the case of abuse. Reduce or eliminate programming in highly captured environments.
- 11. Incentivize good behavior:** Strengthen incentives to shift away from captured institutions by implementing graduated assistance, tying levels of aid to security governance indicators. These measures would involve designing new modalities for assistance agreements and adopting benchmarks or indicators as part of agreements. Consider rewarding good performance by establishing on-ramps to increased SSA and the provision of diplomatic benefits.
- 12. Leverage sanctions:** Include corrupt security sector actors as part of the US Strategy on Countering Corruption—recommended approach on sanctions. Make effective use of targeted sanctions, export controls, or visa bans in response to incidents of elite capture. (This would require close examination of the interests underlying elite capture to identify the specific individuals, assets, and industries involved.) Expand efforts to pursue ill-gotten gains and hold corrupt actors accountable through the Global Magnitsky Act or with country-specific sanctions.
- 13. Strengthen learning:** Incorporate systemic evaluation of SSA programs. There is insufficient evidence of what “works” and what does not because SSA programs rarely come under systemic evaluation. The Department of Defense’s newly established learning agenda for security cooperation—the Learning and Evaluation Partnerships framework—is a step in the right direction to evidence-based security cooperation. Integrate training modules on elite capture and security sector corruption into the curricula of the Foreign Service Institute and relevant professional military educational institutions (such as the National Defense University, the services’ war and staff colleges, and Department of Defense Regional Centers) to promote workforce development and broaden awareness of success stories to emulate and pitfalls to avoid when working in captured systems.
- 14. Mitigate enablement:** Close loopholes to reduce the capacity of elites to take advantage of US domestic institutions. Explore the use of export controls and sanctions to target offending industries that enable elite capture (for example, real estate, luxury goods).
- 15. Explore multilateral approaches:** Invest in multilateral approaches and donor coordination to more effectively engage with local security institutions.



## FIELD MISSIONS AND EMBASSIES

- 1. Strengthen governance:** With robust support from the relevant interagency working group and appropriate funds for local embassy staffing, strengthen security governance through increased resources, attention, devoted personnel, more rigorous evaluation, and prioritization in country programs. Strengthen legal frameworks, establish internal accountability mechanisms within the security forces (such as audits and whistleblower protections), expand opportunities for small businesses to compete against elites in key industries, limit the power of economic monopolies, and foster peaceful political competition. Shift attention beyond the security sector to pursue development approaches that tackle the drivers and incentives of elite capture and violence. Explore approaches that involve prosecution, civil society, local governance, and community crime prevention in addition to law enforcement.
- 2. Require conflict sensitivity analysis:** With robust support from the relevant interagency working group, and with appropriate funds for local embassy staffing to better anticipate the impact of donor interventions, conduct conflict sensitivity and political economy analyses of the security sector to examine the main actors involved and their interests, networks, and resources—with specific attention to how they play out through the core organizational functions of security institutions such as personnel, financing, procurement, and deployment. In cooperation and coordination with relevant departments, agencies, and US military regional combatant commands, integrate identification and analysis of elite capture throughout program planning and implementation. Determine national-level political desire to champion reforms to address elite capture. For example, the World Bank’s Public Expenditure Reviews have been applied to the security sector and have incorporated political economy analyses. Such tools could be applied consistently to SSA and development programs.
- 3. Incentivize good behavior:** Using applicable tools and frameworks, strengthen incentives to change SSA-recipient behavior.
- 4. Pursue multisectoral strategies:** With robust support from the relevant interagency working group and appropriate funds for local embassy staffing, confront elite capture with multi-sector support to anticorruption initiatives involving law enforcement, civil society, and the media. Focus on building capacity for transparent public financial management, audits, and oversight in security institutions; for investigating and prosecuting corruption and human right abuse in the security sector; and for targeted investigations by civil society and the media. Pilot multisector programs that confront the economic and political interests and incentives that drive elite capture—for example, in extractive industry, land tenure, industry, local governance, electoral competition, and other areas, depending on the context.
- 5. Support civil society:** Recognizing the inherent security risks in monitoring the security sector, provide resources and diplomatic support to local change agents (i.e., civil society and civilian officials) to facilitate monitoring and oversight of SSA programs. Consult civil society actors before and during SSA programming. Stipulate that SSA resources remain

on recipient budgets and that recipients publish how the aid is spent. Support civil society organization and investigative journalist capacity to track and monitor elite capture. Support judges and other actors who have taken their own initiative to identify, uncover, and act against elite capture. Donor governments and multilateral organizations could adopt such support as a central pillar of engaging the security sector. As noted in the US Strategy on Countering Corruption, civil society and the media play a central role in detecting and exposing corruption. Support members of parliament and other civilians to oversee the security sector more broadly. In the specific context of the United States, some participants pointed to the Security Governance Initiative, in which assistance programs were negotiated as a package, rather than piecemeal, and subjected to some civil society oversight.

- 6. Conduct routine reviews:** Empower the Chief of Mission with the appropriate authorities to review and adapt SSA programs. Create a new process whereby embassies provide ambassadors with a summary of ongoing SSA programming when they arrive at post. Task a point person in embassies or field offices to regularly evaluate the political developments of the security sector and determine the evolving risk of elite capture.

## CONGRESS

- 1. Allocate resources to address elite capture:** While maintaining strong support for SSA programs, enable execution of the preceding recommendations for the executive branch with robust funding allocated by the relevant congressional bodies. Direct and empower the executive branch to address elite capture through the appropriate mechanisms.
- 2. Commission further study:** Facilitate regular reporting on elite capture, as indicated. Leverage congressional study groups, the Congressional Research Service, and the Government Accountability Office as necessary.
- 3. Strengthen coordination:** Facilitate greater coordination between relevant congressional bodies—foreign affairs, armed services, appropriations—to address elite capture.
- 4. Support local change agents:** Recognizing the inherent security risks in monitoring the security sector, provide direct funding to local nongovernmental organizations monitoring the security sector and security sector assistance.

## Other Actors

### MULTILATERAL ORGANIZATIONS

- 1. Strengthen policy dialogue on accountability:** Integrate the public finance perspective into broader security policy considerations to help defense, interior, and justice ministries improve financial accountability and oversight. Recognize that security and public safety are critical public goods that cannot be treated separately from other development needs.

- 2. Public financial management:** Ensure that expenditures related to the security sector are treated with the same degree of transparency and oversight as other government sectors. Empower civilian ministries to influence defense and security expenditure policy. Encourage multilateral engagement on security sector reform. While traditional security assistance is largely outside the remit of the World Bank, the IMF, and the regional banks, these organizations possess relevant expertise to strengthen civilian oversight, accountability, and management of security and justice services. The World Bank's expertise in institution building, public sector management, and fiscal transparency could easily be applied to the security sector.
- 3. Tackle "dirty money":** Encourage collaboration and coordination among donor countries to effectively limit opportunities to shift dirty money from one jurisdiction to another.
- 4. Augment analysis:** Offer analysis on elite capture as a standard component of peace operations through instruments such as the UN Joint Mission Analysis Center.
- 5. Develop frameworks:** Multilateral organizations could develop internal frameworks defining why and how they support security sector governance, and these frameworks should include provisions allowing them to effectively recognize and address elite capture.

## CIVIL SOCIETY

- 1. Monitor the security sector and SSA:** Recognizing the inherent security risks in monitoring the security sector, rigorously examine and routinely monitor how core processes in the security sector reflect elite interests and ensure that SSA is not diverted from its intended purposes—for example, submitting official requests for information where possible. Monitor, identify, and report on risks. Advocate donors and recipient governments toward greater transparency in security sector resources, personnel, and policy.
- 2. Push for reforms:** Encourage the implementation of reforms to dismantle elite capture, including reforms to gain transparency in public expenditure, greater civilian oversight, and the ability to audit and inspect SSA programs.
- 3. Support accountability:** Energize support for officials, institutions, and whistleblowers seeking to identify, uncover, and act against elite capture.
- 4. Track resources:** Continuously monitor SSA resources to ensure that they remain on recipient budgets. Ensure that recipients publish how aid is spent.
- 5. Investigate cases:** Investigate the manipulation of security sector personnel and resources in the context of elite capture, publish reports, and advocate for accountability through investigative journalism.

## ACADEMIA

- 1. Conduct further research:** Examine the link between elite capture and violence. Develop frameworks to understand the effects of elite capture. Review evidence on past attempts to dismantle elite capture. Investigate additional case studies of elite capture, including cases of nonstate, informal, and private security actors. Study distinct examples of captured units. Investigate impact of elite capture on secondary economies (such as transportation and energy) and informal security providers. Examine how state actors could exploit elite capture to their political and security benefit. Study how governments decide to address elite capture within their security sectors and which tools and methods could be used to reform security sectors captured by elites. Examine the detrimental effects of elite capture of nontraditional security sectors such as financial intelligence units and border security providers that collect biometric data. Assess the effects of security and development aid on the risk of elite capture of the security sector.
- 2. Develop new tools:** Drawing upon the field of systems thinking, develop network analysis and computational modeling tools to improve the ability of policymakers and practitioners to understand the dynamics that enable or discourage elite capture of the security sector.
- 3. Create research hubs:** Establish research centers, databases, and indices to track and analyze elite capture data.
- 4. Establish partnerships:** Foster partnerships with government, civil society, and local researchers to study and share insights on the political interests underpinning security sectors in specific countries to inform programming. Academic and civil society actors are often well aware of the dynamics of elite capture in the security sector in a given society, but too often policymakers have not incorporated this research into decision-making. Formal partnerships—with National Defense University, the services' war and staff colleges, and Department of Defense Regional Centers—could lead to more informed decision-making.

## **SECTION IV**

# **Annexes**



# Annex 1: Patterns of Unintended Consequences

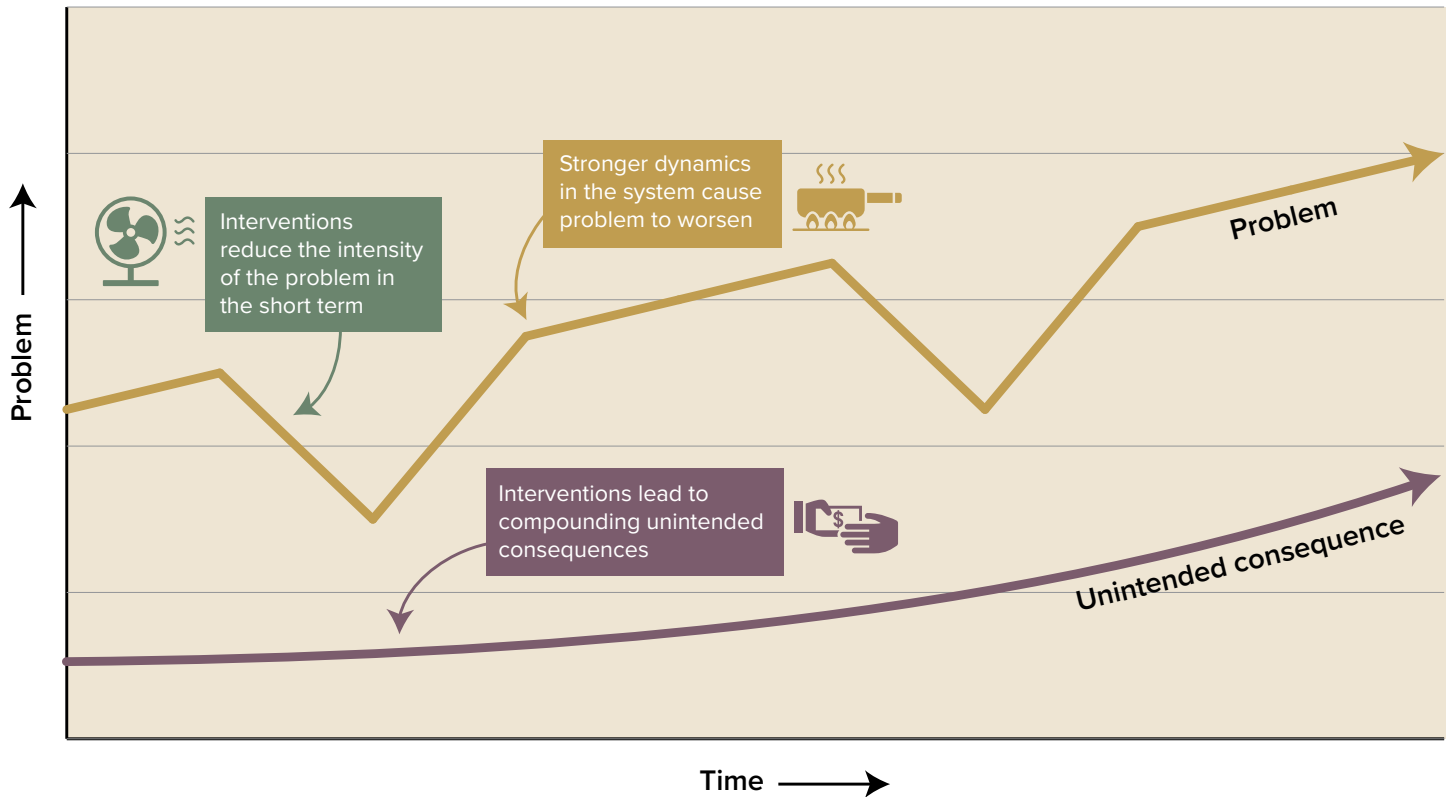
This report highlighted three patterns of unintended consequences that can arise in contexts where donors provide assistance to elite captured security systems. Each pattern presents policymakers with a different set of trade-offs and strategic implications.

The following considerations should guide policymakers as they examine patterns and implications:

- The patterns are simplifications of more complex interactions that unfold differently in different contexts.
- A pattern will likely coexist with other patterns in each context. Although some patterns prevail in certain contexts, they are rarely mutually exclusive, and their predominance tends to fluctuate over time.
- The patterns outlined in this report were extracted from its four case studies. Therefore, the list of patterns below is not exhaustive.
- Finally, recognizing these patterns does not solve the underlying challenges. Engaging with the security sector abroad is extremely difficult, and seasoned experts are confronted with many difficult decisions—often acting under pressure and with incomplete information. Recognizing these patterns can generate strategic insights that will enable security sector experts to navigate complex problems more successfully.

FIGURE 1.

## Limited leverage results in limited impact



### Pattern 1. Limited Leverage Results in Limited Impact

Security investments often fail because elites often shape the rules of the game, and external actors lack the leverage to influence these rules. In the security sector, elites are more familiar with their context than outsiders and often shape the application and effects of assistance programs in ways that donors do not recognize. Even when policymakers identify behavior that undermines their goals, their ability to react is limited relative to that of elites.

As figure 1 shows, when external actors lack leverage, they may be forced to resort to quick fixes to address a specific challenge. Quick fixes may temporarily reduce the intensity of the problem at hand but can simultaneously lead to compounding unintended consequences that make things worse in the long run. For example, a policy that relies exclusively on providing humanitarian aid may in certain contexts unintentionally prolong armed conflict by allowing armed forces to resupply themselves first before granting humanitarian workers access to civilians in need.

Similar dynamics may occur when external donors are providing security assistance. For example, the Afghanistan case study focuses on efforts to support local, community-based armed groups to fight the Taliban insurgency. Although some units of the new Afghan Local Police contributed effectively to the counterinsurgency effort, the case study argues that local and national elites co-opted



many more units to serve their interests, resulting in human rights abuse, ethnic violence, and indirect support to the insurgency. These harmful effects make a strong case for comprehensive analysis before, during, and after interventions are undertaken.

**Strategic implications:** When confronting this pattern, policymakers may consider recognizing the limits of assistance and leverage in some contexts and adapting its objectives and approaches. The extent to which the system is stacked against external donors varies significantly by context. When opportunities for influence are limited, donors could consider adjusting their goals and objectives—to short-term objectives, to more focused partnerships, or to multilateral rather than bilateral approaches—with a clear understanding of the limits and trade-offs involved. When the potential for achieving objectives is not clear, incorporating clear indicators, milestones, sunset provisions, and off-ramps could protect donors from overinvesting and reinforcing elite capture. Assistance providers might also consider playing the long game, through longer-term investments in areas less directly related to US interests but that might mitigate elite capture over time, such as improved transparency and oversight in the security sector, support to civil society, or multisector programs that aim beyond the security sector to address the political or economic incentives that drive elite capture.

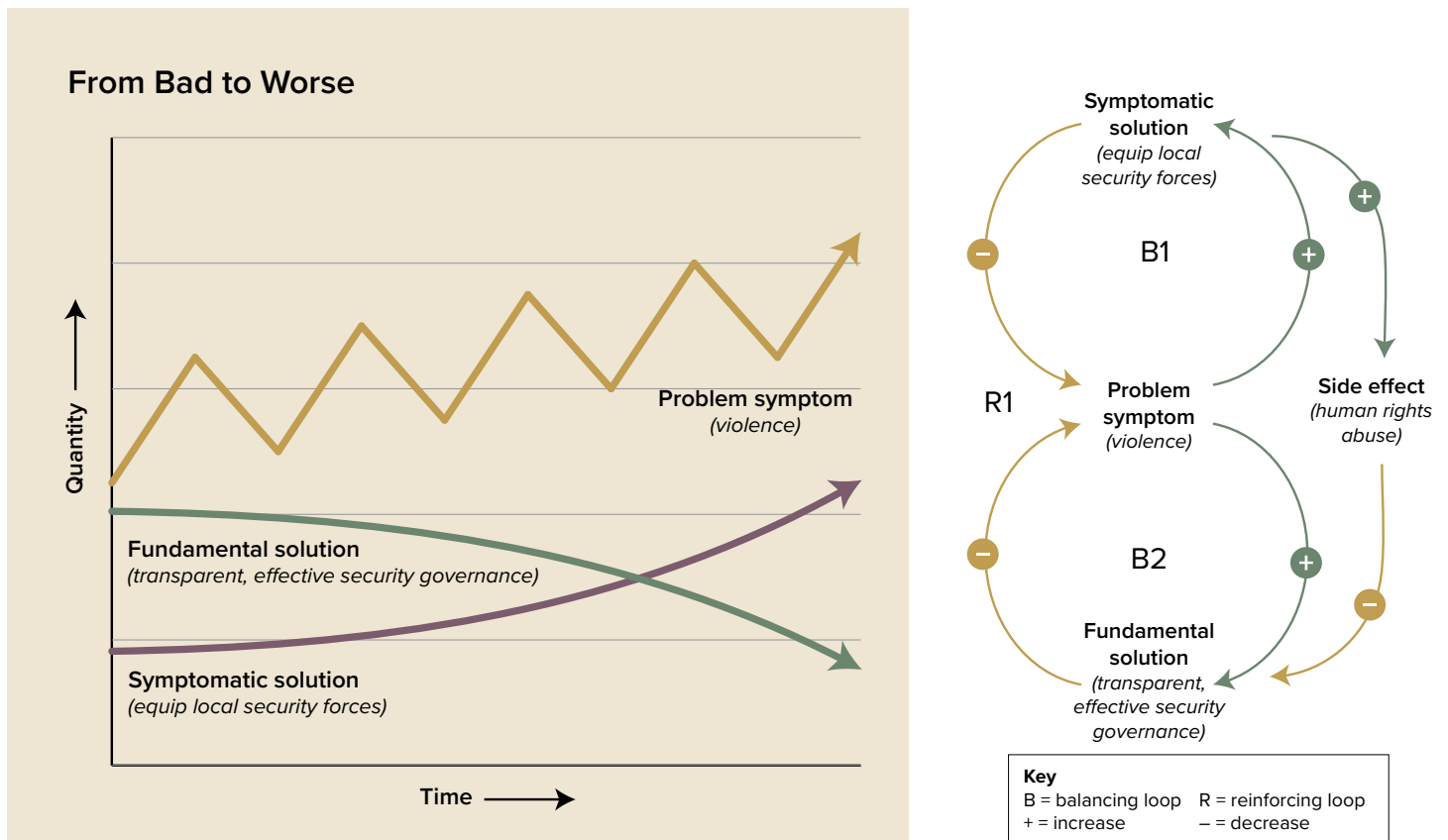
## Pattern 2. Exacerbating Adverse Consequences of Elite Capture

This pattern speaks to the challenge of being stuck in a crisis situation that seems to demand a quick symptomatic solution. When security assistance is provided in such a situation, the temptation is to go for an immediate win, but often such action makes matters worse, just as some treatments designed to address the symptoms of a critical illness end up reinforcing the underlying disease. Similarly, efforts to promote stability or address a security threat may fuel the original problem, especially if donor interactions with elite capture focus on symptoms rather than drivers. Often this occurs because the security forces that cooperate on US objectives are simultaneously involved in pursuing other objectives linked to elite interests. Policymakers may view these unintended effects as necessary trade-offs for achieving their goals. The case studies, however, illustrate how countering threats in the short term can ultimately undermine longer-term solutions.

**Strategic implications:** When facing such a pattern, policymakers may consider the need to shift away from symptomatic solutions that treat the symptoms rather than the drivers of insecurity, and to incorporate strategies to avoid enabling the adverse consequences of elite capture from the outset of assistance programs. This may range from decisions to not intervene if the security sector suffers from a high degree of elite capture, to regular reviews of negative consequences, to provisions incorporated into programming enabling the quick withdrawal or shifting of assistance if negative consequences become clear. Provisions in assistance agreements—such as graduated assistance, compacts, and milestones, or the use of multilateral rather than bilateral assistance—can mitigate the risk of adverse consequences. This pattern also points to the need for long-term approaches to addressing sources of insecurity and instability beyond the security sector as well as for careful attention to how security assistance may affect the drivers of conflict.

FIGURE 2.

## Exacerbating adverse consequences of elite capture



### Causal Loop Explainer

Causal loop diagrams illustrate interdependent relationships between variables. This diagram features two interacting *balancing loops*. A balancing loop shows change in one direction being countered by change in the opposite direction (such as an air conditioning system countering rising temperature). In this graph, one could imagine *violence* to be the problem symptom at the center. The two balancing loops in the graphic represent two competing interventions to address violence. The one at the top represents a symptomatic intervention such as, for example, providing equipment to local security forces. The one at the bottom represents a more fundamental long-term solution such as, for example, a more stable, transparent, and effective governance system in the country. The story told by these loops is as follows: While training and equipping local security forces may lead to a reduction of violence in the short term (upper loop), it may also generate side effects (human rights abuse) that would make the longer-term fundamental solution (better governance) more difficult to implement. This dynamic is known as the *shifting the burden* archetype in the field of systems thinking.

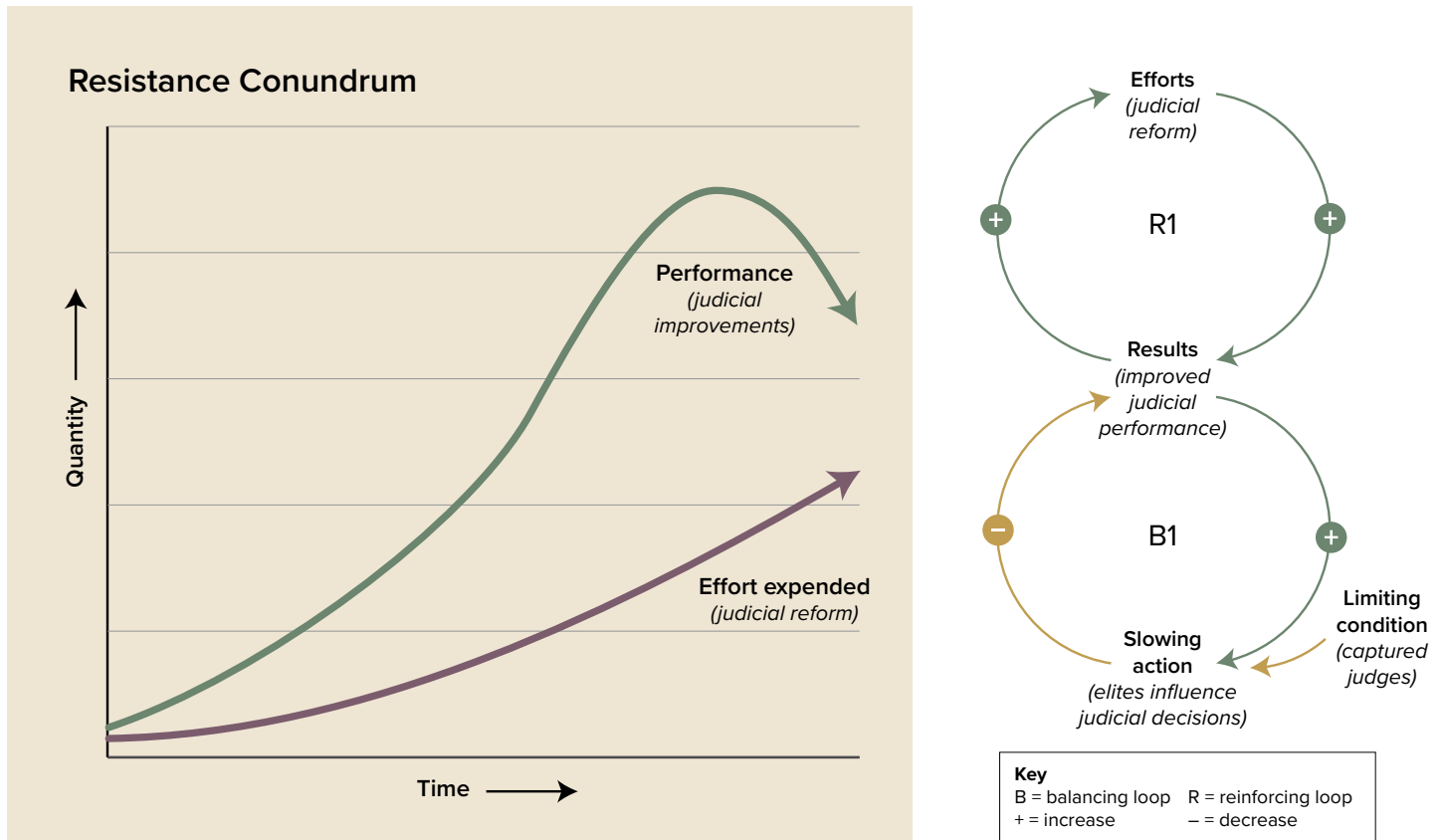
### Pattern 3. Reform Creates Opposition to Change

Change in a system almost inevitably affects the interests of actors with the power to bring the system back to its status quo ante. When security services are captured, efforts to limit elite capture or its consequences inevitably confront the interests of those with the most power to block or undermine reforms. When donors promote more transparent and accountable security institutions, they must navigate numerous and constant attempts to erode, undermine, or neutralize these reforms.

**Strategic implications:** When facing strongly rooted patterns of resistance, policymakers should consider relying on pragmatic approaches to anticipate and defuse resistance. Rigorous and ongoing political analysis could help identify and anticipate sources of resistance. Policymakers could seek to isolate those who benefit from elite capture, corruption, and violence from their organizations and networks, for example, through targeted sanctions and export controls. On the flip side, donors could strengthen inducements and benefits for avoiding elite capture through graduated assistance that increases as countries demonstrate effective governance. A donor country could increase its leverage through coordination with multilateral organizations such as the EU, the World Bank, the IMF, or NATO. In some cases, independent hybrid (international-domestic) institutions may be appropriate to enable proponents of reform to neutralize internal opposition. Supporting civil society groups to monitor and protect institutions from political attacks may also help marginalize opponents to reform and create new avenues for institutional change.

FIGURE 3.

## Reform creates opposition to change



### Causal Loop Explainer

This diagram features a *balancing loop* and a *reinforcing loop*, the latter of which demonstrates how change in one direction may be compounded by more change (such as a savings account generates interest which, in turn generates more savings). Efforts (such as judicial reform) lead to desired results (such as improvement in the judiciary) which, in turn, generates opportunities for more investments and efforts (additional judicial reform) that can lead to more desired results (such as further improvement in the judiciary). However, the desired results may be affected by a limiting condition in this system (such as corrupt judges). While reform may lead to greater improvements in judicial reform (top loop), such improvements may simultaneously affect vested interests of powerful groups in this system (such as illegal behavior by powerful elites), which in turn can incentivize such groups to resort to the limiting condition (corrupt judges) to slow improvements (such as strike down judicial reform legislation). This dynamic is known as the *limits to growth* archetype in the field of systems thinking.

# Annex 2: Affinity Group Members

Bruce Abrams	Kelly Hall	Keith Mines
Anders Aslund	Linwood Ham	Monique Murad
Rusty Barber	Steve Hege	Vitaliy Nabukhotny
Tyler Beckelman	John Herbst	Michael Nagata
Dorina Bekoe	Stephanie Holmes	William O'Brien
Stepan Berko	Ann Hopper	Rob Peacock
Mike Bittrick	Trevor Hublin	Michael Phelan
Jason Blazakis	Kimberly Jackson	Allison Plotts
John Buchanan	Makila James	Carlos Rosales
Maria Burnett	Don Jensen	Tommy Ross
Johnnie Carson	Tina Kaidanow	Joe Siegle
Don Chisholm	Daria Kaleniuk	Rebecca Sonkiss
Vanita Datta	Thomas Kelly	Susan Stigant
Karen Decker	Harriet Kirk Randolph	Oksana Syroyid
Stacy de la Torre	Rachel Kleinfeld	Stephen Tankel
Judd Devermont	Kate Almquist Knopf	Alayna Tetreault-Rooney
PJ Dormer	David Kramer	Jodi Vittori
Florian Encke	Rebekah Krimmel	William Ward
Vanda Felbab Brown	Denis Krivosheev	Earl Anthony (Tony) Wayne
Julia Friedlander	Dan Mahanty	Julie Werbel
Stacia George	Deborah Malac	Sam Wilkins
Greg Gisvold	Carter Malkasian	Jeremy Williammee
Edward (Eddie) Gonzalez	Yvette Marquez-Perkins	Scott Worden
Justyna Gudzowska	Bethany McGann	Mona Yacoubian
Celeste Gventer	Andy Michels	Mohamed Zahar



# Notes

## Section I

### PART 1. INTRODUCTION: CLOSING THE EFFECTIVENESS GAP IN SECURITY SECTOR ASSISTANCE

1. “Security Sector Assistance,” Security Assistance RSS, accessed November 3, 2022, <https://securityassistance.org/security-sector-assistance>.
2. For this report, the security sector includes state security providers (for example, military, paramilitary, intelligence, border control, and police services) as well as civilian organizations and civil society groups responsible for oversight, management and control of the security forces and for the administration and provision of justice. For more information, see the glossary.
3. Louis-Alexandre Berg and Andrew Radin, “Ukraine Updated Its Defense Institutions—and Is Defying Expectations,” *Monkey Cage* (blog), *Washington Post*, March 29, 2022, [www.washingtonpost.com/politics/2022/03/29/ukraine-military-upgrade-procurement-defense-assistance](http://www.washingtonpost.com/politics/2022/03/29/ukraine-military-upgrade-procurement-defense-assistance).
4. Jesse Dillon Savage and Jonathan D. Caverley, “When Human Capital Threatens the Capitol: Foreign Aid in the Form of Military Training and Coups,” *Journal of Peace Research* 54, no. 4 (2017): 542–57; Patricia L. Sullivan, Leo J. Blanken, and Ian C. Rice, “Arming the Peace: Foreign Security Assistance and Human Rights Conditions in Post-Conflict Countries,” *Defence and Peace Economics* 31, no. 2 (2020): 177–200; Mariya Omelicheva, Brittnee Carter, and Luke B. Campbell, “Military Aid and Human Rights: Assessing the Impact of U.S. Security Assistance Programs,” *Political Science Quarterly* 132, no. 1 (2017): 119–44; Wayne Sandholtz, “United States Military Assistance and Human Rights,” *Human Rights Quarterly* 38, no. 4 (2016): 1070–101.
5. Stephen Watts et al., *Building Security in Africa: An Evaluation of U.S. Security Sector Assistance in Africa from the Cold War to the Present* (Santa Monica, CA: RAND Corporation, 2018), [www.rand.org/content/dam/rand/pubs/research\\_reports/RR2400/RR2447/RAND\\_RR2447.pdf](http://www.rand.org/content/dam/rand/pubs/research_reports/RR2400/RR2447/RAND_RR2447.pdf).
6. Florence Gaub, “An Unhappy Marriage: Civil-Military Relations in Post-Saddam Iraq,” Carnegie Middle East Center, January 2016, [www.carnegieendowment.org/files/ACMR-Gaub-final.pdf](http://www.carnegieendowment.org/files/ACMR-Gaub-final.pdf); Kenneth M. Pollack, “Iraq Military Situation Report,” *Up Front* (blog), Brookings Institution, June 14, 2014, [www.brookings.edu/blogs/up-front/posts/2014/06/14-iraq-military-situation-pollack](http://www.brookings.edu/blogs/up-front/posts/2014/06/14-iraq-military-situation-pollack).
7. Special Inspector General for Afghanistan Reconstruction, “Collapse of the Afghan National Defense and Security Forces: An Assessment of the Factors That Led to Its Demise,” May 2022, [www.sigar.mil/pdf/evaluations/SIGAR-22-22-IP.pdf](http://www.sigar.mil/pdf/evaluations/SIGAR-22-22-IP.pdf).
8. Emily Fornof and Emily Cole, “Five Things to Know about Mali’s Coup,” United States Institute of Peace, August 27, 2020, [www.usip.org/publications/2020/08/five-things-know-about-malis-coup](http://www.usip.org/publications/2020/08/five-things-know-about-malis-coup).

### PART 2. WHAT THE LENS OF ELITE CAPTURE REVEALS: MISSING PIECES HIDING IN PLAIN SIGHT

1. United Nations Development Programme (UNDP), “Engaged Societies, Responsive States: The Social Contract in Situations of Conflict and Fragility,” April 2016, [www.researchgate.net/publication/265652266\\_Engaged\\_Societies\\_Responsive\\_States\\_The\\_Social\\_Contract\\_in\\_Situations\\_of\\_Conflict\\_Fragility](http://www.researchgate.net/publication/265652266_Engaged_Societies_Responsive_States_The_Social_Contract_in_Situations_of_Conflict_Fragility).

### PART 3. WHAT THE LENS OF ELITE CAPTURE REVEALS: CORRUPTION, POWER COMPETITION, AND THE POLITICS OF ELITE CAPTURE

1. Daron Acemoglu and James Robinson, “Why Did the West Extend the Franchise? Democracy, Inequality, and Growth in Historical Perspective,” *Quarterly Journal of Economics* 4, no. 115 (2000): 1167–99; Pranab Bardhan, “Decentralization of Governance and Development,” *Journal of Economic Perspectives* 16, no. 4 (2002): 185–205; Daniel C. Mattingly, “Elite Capture: How Decentralization and Informal Institutions Weaken Property Rights in China,” *World Politics* 68, no. 3 (2016): 383–412.

2. USAID, “Dekleptification Guide: Seizing Windows of Opportunity to Dismantle Kleptocracy,” September 2022, [www.usaid.gov/sites/default/files/documents/USAID\\_Dekleptification\\_Guide\\_FINAL.pdf](http://www.usaid.gov/sites/default/files/documents/USAID_Dekleptification_Guide_FINAL.pdf).
3. See, for example, Mark Sedra, ed., *The Future of Security Sector Reform* (Waterloo, ON: Centre for International Governance Innovation, 2010); Paul Jackson and Shivit Bakrania, “Is the Future of SSR Non-Linear?,” *Journal of Intervention and Statebuilding* 12, no. 1 (January 2, 2018): 11–30; Nicole Ball, “The Evolution of the Security Sector Reform Agenda,” in *Future of Security Sector Reform*, 29–44.
4. Charles Tilly, *Coercion, Capital, and European States, AD 990–1990* (Cambridge, MA: Wiley-Blackwell, 1990).
5. Douglas C. North, John Joseph Wallis, and Barr R. Weingast, *Violence and Social Orders* (Cambridge: Cambridge University Press, 2009); William Reno, “The Changing Nature of Warfare and the Absence of State-Building in West Africa,” in *Irregular Armed Forces and Their Role in Politics and State Formation*, ed. Diane E. Davis and Anthony W. Pereira (Cambridge: Cambridge University Press, 2003), 322–45; Diane E. Davis, “Contemporary Challenges and Historical Reflections on the Study of Militaries, States, and Politics,” in *Irregular Armed Forces and Their Role in Politics and State Formation*.
6. Louis-Alexandre Berg, *Governing Security After War: The Politics of Institutional Change in the Security Sector* (Oxford: Oxford University Press, 2022).
7. European Stability Initiative, “Reshaping International Priorities in Bosnia and Herzegovina,” October 1999, [www.esiweb.org/publications/reshaping-international-priorities-bosnia-and-herzegovina-part-i-bosnian-power](http://www.esiweb.org/publications/reshaping-international-priorities-bosnia-and-herzegovina-part-i-bosnian-power).
8. Alex Vines and Bereni Oruitemeka, “Bullets to Ballots: The Reintegration of UNITA in Angola: Analysis,” *Conflict, Security & Development* 8, no. 2 (2008): 241–63.
9. On the role of security assistance in captured environments, see, for instance, Berg, *Governing Security After War*; William Reno, “The Politics of Security Assistance in the Horn of Africa,” *Defence Studies* 18, no. 4 (2018): 498–513; Rachel Kleinfeld, *A Savage Order: How the World’s Deadliest Countries Can Forge a Path to Security* (New York: Knopf Doubleday, 2019).

#### **PART 4. WHAT THE LENS OF ELITE CAPTURE REVEALS: ELITE CAPTURE AND ITS CONSEQUENCES**

1. Alex de Waal, “When Kleptocracy Becomes Insolvent: Brute Causes of the Civil War in South Sudan,” *African Affairs* 113, no. 452 (2014): 347–69.
2. Jonathan Powell, “Determinants of the Attempting and Outcome of Coups d’État,” *Journal of Conflict Resolution* 56, no. 6 (2012): 1017–40.
3. James T. Quinlivan, “Coup-Proofing: Its Practice and Consequences in the Middle East,” *International Security* 24, no. 2 (1999): 131–65; David Pion-Berlin, Diego Esparza, and Kevin Grisham, “Staying Quartered: Civilian Uprisings and Military Disobedience in the Twenty-First Century,” *Comparative Political Studies* 47, no. 2 (2014): 230–59; Stephen Biddle and Robert Zirkle, “Technology, Civil-Military Relations, and Warfare in the Developing World,” *Journal of Strategic Studies* 19, no. 2 (1996): 171–212.
4. Kristen A. Harkness, *When Soldiers Rebel: Ethnic Armies and Political Instability in Africa* (Cambridge: Cambridge University Press, 2018); Philip Roessler, *Ethnic Politics and State Power in Africa: The Logic of the Coup-Civil War Trap* (Cambridge: Cambridge University Press, 2016).
5. Erica De Bruin, *How to Prevent Coups d’État: Counterbalancing and Regime Survival* (Ithaca, NY: Cornell University Press, 2020).
6. On clientelism, see Herbert Kitschelt and Steven I. Wilkinson, *Patrons, Clients and Policies: Patterns of Democratic Accountability and Political Competition* (Cambridge: Cambridge University Press, 2007).
7. Risa Brooks, *Political-Military Relations and the Stability of Arab Regimes* (New York: Routledge, 2013); Leonardo Arriola, “Patronage and Political Stability in Africa,” *Comparative Political Studies* 42, no. 10 (2009): 1339–62.
8. Lindsay Heger and Idean Salehyan, “Ruthless Rulers: Coalition Size and the Severity of Civil Conflict,” *International Studies Quarterly* 51, no. 2 (2007): 385–403.
9. On the paradoxical effects of elite capture on stability and violence, see North, Wallis, and Weingast, *Violence and Social Orders*; Daron Acemoglu and James A. Robinson, *Why Nations Fail: The Origins of Power, Prosperity, and Poverty* (New York: Crown Publishing, 2011).
10. Roessler, *Ethnic Politics and State Power in Africa*; Harkness, *When Soldiers Rebel*; Louis-Alexandre Berg, “Civil-Military Relations and Civil War Recurrence: Security Forces in Postwar Politics,” *Journal of Conflict Resolution* 64, nos. 7–8 (2020): 1307–34.
11. Kleinfeld, *A Savage Order*; Heger and Salehyan, “Ruthless Rulers.”
12. Reno, “The Changing Nature of Warfare and the Absence of State-Building in West Africa”; Berg, *Governing Security After War*.
13. Nicholas Barnes, “Criminal Politics: An Integrated Approach to the Study of Organized Crime, Politics, and Violence,” *Perspectives on Politics* 15, no. 4 (2017): 967–87.



14. Moritz Schuberth, "The Challenge of Community-Based Armed Groups: Towards a Conceptualization of Militias, Gangs, and Vigilantes," *Contemporary Security Policy* 36, no. 2 (2015): 296–320; Daniel Egiegba Agbibo, "Between Corruption and Development: The Political Economy of State Robbery in Nigeria," *Journal of Business Ethics* 108, no. 3 (2012): 325–45.
15. On the interaction of state and nonstate armed groups, see Paul Staniland, "Armed Politics and the Study of Intrastate Conflict," *Journal of Peace Research* 54, no. 4 (2017): 459–67.
16. Francisco Gutierrez Sanin, *Clientelistic Warfare: Paramilitaries and the State in Colombia (1982–2007)* (Oxford: Peter Lang, 2019).
17. Staniland, "Armed Politics."
18. For more detailed discussion of these practices, see Berg, *Governing Security After War*.
19. Harkness, *When Soldiers Rebel*; Paul Lorenzo Johnson and Ches Thurber, "The Security-Force Ethnicity (SFE) Project: Introducing a New Dataset," *Conflict Management and Peace Science* 37, no. 1 (2020): 106–29.
20. On ethnic stacking, see Cynthia H. Enloe, *Ethnic Soldiers: State Security in Divided Societies* (Athens: University of Georgia Press, 1980); Harkness, *When Soldiers Rebel*; Roessler, *Ethnic Politics and State Power in Africa*; Johnson and Thurber, "The Security-Force Ethnicity (SFE) Project."
21. Gaub, "An Unhappy Marriage."
22. Roya Izadi, "State Security or Exploitation: A Theory of Military Involvement in the Economy," *Journal of Conflict Resolution* 66, nos. 4–5 (2022): 729–54; Yezid Sayigh, *Owners of the Republic: An Anatomy of Egypt's Military Economy* (Washington, DC: Carnegie Middle East Center, 2019), [www.carnegieendowment.org/files/Sayigh-Egypt\\_full\\_final2.pdf](http://www.carnegieendowment.org/files/Sayigh-Egypt_full_final2.pdf).
23. Gerald Bareebe, "Predators or Protectors? Military Corruption as a Pillar of Regime Survival in Uganda," *Civil Wars* 22, nos. 2–3 (2020): 313–32.
24. On limitations of vetting, see for example Melissa G. Dalton et al., *Oversight and Accountability in U.S. Security Sector Assistance: Seeking Return on Investment* (Lanham, MD: Rowman & Littlefield, 2018); Daniel R. Mahanty, "The 'Leahy Law' Prohibiting US Assistance to Human Rights Abusers: Pulling Back the Curtain," *Just Security*, June 27, 2017, [www.justsecurity.org/42578/leahy-law-prohibiting-assistance-human-rights-abusers-pulling-curtain](http://www.justsecurity.org/42578/leahy-law-prohibiting-assistance-human-rights-abusers-pulling-curtain).
25. Gaub, "An Unhappy Marriage."
26. Christine Cheng, Jonathan Goodhand, and Patrick Meehan, "Securing and Sustaining Elite Bargains that Reduce Violent Conflict," UK Stabilisation Unit, April 2018, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/765882/Elite\\_Bargains\\_and\\_Political\\_Deals\\_Project\\_-\\_Synthesis\\_Paper.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765882/Elite_Bargains_and_Political_Deals_Project_-_Synthesis_Paper.pdf); North, Wallis, and Weingast, *Violence and Social Orders*.
27. Dipali Mukhopadhyay, "Disguised Warlordism and Combatanthood in Balkh: The Persistence of Informal Power in the Formal Afghan State," *Conflict, Security & Development* 9, no. 4 (2009): 535–64.
28. José Miguel Cruz and Angélica Durán-Martínez, "Hiding Violence to Deal with the State: Criminal Pacts in El Salvador and Medellín," *Journal of Peace Research* 53, no. 2 (2016): 197–210.
29. Charles T. Call, *Why Peace Fails: The Causes and Prevention of Civil War Recurrence* (Washington, DC: Georgetown University Press, 2012); Berg, "Civil-Military Relations and Civil War Recurrence."
30. Beatriz Magaloni, Edgar Franco-Vivanco, and Vanessa Melo, "Killing in the Slums: Social Order, Criminal Governance, and Police Violence in Rio de Janeiro," *American Political Science Review* 114, no. 2 (2020): 552–72; Angélica Durán-Martínez, *The Politics of Drug Violence: Criminals, Cops and Politicians in Colombia and Mexico* (Oxford: Oxford University Press, 2017).
31. Caitlin Talmadge, *The Dictator's Army: Battlefield Effectiveness in Authoritarian Regimes* (Ithaca, NY: Cornell University Press, 2015); Biddle and Zirkle, "Technology, Civil-Military Relations, and Warfare in the Developing World."
32. Christian Davenport, "State Repression and the Tyrannical Peace," *Journal of Peace Research* 44, no. 4 (2007): 485–504.
33. Neil A. Englehart, "State Capacity, State Failure, and Human Rights," *Journal of Peace Research* 46, no. 2 (2009): 163–80; Ariel I. Ahram, "Pro-Government Militias and the Repertoires of Illicit State Violence," *Studies in Conflict & Terrorism* 39, no. 3 (2016): 207–26.
34. James I. Walsh and James A. Piazza, "Why Respecting Physical Integrity Rights Reduces Terrorism," *Comparative Political Studies* 43, no. 5 (2010): 551–77; James A. Piazza and James Igoe Walsh, "Physical Integrity Rights and Terrorism," *PS: Political Science and Politics* 43, no. 3 (2010): 411–14; UNDP, *Journey to Extremism in Africa: Drivers, Incentives and the Tipping Point for Recruitment* (New York: UNDP, 2017), [www.undp.org/publications/journey-extremism-africa](http://www.undp.org/publications/journey-extremism-africa).
35. José Miguel Cruz, "Police Misconduct and Political Legitimacy in Central America," *Journal of Latin American Studies* 47, no. 2 (2015): 251–83; Ana Corbacho, Julia Philipp, and Mauricio Ruiz-Vega, "Crime and Erosion of Trust: Evidence for Latin America," *World Development* 70 (2015): 400–15.
36. Orlando J. Pérez, "Democratic Legitimacy and Public Insecurity: Crime and Democracy in El Salvador and Guatemala," *Political Science Quarterly* 118, no. 4 (2003): 627–44; Caroline Abadeer et al., "Did Egypt's Post-Uprising Crime Wave Increase Support for Authoritarian Rule?," *Journal of Peace Research*, January 17, 2022.

## PART 5. WHAT THE LENS OF ELITE CAPTURE REVEALS: CONSIDERING ELITE CAPTURE CAN HELP AVOID UNINTENDED CONSEQUENCES

1. On complexity theory and systems thinking, see Robert Jervis, *System Effects: Complexity in Political and Social Life* (Princeton, NJ: Princeton University Press, 1999); Jay Forrester, *Principles of Systems* (Waltham, MA: Pegasus Communications, 1968); Donella Meadows, *Thinking in Systems: A Primer* (White River Junction, VT: Chelsea Green, 2008); David Peter Stroh, *Systems Thinking for Social Change: A Practical Guide to Solving Complex Problems, Avoiding Unintended Consequences and Achieving Lasting Results* (White River Junction, VT: Chelsea Green, 2105); William Braun, “The System Archetypes,” December 2001, [www.scribd.com/document/366879955/System-Archetypes-Braun-2002](http://www.scribd.com/document/366879955/System-Archetypes-Braun-2002).

## Section II

### AFGHANISTAN CASE STUDY

1. Research for this case study was conducted from February to May 2021 and relied in large part on prior research on the Afghan Local Police from 2016 to 2021. Because interviews were conducted before the Taliban took power in 2021, they do not allow for analysis of that event or of how the collapse in the Afghan government affected the forces that are the focus of this study.
2. The number rises into the trillions when US and NATO troop support costs are considered. For estimates, see John F. Sopko, *What We Need to Learn: Lessons from 20 Years of Afghan Reconstruction* (Washington, DC: Special Inspector General for Afghanistan Reconstruction [SIGAR], 2021), [www.sigar.mil/pdf/lessonslearned/SIGAR-21-46-LL.pdf](http://www.sigar.mil/pdf/lessonslearned/SIGAR-21-46-LL.pdf); “Costs of War,” Watson Institute of International & Public Affairs, Brown University, 2022, <https://watson.brown.edu/costsofwar>.
3. Kathy Gannon, “US, NATO Pledge Billions to Back Afghan Forces,” AP News, July 27, 2021, [www.apnews.com/article/business-83c0fac2109711d703f4f490798868b9](http://www.apnews.com/article/business-83c0fac2109711d703f4f490798868b9).
4. For analysis of some of these factors, see, for example, Jonathan Schroden, “Lessons from the Collapse of Afghanistan’s Security Forces,” *CTC Sentinel* 14, no. 8 (October 2021), <https://ctc.usma.edu/lessons-from-the-collapse-of-afghanistans-security-forces>; Sami Sadat, “I Commanded Afghan Troops This Year. We Were Betrayed,” *New York Times*, August 25, 2021, [www.nytimes.com/2021/08/25/opinion/afghanistan-taliban-army.html](http://www.nytimes.com/2021/08/25/opinion/afghanistan-taliban-army.html).
5. Seth G. Jones, “Going Local: The Key to Afghanistan,” *Wall Street Journal*, August 7, 2009, [www.wsj.com/articles/SB10001424052970204908604574336402390524212](http://www.wsj.com/articles/SB10001424052970204908604574336402390524212); Christine C. Fair and Seth G. Jones, “Securing Afghanistan: Getting on Track,” working paper, United States Institute of Peace, January 23, 2009, [www.usip.org/publications/2009/02/securing-afghanistan-getting-track](http://www.usip.org/publications/2009/02/securing-afghanistan-getting-track).
6. US government official, telephone interview, March 26, 2021.
7. International Crisis Group (ICG), “A Force in Fragments: Reconstituting the Afghan National Army. Asia Report No. 190” (Brussels: ICG, 2010), 10–12; Mark Peceny and Yury Bosin, “Winning with Warlords in Afghanistan,” *Small Wars & Insurgencies* 22, no. 4 (2011): 612.
8. William Maley, “Statebuilding in Afghanistan: Challenges and Pathologies,” *Central Asian Survey* 32, no. 3 (2013): 264; citing Manija Gardizi, Karen Hussmann, and Yama Torabi, “Corrupting the State or State-Crafted Corruption? Exploring the Nexus between Corruption and Subnational Governance,” Afghanistan Research and Evaluation Unit, June 2010, <https://areu.org.af/publication/1021>.
9. Timor Sharan, “The Dynamics of Elite Networks and Patron-Client Relations in Afghanistan,” *Europe-Asia Studies* 63, no. 6 (2011): 1115.
10. Peceny and Bosin, “Winning with Warlords in Afghanistan”; Human Rights Watch (HRW), *Killing You Is a Very Easy Thing for Us: Human Rights Abuses in Southeast Afghanistan* (New York: HRW, 2003), [www.hrw.org/reports/2003/afghanistan0703/index.htm](http://www.hrw.org/reports/2003/afghanistan0703/index.htm).
11. Deedee Derksen, “The Politics of Disarmament and Rearmament in Afghanistan,” *Peaceworks* no. 110, United States Institute of Peace, May 2015; and Antonio Giustozzi, “Bureaucratic Façade and Political Realities of Disarmament and Demobilisation in Afghanistan,” *Conflict, Security & Development* 8, no. 2 (2008): 169–92.
12. Matthieu Aikins, “Contracting the Commanders: Transition and the Political Economy of Afghanistan’s Private Security Industry” (New York: Center on International Cooperation, New York University, 2012), [www.ciaonet.org/attachments/21916/uploads](http://www.ciaonet.org/attachments/21916/uploads); David Mansfield, *A State Built on Sand: How Opium Undermined Afghanistan* (New York: Oxford University Press, 2016).
13. ICG, “A Force in Fragments.” Although Jamiat was dominant, other powerful army and police commanders, and intelligence officials came from the other Northern Alliance factions, notably Ittihad-e Islami, Harakat-e Islami, and Hezb-e Wahdat parties.
14. Antonio Giustozzi and Dominique Orsini, “Centre–Periphery Relations in Afghanistan: Badakhshan between Patrimonialism and Institution-Building,” *Central Asian Survey* 28, no. 1 (March 2009): 1–16; Stephen Carter and Kate Clark, “No Shortcut to Stability: Justice, Politics and Insurgency in Afghanistan” (London: Chatham House, December 2010).
15. Andrew Quilty, “Afghanistan on the Edge? Elections, Elites, and Ethnic Tensions,” *War on the Rocks*, October 31, 2019, <https://warontherocks.com/2019/10/afghanistan-on-the-edge-elections-elites-and-ethnic-tensions>; Scott DesMarais with

Caitlin Forrest, "Afghanistan Political Showdown Between Ashraf Ghani and Mohammad Atta Noor," Institute for the Study of War, February 1, 2018, [www.understandingwar.org/backgrounder/afghanistan-political-showdown-between-ashraf-ghani-and-mohammad-atta-noor](http://www.understandingwar.org/backgrounder/afghanistan-political-showdown-between-ashraf-ghani-and-mohammad-atta-noor).

16. Illustrating these shifts, Bismillah Khan was a key Jamiat figure (and Panjshiri) who was responsible for many of the early appointments and political formation in the Afghan Army (for which he was chief of staff from 2002 to 2010) and for many key governorate-level security and governance positions in the first decade after Bonn. He also served as minister of interior from 2010 to 2012, and then spent some time out of office before being appointed as defense minister in June 2021, one of President Ghani's last-ditch efforts to rally northern constituencies to support the Afghan state against the Taliban.
17. US government security sector expert, formerly deployed in eastern Afghanistan, telephone interview, March 26, 2021.
18. Shahmahmoud Miakhel, WhatsApp interview, March 31, 2021.
19. Carl Forsberg and Tim Sullivan, "Criminal Patronage Networks and the Struggle to Rebuild the Afghan State," in *Impunity: Countering Illicit Power in War and Transition* (Washington, DC: Centre for Complex Operations, National Defense University, 2016); Antonio Giustozzi and Mohammed Isaqzadeh, "On Afghanistan's Roads: Extortion and Abuse Against Drivers" (Kabul: Integrity Watch Afghanistan, 2014); SIGAR, "Reconstructing the Afghan National Defense and Security Forces: Lesson from the US Experience in Afghanistan" (Washington, DC: SIGAR, 2017).
20. The levels of misconduct or allegations of abuse included offenses as significant as mass embezzlement of all security force food and equipment funds under their authority, or repeated allegations of child assault and trafficking under ANP offices (and in Afghan government premises). UN official, Skype interview, May 7, 2021. See also Deedee Derksen, "Commanders in Control: Disarmament, Demobilization and Reintegration in Afghanistan under the Karzai Administration" (PhD diss., King's College London, 2016), 93; Carter and Clark, "No Shortcut to Stability," 31; Antonio Giustozzi and Mohammed Isaqzadeh, *Senior Appointments and Corruption within the Afghan Mol: Practices and Perceptions* (Kabul: Integrity Watch Afghanistan, 2015).
21. UN official, Skype interview, May 7, 2021.
22. Thomas Barfield, "Afghans Look at 2014," *Current History* 111, no. 744 (April 2012): 123–28; Antonio Giustozzi, "Auxiliary Irregular Forces in Afghanistan: 1978–2008," in *Making Sense of Proxy Wars: States, Surrogates & the Use of Force*, ed. Michael A. Innes (Washington, DC: Potomac Books, 2012), 89–108.
23. HRW, *Today We Shall All Die: Afghanistan's Strongmen and the Legacy of Impunity* (New York: HRW, 2015), [www.hrw.org/sites/default/files/report\\_pdf/afghanistan0315\\_4up.pdf](http://www.hrw.org/sites/default/files/report_pdf/afghanistan0315_4up.pdf); Matthieu Aikins, "Our Man in Kandahar," *The Atlantic*, November 2011, [www.theatlantic.com/magazine/archive/2011/11/our-man-in-kandahar/308653](http://www.theatlantic.com/magazine/archive/2011/11/our-man-in-kandahar/308653).
24. Afghan and international officials frequently protected militias or commanders valuable to them from DDR processes, by converting them into private security companies, or enrolling them in one of the public-private or auxiliary militia support projects that preceded the ALP. See Aikins, "Contracting the Commanders"; Derksen, *Politics of Disarmament*; Erica Gaston and Kate Clark, "Backgrounder: Literature Review of Local, Community or Sub-State Forces in Afghanistan" (Berlin: Global Public Policy Institute, 2017), [www.gppi.net/media/Gaston\\_Clark\\_Militias\\_Literature-Review\\_Afghanistan\\_final.pdf](http://www.gppi.net/media/Gaston_Clark_Militias_Literature-Review_Afghanistan_final.pdf).
25. Forsberg and Sullivan, "Criminal Patronage Networks," 25.
26. HRW, *Bloodstained Hands: Past Atrocities in Kabul and Afghanistan's Legacy of Impunity* (New York: HRW, 2005); HRW, *Today We Shall All Die*.
27. United Nations Assistance Mission in Afghanistan (UNAMA), "Treatment of Conflict-Related Detainees in Afghan Custody" (Kabul: UN Office of the High Commissioner for Human Rights, 2011), [https://unama.unmissions.org/sites/default/files/october10\\_2011\\_unama\\_detention\\_full-report\\_eng.pdf](https://unama.unmissions.org/sites/default/files/october10_2011_unama_detention_full-report_eng.pdf); ICG, "A Force in Fragments."
28. Giustozzi and Isaqzadeh, *Senior Appointments and Corruption*.
29. Karl Eikenberry, "[Leaked US Embassy Diplomatic Cable] Unconventional Security Forces—What's Out There? (09kabul3661)," *Wikileaks*, December 11, 2009, [www.wikileaks.org/plusd/cables/09KABUL3661\\_a.html](http://www.wikileaks.org/plusd/cables/09KABUL3661_a.html).
30. Antonio Giustozzi, *Koran, Kalashnikov, and Laptop* (London: Hurst, 2007); Gilles Dorronsoro, "The Taliban's Winning Strategy in Afghanistan" (Washington, DC: Carnegie Endowment, 2009), [www.carnegieendowment.org/files/taliban\\_winning\\_strategy.pdf](http://www.carnegieendowment.org/files/taliban_winning_strategy.pdf).
31. Stanley McChrystal, "COMISAF's Initial Assessment (Unclassified), 30 August 2009" (New York: Security Council Report, 2009), [www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Afgh%20McChrystal.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Afgh%20McChrystal.pdf).
32. McChrystal, "COMISAF's Initial Assessment."
33. McChrystal's strategy and the policies and programming it engendered could be seen as part of a larger trend toward looking to alternative, traditional, or informal actors to supplement state security, governance, justice and development delivery. Astri Suhrke, "The Long Decade of State-Building in Afghanistan," in *Managing Conflict in a World Adrift*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace, 2015); Jonathan Goodhand and Mark Sedra, "Rethinking Liberal Peacebuilding, Statebuilding and Transition in Afghanistan: An Introduction," *Central Asian Survey* 32, no. 3 (2013): 239–54.
34. Tribal defense forces known as *arbakai* are associated with Pashtun traditions in the southeast Loya Paktia region of Afghanistan, but the term is known throughout Afghanistan and has often been applied to other forms of militias or community forces, albeit controversially. Mohammed Osman Tariq, "Tribal Security System (Arbakai) in Southeast Afghanistan," *Occasional Paper* no. 7 (London: Crisis States Research Center, 2008), <https://assets.publishing.service.gov.uk/media/57a08b9c40f0b652dd000da2/OP7.pdf>. In the context of the ALP, critics argued that the SOF and their advisers' use of the term to justify local defense forces was a "reification" of tribal traditions that cloaked these security-driven initiatives in

- “traditional” language. Sam Vincent, Florian Weigand, and Hameed Hakimi, “The Afghan Local Police—Closing the Security Gap?” *Stability: International Journal of Security and Development* 4, no. 1 (April 2, 2015); Aziz Hakimi, “Getting Savages to Fight Barbarians: Counterinsurgency and the Remaking of Afghanistan,” *Central Asian Survey* 32, no. 3 (2013): 388–405.
35. Jones, “Going Local”; Fair and Jones, “Securing Afghanistan”; Seth G. Jones, “The Strategic Logic of Militia” (Santa Monica, CA: RAND Corporation, 2012), [www.rand.org/pubs/working\\_papers/WR913.html](http://www.rand.org/pubs/working_papers/WR913.html).
  36. In January 2009, just over 30,000 US troops were in Afghanistan. By June 2010, the number had “surged” to 94,000. Ian S. Livingston, Heather L. Messera, and Michael O’Hanlon, “Afghanistan Index” (Washington, DC: Brookings Institution, February 2010), 4, [www.brookings.edu/wp-content/uploads/2016/07/index20100228.pdf](http://www.brookings.edu/wp-content/uploads/2016/07/index20100228.pdf).
  37. Jonathan Goodhand and Aziz Hakimi, “Counterinsurgency, Local Militias, and Statebuilding in Afghanistan,” *Peaceworks* no. 90, United States Institute of Peace, December 2013, [www.usip.org/publications/2013/12/counterinsurgency-local-militias-and-statebuilding-afghanistan](http://www.usip.org/publications/2013/12/counterinsurgency-local-militias-and-statebuilding-afghanistan); Alissa J. Rubin and Richard A. Opiel, “US and Afghanistan Debate More Village Forces,” *New York Times*, July 12, 2010, [www.nytimes.com/2010/07/13/world/asia/13afghan.html](http://www.nytimes.com/2010/07/13/world/asia/13afghan.html).
  38. Eikenberry, “Unconventional Security Forces,” para. 3.
  39. Greg Jaffe and Rajiv Chandrasekaran, “US Ambassador Puts Brakes on Plan to Utilize Afghan Militias against Taliban,” *Washington Post*, January 22, 2010, [www.washingtonpost.com/wp-dyn/content/article/2010/01/21/AR2010012101926.html](http://www.washingtonpost.com/wp-dyn/content/article/2010/01/21/AR2010012101926.html); Rubin and Opiel, “US and Afghanistan Debate.”
  40. Greg Bruno, “A Tribal Strategy for Afghanistan,” Council on Foreign Relations, November 5, 2008, [www.cfr.org/backgrounder/tribal-strategy-afghanistan](http://www.cfr.org/backgrounder/tribal-strategy-afghanistan); Rachel Reid, “‘Just Don’t Call It a Militia’: Impunity, Militias, and the ‘Afghan Local Police’” (New York: HRW, 2011), [www.hrw.org/report/2011/09/12/just-dont-call-it-militia/impunity-militias-and-afghan-local-police](http://www.hrw.org/report/2011/09/12/just-dont-call-it-militia/impunity-militias-and-afghan-local-police).
  41. Fair and Jones, “Securing Afghanistan.”
  42. Jones, “Strategic Logic of Militia”; Seth G. Jones and Arturo Muñoz, *Afghanistan’s Local War: Building Local Defense Forces* (Santa Monica, CA: RAND Corporation, 2010).
  43. Jones, “Strategic Logic of Militia”; Matthieu Lefèvre, “Local Defence in Afghanistan: A Review of Government-Backed Initiatives” (Kabul: Afghanistan Analysts Network [AAN], 2010), [www.afghanistan-analysts.org/publication/aan-papers/local-defence-in-afghanistan-a-review-of-government-backed-initiatives](http://www.afghanistan-analysts.org/publication/aan-papers/local-defence-in-afghanistan-a-review-of-government-backed-initiatives).
  44. Lefèvre, “Local Defence in Afghanistan”; Jones, “Strategic Logic of Militia”; Goodhand and Hakimi, “Counterinsurgency.”
  45. The factional politics at the heart of the security and governance structures in Wardak province was an issue throughout both the initial AP3 pilots in Wardak and subsequent ALP efforts there. Reid, “Just Don’t Call it a Militia,” 43–52; Goodhand and Hakimi, “Counterinsurgency,” 17–24.
  46. Lt. Col. Scott Mann (ret.), former SOF commander working local defense initiatives, telephone interview, May 5, 2021.
  47. Mann, interview, May 5, 2021. On these pilot projects, see also Jones, “Strategic Logic of Militia”; Lefèvre, “Local Defence in Afghanistan.”
  48. Eikenberry, “Unconventional Security Forces”; Jaffe and Chandrasekaran, “US Ambassador.”
  49. Most mobilization initiatives had been piloted in Pashtun areas, predominantly the south and southeast, which figures such as Fahim and Atta objected to. Mark Moyer, *Village Stability Operations and the Afghan Local Police* (Tampa, FL: Joint Special Operations University, 2014), 17, 89n27.
  50. For an outline of the full program, see Lisa Saum-Manning, “VSO/ALP: Comparing Past and Current Challenges to Afghan Local Defense,” Working Paper no. WR-936 (Santa Monica, CA: RAND Corporation, December 2012), 10–11, [www.rand.org/content/dam/rand/pubs/working\\_papers/2012/RAND\\_WR936.pdf](http://www.rand.org/content/dam/rand/pubs/working_papers/2012/RAND_WR936.pdf). Many of the plans to connect local efforts to provincial or regional governance or development platforms worked poorly initially and were largely dropped as other surge-era resources and strategies began to subside.
  51. For a detailed discussion of these checks, see Erica L. Gaston, “Regulating Irregular Actors: Can Due Diligence Checks Mitigate the Risks,” Working paper no. 308 (London: ODI, 2021), 15–19, [https://cdn.odi.org/media/documents/CSAG\\_Regulating\\_irregular\\_actors\\_WEB.pdf](https://cdn.odi.org/media/documents/CSAG_Regulating_irregular_actors_WEB.pdf).
  52. Saum-Manning, “VSO/ALP,” 10–11.
  53. For a summary of changes in the numbers of forces over time and charts depicting some of these trends, see Clark et al., “Ghosts of the Past,” 29, 33, 34, 76n3.
  54. Clark et al., “Ghosts of the Past,” 42–44.
  55. Clark et al., “Ghosts of the Past,” 39–41, 63–75; Brad Townsend, “The Development and Creation of the Afghanistan National Army Territorial Forces,” *Military Review*, March 2019, 74–81, [www.armyupress.army.mil/Journals/Military-Review/English-Edition-Archives/Mar-Apr-2019/74-Afghanistan-Army](http://www.armyupress.army.mil/Journals/Military-Review/English-Edition-Archives/Mar-Apr-2019/74-Afghanistan-Army).
  56. Thomas Gibbons-Neff and Najim Rahim, “Back to Militias, the Chaotic Afghanistan Way of War,” *New York Times*, July 17, 2021, [www.nytimes.com/2021/07/17/world/asia/afghanistan-militias-taliban.html](http://www.nytimes.com/2021/07/17/world/asia/afghanistan-militias-taliban.html). Afghan defense officials interviewed for this research in 2021 during Taliban advances expressed misgivings about expanding unregulated militias, such as the Uprising Forces, as a step backward for international standards and institutional control. However, absent US support, they were viewed as the only available option. According to Afghanistan expert Andrew Watkins, the Afghan government provided rhetorical support but no dramatic redirection of funds or military equipment to localized militias, suggesting that Ghani’s government, like Karzai’s before it, prioritized central authority and control. Andrew Watkins, email correspondence, January 22, 2022.

57. Mann, interview, May 5, 2021.
58. David Sedney, former deputy assistant secretary of defense for Afghanistan, Pakistan and Central Asia (2009–2013), Zoom interview, May 19, 2019.
59. ICG, “The Future of the Afghan Local Police.” Asia Report No. 268 (New York: ICG, 2015), 8, [www.crisisgroup.org/asia/south-asia/afghanistan/future-afghan-local-police](http://www.crisisgroup.org/asia/south-asia/afghanistan/future-afghan-local-police); Reid, “Just Don’t Call It a Militia,” 60–75. See also Luke Mogelson, “Bad Guys vs. Worse Guys in Afghanistan,” *New York Times*, November 19, 2011, [www.nytimes.com/2011/10/23/magazine/bad-guys-vs-worse-guys-in-afghanistan.html](http://www.nytimes.com/2011/10/23/magazine/bad-guys-vs-worse-guys-in-afghanistan.html).
60. Martine van Bijlert, “Security at the Fringes: the case of Shujai in Khas Uruzgan,” Afghan Analysts Network, April 6, 2013; Martine van Bijlert, “Khas Uruzgan Violence and ISAF Press Releases,” Afghan Analysts Network, June 26, 2011; HRW, *Today We Shall All Die*, 23–25.
61. UNAMA, “Protection of Civilians in Armed Conflict Annual Report 2011” (Kabul: UN Office of the High Commissioner for Human Rights, 2012), 6, [https://unama.unmissions.org/sites/default/files/unama\\_poc\\_report\\_final\\_feb\\_2012.pdf](https://unama.unmissions.org/sites/default/files/unama_poc_report_final_feb_2012.pdf).
62. Mansfield, *A State Built on Sand*, 189–90; Dexter Filkins, “Afghan Militias Battle Taliban with Aid of US,” *New York Times*, November 21, 2009. See also, for example, UNAMA, “Armed Conflict Annual Report 2016”; “Armed Conflict Annual Report 2017”.
63. Achin residents, focus group discussions, July 24, 2019, Nangarhar Province, [www.gppi.net/issue-area/peace-security/militias](http://www.gppi.net/issue-area/peace-security/militias). Notes on file with author.
64. The ALP commander in question, Bilal Pacha, was so extreme in his behavior that he was ultimately prosecuted and sentenced, a rare case of justice mechanisms applied. Andrew Quilty, “Faint Lights Twinkling Against the Dark’: Reportage from the Fight Against ISKP in Nangrahar” (Kabul: AAN, February 19, 2019).
65. Ali Jalali, former minister of interior, telephone interview, April 13, 2021.
66. Mark Moyer, Ronald E. Neumann, Vanda Felbab-Brown, William Knarr, Jack Guy, Terry Corner, and Carter Malkasian, “The Afghan Local Police Community Self-Defense in Transition” (Tampa, FL: Center for Special Operations Studies and Research, Joint Special Operations University, 2013).
67. The report cited several examples of this collusion, including the Baghlani ALP’s tipping off the Taliban when ANSF approached, and a Nangrahari ALP unit’s facilitating an insurgent attack. Moyer et al., “Afghan Local Police,” 4, 9. Examples of Taliban infiltration in ALP units in Kandahar (more framed as a tribal coping strategy) are also discussed in ICG, “Future of the Afghan Local Police,” 21.
68. Clark et al., “Ghosts of the Past”; SIGAR, “Stabilization: Lessons from the US Experience in Afghanistan” (Washington, D.C.: SIGAR, 2018), 107–23; ICG, “Future of the Afghan Local Police.”
69. ALP Advisory Cell member, interview, Kabul, November 12, 2017.
70. Philipp Münch, “Local Afghan Power Structures and the International Military Intervention: A Review of Developments in Badakhshan and Kunduz Provinces” (Kabul: AAN, 2013); Kate Clark, “A Maelstrom of Militias: Takhar, a Case Study of Strongmen Co-Opting the ALP” (Kabul: AAN, November 14, 2019); Deedee Derksen, “Non-State Security Providers and Political Formation in Afghanistan” (Waterloo, ON: Centre for Security Governance, 2016).
71. Derksen, “Non-State Security Providers”; ICG, “Future of the Afghan Local Police.”
72. The methodology of this tracking appeared to be questionable, and it is not clear if the data was consistently used to reduce powerbroker influence. For further discussion and sources, see Clark et al. “Ghosts of the Past,” 38.
73. The official in question did not remember the exact cause of his failure, whether due to corruption, misconduct, or unfitness for the post.
74. Clark et al., “Ghosts of the Past,” 34–39.
75. Former US brigade adviser in eastern Afghanistan in 2011, telephone interview, March 26, 2021.
76. Clark et al., “Ghosts of the Past,” 28; see also Matthew P. Dearing, “A Double-Edged Sword: The People’s Uprising in Ghazni, Afghanistan,” *Small Wars & Insurgencies* 28, no. 3 (2017): 576–608.
77. Civilian military adviser, interview, Washington, DC, June 20, 2018; civilian consultant, Skype interview, January 11, 2018. See also Vanda Felbab-Brown, “Hurray for Militias? Not So Fast: Lessons from the Afghan Local Police Experience,” *Small Wars & Insurgencies* 27, no. 2 (March 3, 2016): 258–81.
78. HRW, *Today We Shall All Die*; Julius Cavendish, “After the US Pulls out, Will CIA Rely More on Afghan Mercenaries?” *Christian Science Monitor*, November 16, 2011, [www.csmonitor.com/World/Asia-South-Central/2011/1116/After-the-US-pulls-out-will-CIA-rely-more-on-Afghan-mercenaries/\(page\)/2](http://www.csmonitor.com/World/Asia-South-Central/2011/1116/After-the-US-pulls-out-will-CIA-rely-more-on-Afghan-mercenaries/(page)/2); Aikins, “Our Man in Kandahar”; Anand Gopal, “Kandahar’s Mystery Executions,” *Harper’s Magazine*, September 2014, [www.harper.org/archive/2014/09/kandahars-mystery-executions/3](http://www.harper.org/archive/2014/09/kandahars-mystery-executions/3).
79. See, for example, Clark et al., “Ghosts of the Past,” 28–31; Reid, “Just Don’t Call It a Militia.”; Clark et al., “Ghosts of the Past,” 28–31; Heidi Vogt, “Afghans See Warlord Footprints in New Police Force,” *RAWA News*, February 21, 2011.
80. Clark et al., “Ghosts of the Past,” 28; see also Dearing, “A Double-Edged Sword.”
81. Mann, interview, May 5, 2021.
82. One former brigade adviser in eastern Afghanistan observed, “The ALP couldn’t go fast enough. . . . Our brigade commander would say, ‘We can’t wait two years for an ALP *tashkil*.’ So we would create one and fund it ourselves



- [using commander's discretionary funds], and then over time fold it into the ALP." Former US brigade adviser, interview, March 26, 2021. See also Clark et al., "Ghosts of the Past," 25, 41.
83. Former US Ambassador to Afghanistan Ronald Neumann, telephone interview, May 11, 2011.
  84. For examples of this in Kunduz, see Derksen, "Commanders in Control," 159–60; Goodhand and Hakimi, "Counterinsurgency," 33–36; ICG, "Future of the Afghan Local Police," 15.
  85. US government official, interview, March 26, 2021.
  86. Goodhand and Hakimi, "Counterinsurgency," 32. See also ICG, "Future of the Afghan Local Police," 14.
  87. Moyer, *Village Stability Operations*, 17, 89n27.
  88. Münch, "Local Afghan Power Structures," 36–38. Despite formal DDR provinces, some 4,500 to 10,000 forces remained active in Kunduz as militias (illegal armed groups) in the late 2000s in Kunduz. Goodhand and Hakimi, "Counterinsurgency," 32.
  89. Münch, "Local Afghan Power Structures," 36–38; Eikenberry, "Unconventional Security Forces," paras. 8–10; Goodhand and Hakimi, "Counterinsurgency," 32–34. Once established, some were also supported by the US-funded Critical Infrastructure Protection Program. For more on the valences surrounding arbakai, which are not historically associated with the northeast, see Livingston, Messera, and O'Hanlon, "Afghanistan Index."
  90. Giustozzi, "Insurgents of the Afghan North," 36–37; Matthew Rosenberg and Alissa J. Rubin, "Afghanistan to Disband Irregular Police Force Set Up Under NATO," *New York Times*, December 27, 2011, [www.nytimes.com/2011/12/27/world/asia/afghanistan-to-disband-critical-infrastructure-police.html](http://www.nytimes.com/2011/12/27/world/asia/afghanistan-to-disband-critical-infrastructure-police.html).
  91. Rebecca Zimmerman, former ALP adviser, interview, Washington, DC, June 20, 2018; Moyer, *Village Stability Operations*, 17, 89n27.
  92. Derksen, "Commanders in Control," 154; Münch, "Local Afghan Power Structures," 40.
  93. Sedney, interview, May 19, 2019.
  94. Derksen, "Commanders in Control," 159–60; Goodhand and Hakimi, "Counterinsurgency," 33–36; ICG, "Future of the Afghan Local Police," 15–16.
  95. ICG, "Future of the Afghan Local Police," 15.
  96. UNAMA, "Armed Conflict Annual Report 2011," 6; "Armed Conflict Annual Report 2012," 42; "Armed Conflict Annual Report 2013," 9, 50; "Armed Conflict Annual Report 2014," 80; "Armed Conflict Annual Report 2015," 67.
  97. UNAMA, "Armed Conflict Annual Report 2013."
  98. ICG noted that ALP and arbakai abuse in particular "provoked uprisings along many of the infiltration routes that were later employed by insurgents for their 2015 advance on Kunduz city." UCG, "Future of the Afghan Local Police," 15.
  99. Borhan Osman, "The Fall of Kunduz: What Does It Tell Us about the Strength of the Post-Omar Taleban?" (Kabul: AAN, 2015); Derksen, "Commanders in Control," 137–59; Felbab-Brown, "Hurray for Militias?"; ICG, "Future of the Afghan Local Police," 15.
  100. Osman, "Fall of Kunduz."
  101. Derksen, *Politics of Disarmament*, 21–23.
  102. Goodhand and Hakimi, "Counterinsurgency," 38.
  103. Goodhand and Hakimi, "Counterinsurgency," 26.
  104. Goodhand and Hakimi, "Counterinsurgency," 26.
  105. Goodhand and Hakimi, "Counterinsurgency," 26–27.
  106. Goodhand and Hakimi, "Counterinsurgency," 27–28.
  107. Moyer, *Village Stability Operations*, 22.
  108. Ulrike Demmer, "The Battle of Shahabuddin," Spiegel Online International, October 13, 2010; Mogelson, "Bad Guys vs. Worse Guys"; see also Moyer, *Village Stability Operations*, 22.
  109. Gran Hewad, "When the Police Goes Local; More on the Baghlan ALP" (Kabul: AAN, 2011); Reid, "Just Don't Call It a Militia."
  110. Goodhand and Hakimi, "Counterinsurgency"; Moyer et al., "Afghan Local Police."
  111. Reid, "Just Don't Call It a Militia," 60–75.
  112. See, for example, Frederick Kagan and Kimberly Kagan, "The 'Andar Uprising' and Progress in Afghanistan," *Wall Street Journal*, October 4, 2012; Frud Behzhan, "Afghan Villagers Hit Back against Taliban," *RadioFreeEurope*, August 23, 2012, [www.rferl.org/a/afghan-villagers-hit-back-against-taliban/24685937.html](http://www.rferl.org/a/afghan-villagers-hit-back-against-taliban/24685937.html); Robert Burns, "US Sees Potential for Wider Anti-Taliban Uprising in Afghanistan," *Associated Press*, October 18, 2012.
  113. The Loya Paktia area is usually described as comprising the provinces of Paktia, Paktika, and Khost. However, the tribal territory existed before these provincial divisions, and parts of Ghazni and Logar Provinces that border this area, including Andar, are sometimes considered as part of this larger Loya Paktia territorial belt.
  114. Fazal Muzhary, "One Land, Two Rules (7): Delivering Public Services in Insurgency-Affected Andar District in Ghazni Province" (Kabul: AAN, June 13, 2019); Fazal Muzhary and Kate Clark, "Uprising, ALP and Taleban in Andar: The Arc of Government Failure" (Kabul: AAN, May 22, 2018).

115. Emal Habib, "AAN Reportage: Who Fights Whom in the Andar Uprising?" (Kabul: AAN, August 10, 2012).
116. Emal Habib, "AAN Reportage (2): The Andar Uprising – Has the Tide Already Turned?" (Kabul: AAN, September 3, 2012); Emal Habib, "The Morphing of the Andar Uprising: Transition to Afghan Local Police" (Kabul: AAN, April 2, 2013).
117. UNAMA, "Armed Conflict Annual Report 2012," 48–49; "Armed Conflict Annual Report 2014," 88; Muzhary and Clark, "Uprising, ALP and Taleban in Andar." See also Matthieu Aikins, "Exclusive: A US-Backed Militia Runs Amok in Afghanistan," *Al Jazeera*, July 23, 2014; Joseph Goldstein, "Afghan Militia Leaders, Empowered by US to Fight Taliban, Inspire Fear in Villages," *New York Times*, March 18, 2015.
118. Muzhary, "One Land, Two Rules."
119. Confusingly, Gizab has alternately fallen under the jurisdiction of Uruzgan and Daikundi Provinces.
120. Gordon Stuart, *Winning Hearts and Minds? Examining the Relationship between Aid and Security in Afghanistan's Helmand Province* (Medford, MA: Feinstein International Center, Tufts University, 2012), 6–7.
121. Derksen, "Non-State Security Providers," 13.
122. Derksen, "Non-State Security Providers," 16–17.
123. Martine van Bijlert, "The Revolt of the Good Guys in Gizab" (Kabul: AAN, June 24, 2010); "Trouble in Gizab; the Fight Everyone Chose to Ignore" (Kabul: AAN, October 31, 2011).
124. Derksen, "Non-State Security Providers," 13.
125. Security incidents reportedly declined and free transport was possible on the roads. However, local elders interviewed by Derksen said the greater security under Mattiullah was less evidence of his effectiveness than that before being appointed police chief in 2011, he was a source of insecurity. Derksen, "Non-State Security Providers," 18.
126. Anand Gopal, *No Good Men Among the Living: America, the Taliban, and the War through Afghan Eyes* (New York: Metropolitan Books/Henry Holt, 2014).
127. Gopal, *No Good Men*, 252–56. See also Reid, "Just Don't Call It a Militia," 83.
128. UNAMA, "Armed Conflict Annual Report 2011," 7; "Armed Conflict Annual Report 2012," 42; "Armed Conflict Annual Report 2013," 50.
129. Reid, "Just Don't Call It a Militia," 83.
130. Deedee Derksen, researcher, WhatsApp interview, March 22, 2021. See also Derksen, "Non-State Security Providers," 31.
131. Fazal Muzhary, "How to Replace a Bad ALP Commander: In Shajoy, Success and Now Calamity" (Kabul: AAN, September 21, 2016); Quilty, "Faint Lights."
132. Muzhary, "How to Replace a Bad ALP Commander."
133. Fazal Muzhary and Kate Clark, "How to Set up a 'Good ALP': The Experience of Yahyakhel District, Paktika and How It Became More Peaceful" (Kabul: AAN, December 20, 2018); Clark et al., "Ghosts of the Past."
134. At the time of writing, not enough evidence was available to judge how government-aligned tribal communities fared in the transition to Taliban power; nor were any reports of them being singled out for Taliban reprisals or punishment substantial.
135. Mann, interview, May 5, 2021.
136. On later issues with the ALP, including Ministry of Interior appointment and management, see Clark et al., "Ghosts of the Past"; SIGAR, "Afghan Local Police: A Critical Rural Security Initiative Lacks Adequate Logistics Support, Oversight, and Direction," SIGAR 16-3-AR (Washington, DC: SIGAR, 2015), [www.sigar.mil/pdf/audits/SIGAR-16-3-AR.pdf](http://www.sigar.mil/pdf/audits/SIGAR-16-3-AR.pdf); Kate Clark, "Reforming the Afghan Ministry of Interior: A Way to 'Tilt' the War?" (Kabul: AAN, June 9, 2017), [www.afghanistan-analysts.org/en/reports/war-and-peace/reforming-the-afghan-ministry-of-interior-a-way-to-tilt-the-war](http://www.afghanistan-analysts.org/en/reports/war-and-peace/reforming-the-afghan-ministry-of-interior-a-way-to-tilt-the-war).
137. The ANA-TF was in the process of being mobilized when the Afghan government collapsed. Despite initial signs that the MOD structures and other changes in the ANA-TF resulted in better recruitment and accountability, it is impossible to know whether this would have prevented powerbroker interference in the long term. Townsend, "Development and Creation"; Kate Clark, "The Afghan Territorial Force: Learning from the Lessons of the Past?" (Kabul: AAN, January 15, 2019), [www.afghanistan-analysts.org/the-afghan-territorial-force-learning-from-the-lessons-of-the-past](http://www.afghanistan-analysts.org/the-afghan-territorial-force-learning-from-the-lessons-of-the-past).
138. These figures are based on official numbers at their peak. ALP and the ANSF force numbers tended to be lower—often by as much as a third—due to attrition, inflated ghost soldiers, or difficulty filling billeted posts. SIGAR, "Reconstructing."
139. Ken Menkhaus, "Governance Without Government in Somalia," *International Security* 31, no. 3 (2007): 74–106; Christine Cheng, Jonathan Goodhand, and Patrick Meehan, "Securing and Sustaining Elite Bargains That Reduce Violent Conflict" (London: UK Government Stabilisation Unit Elite Bargains and Political Deals Project, 2018); Douglass C. North, John Joseph Wallis, and Barry R. Weingast, *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History* (Cambridge: Cambridge University Press, 2009).
140. Mann, interview, May 5, 2021.
141. Frances Brown, workshop discussion, Washington, DC, May 21, 2019.
142. David Katz, "Community-Based Development in Rural Afghanistan," *Peaceworks* no. 127, United States Institute of Peace, April 2017, [www.usip.org/publications/2017/04/community-based-development-rural-afghanistan](http://www.usip.org/publications/2017/04/community-based-development-rural-afghanistan); Erica Gaston, Akbar Sarwari, and Arne Strand, "Lessons Learned on Traditional Dispute Resolution in Afghanistan," *Building Peace* no.

- 3, United States Institute of Peace, April 2013, [www.usip.org/publications/2013/06/lessons-learned-traditional-dispute-resolution-afghanistan](http://www.usip.org/publications/2013/06/lessons-learned-traditional-dispute-resolution-afghanistan).
143. Joseph L. Votel, "Statement of General Joseph L. Votel on the Posture of US Central Command, February 5, 2019" (2019), [www.centcom.mil/Portals/6/Documents/Transcripts/Votel020519.pdf](http://www.centcom.mil/Portals/6/Documents/Transcripts/Votel020519.pdf).
  144. Neumann, interview, May 11, 2011.
  145. Ali Jalali, interview, April 13, 2021.
  146. On community-based interventions as an alternative or check, see Gaston, Sarwari, and Strand, "Lessons Learned"; Noah Coburn, "Informal Justice and the International Community in Afghanistan," *Peaceworks* no. 84, United States Institute of Peace, April 2013; Frances Z. Brown, "The US Surge and Afghan Local Governance," *Special Report* no. 316, United States Institute of Peace, September 2012, [www.usip.org/publications/2012/09/us-surge-and-afghan-local-governance](http://www.usip.org/publications/2012/09/us-surge-and-afghan-local-governance); Astri Suhrke, "The Long Decade of State-Building in Afghanistan," in *Managing Conflict in a World Adrift*, ed. Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (Washington, DC: United States Institute of Peace, 2015).
  147. This risk was also apparent in the informal justice and dispute resolution sector: Gaston, Sarwari, and Strand, "Lessons Learned."
  148. Andrew Watkins, Zoom interview, April 20, 2021.

## MEXICO CASE STUDY

1. By comparison, over a similar period, Iraq saw between 184,000 and 207,000 violent deaths. Watson Institute, "Iraqi Civilians," Brown University, updated June 2021, <https://watson.brown.edu/costsofwar/costs/human/civilians/iraqi>.
2. United Nations Development Programme, "Human Development Index," 2022, <https://hdr.undp.org/data-center/human-development-index#/indicies/HDI>.
3. Alexander Aviña, "Mexico's Long Dirty War," *NACLA Report on the Americas* 48, no. 2 (2016): 144–49; Benjamin Smith, *The Dope: The Real History of the Mexican Drug Trade* (New York: W. W. Norton, 2021)
4. Pablo Piccato, "Homicide as Politics in Modern Mexico," *Bulletin of Latin American Research* 32, no.1 (2013): 104–25, [www.researchgate.net/publication/262874195\\_Homicide\\_as\\_Politics\\_in\\_Modern\\_Mexico](http://www.researchgate.net/publication/262874195_Homicide_as_Politics_in_Modern_Mexico).
5. Adela Cedillo, "Operation Condor, The War on Drugs, and Counterinsurgency in the Golden Triangle (1977–1983)," Kellogg Working Paper no. 443 (Notre Dame, IN: Kellogg Institute for International Studies, 2021). <https://kellogg.nd.edu/operation-condor-war-drugs-and-counterinsurgency-golden-triangle-1977-1983>.
6. Kate Doyle, "The Dawn of Mexico's Dirty War: Lucio Cabañas and the Party of the Poor," National Security Archive, December 5, 2003, <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB105/index.htm>.
7. Sergio Aguayo, Javier Treviño Rangel, and Maria Pallais, "Neither Truth nor Justice: Mexico's De Facto Amnesty," *Latin American Perspectives* 33, no. 2 (2006): 56–68.
8. Colectivo de Análisis de la Seguridad con Democracia, A. C. (CASEDE), *Atlas de la Seguridad y la Defensa de México 2016* (Mexico City: Instituto Belisario Domínguez del Senado de la República, 2017), [www.casede.org/Publicaciones/Casede/Atlas2016/Atlas\\_CASEDE\\_2016.pdf](http://www.casede.org/Publicaciones/Casede/Atlas2016/Atlas_CASEDE_2016.pdf).
9. Drug trafficking is a federal criminal offense and is thus not the enforcement purview of state or local police. State and local police arrest members of organized crime groups on gun charges, for example, and may target localized groups, but their role in stopping criminal activity is typically preventative rather than proactive.
10. Ryan Deveraux, "Prosecution of Top Mexican Security Official Exposes the Façade of the Drug War," *The Intercept*, January 26, 2020, [www.theintercept.com/2020/01/26/mexico-drug-war-el-chapo-garcia-luna-trial](http://www.theintercept.com/2020/01/26/mexico-drug-war-el-chapo-garcia-luna-trial).
11. US Department of Justice, "Former Mexican Federal Police Commander Arrested for Drug-Trafficking Conspiracy," press release, January 24, 2020, [www.justice.gov/usao-edny/pr/former-mexican-federal-police-commander-arrested-drug-trafficking-conspiracy](http://www.justice.gov/usao-edny/pr/former-mexican-federal-police-commander-arrested-drug-trafficking-conspiracy).
12. Ginger Thompson, "How the US Triggered a Massacre in Mexico," *ProPublica*, June 12, 2017, [www.propublica.org/article/allende-zetas-cartel-massacre-and-the-us-dea](http://www.propublica.org/article/allende-zetas-cartel-massacre-and-the-us-dea).
13. Mexico Violence Resource Project, "US Military Training of Mexican Armed Forces and Law Enforcement," 2021, updated 2022, [www.mexicoviolence.org/military-training](http://www.mexicoviolence.org/military-training). Low-level interaction, such as cross-border police training, is substantial. In some cases, these training sessions have involved units with questionable human rights records.
14. June S. Beittel, "Mexico: Organized Crime and Drug Trafficking Organizations," CRS Report no. R41576 Congressional Research Service, June 7, 2020, [www.fas.org/sgp/crs/row/R41576.pdf](http://www.fas.org/sgp/crs/row/R41576.pdf); US Department of State, *International Narcotics Control Strategy Report*, vol. I, *Drug and Chemical Control*, March 2020, [www.state.gov/wp-content/uploads/2020/06/Tab-1-INCSR-Vol.-I-Final-for-Printing-1-29-20-508-4.pdf](http://www.state.gov/wp-content/uploads/2020/06/Tab-1-INCSR-Vol.-I-Final-for-Printing-1-29-20-508-4.pdf).
15. In one notable exception, US criticism provoked a minor diplomatic crisis. After Wikileaks released embassy cables in 2011 decrying SEDENA's ineffectiveness against drug trafficking organizations, President Felipe Calderón publicly criticized the US ambassador and forced his resignation.



16. Ryan Devereaux, "A US-Mexico Pledge to End Disappearances Fails to Grapple with the Complicity of the State," *The Intercept*, June 21, 2021, [www.theintercept.com/2021/06/21/mexico-disappearances-state-violence](http://www.theintercept.com/2021/06/21/mexico-disappearances-state-violence).
17. Viridiana Ríos Contreras, "How Government Structure Encourages Criminal Violence: The Causes of Mexico's Drug War" (PhD diss., Harvard University, 2013), [https://dash.harvard.edu/bitstream/handle/1/11156675/RiosContreras\\_gsas.harvard\\_0084L\\_10752.pdf](https://dash.harvard.edu/bitstream/handle/1/11156675/RiosContreras_gsas.harvard_0084L_10752.pdf). Anecdotally, police collusion with organized crime groups is also a driver of enforced disappearance; see Human Rights Watch (HRW), "México: Crisis de Desapariciones Forzadas" (New York: HRW, 2013), [www.hrw.org/es/news/2013/02/20/mexico-crisis-de-desapariciones-forzadas](http://www.hrw.org/es/news/2013/02/20/mexico-crisis-de-desapariciones-forzadas).
18. Local police chiefs, for example, are often replaced when municipal governments turn over every three years.
19. Zorayda Gallegos, "Justicia de Salva: la Historia de los Generales Impunes en México," *El País*, August 29, 2021, [www.elpais.com/mexico/2021-08-29/justicia-de-salva-la-historia-de-los-generales-impunes-en-mexico.html](http://www.elpais.com/mexico/2021-08-29/justicia-de-salva-la-historia-de-los-generales-impunes-en-mexico.html).
20. Center for US-Mexican Studies, "Perceptions on Mexican Democratic Institutions: A Survey of Experts and Citizens," 2021.
21. Notable examples would include both Javier Duarte and Roberto Sandoval, governors of Veracruz and Nayarit respectively, who were reportedly important players in the financial structure of the PRI under PRI president Enrique Peña Nieto.
22. The PRI, in one form or another, ruled Mexico as a hegemonic party regime from 1929 to 2000.
23. Nathaniel Morris, "Nayarit and the Making of a Narco State," Mexico Violence Resource Project, November 23, 2020, updated March 22, 2021, [www.mexicoviolence.org/post/nayarit-and-the-making-of-a-narco-state](http://www.mexicoviolence.org/post/nayarit-and-the-making-of-a-narco-state).
24. International Federation of Human Rights (FIDH), "Mexico: Criminal Structure Within the Public Prosecutor's Office of the State of Nayarit and Crimes Against Humanity," June 2021, [www.fidh.org/IMG/pdf/fidh-idheas\\_-\\_nayarit\\_report\\_english\\_-\\_2.pdf](http://www.fidh.org/IMG/pdf/fidh-idheas_-_nayarit_report_english_-_2.pdf).
25. One source suggests that Veytia had supported the Beltrán Leyva Organization as early as 2008, during that group's confrontation with the Sinaloa Cartel, receiving 5 million pesos in exchange for police support (Patricia Dávila, "'El Diablo' Veytia y sus amigos," *Proceso*, April 5, 2017, [www.proceso.com.mx/reportajes/2017/4/5/el-diablo-veytia-sus-amigos-181696.html](http://www.proceso.com.mx/reportajes/2017/4/5/el-diablo-veytia-sus-amigos-181696.html)).
26. The national homicide rate climbed steadily from 2008 until 2011 as conflict among organized crime groups and between groups and the government increased. The violence in Nayarit was connected to events elsewhere, such as the 2009 killing of Arturo Beltrán Leyva in Cuernavaca that affected the Beltrán Leyva Organization's operations nationwide, including in Nayarit where the organization was prominent. Belén Zapata, "La 'realidad nacional' alcanza a Nayarit; aumenta el número de Muertos," *Expansión*, June 23, 2010, [www.expansion.mx/nacional/2010/06/23/la-realidad-nacional-alcanza-a-nayarit-aumenta-el-numero-de-muertos](http://www.expansion.mx/nacional/2010/06/23/la-realidad-nacional-alcanza-a-nayarit-aumenta-el-numero-de-muertos).
27. Observatorio Nacional Ciudadano, "Observatorio Interactivo de Incidencia Delictiva: Total de Delitos," accessed February 15, 2022, <https://delitosmexico.onc.mx/tendencia>.
28. Veytia was initially appointed assistant attorney general but had effective control of the institution.
29. "Firman 19 Municipios Mando único en Nayarit," *El Sol de Nayarit*, November 27, 2014, [www.elsoldenayarit.mx/politica/30445-firman-19-municipios-mando-unico-en-nayarit](http://www.elsoldenayarit.mx/politica/30445-firman-19-municipios-mando-unico-en-nayarit). The *mando único* was not fully implemented because only 19 of the state's 20 municipalities had signed the agreement with the state government.
30. In 2015, the state legislature approved a reform that officially placed the Public Security Ministry under the control of the State Attorney General's Office.
31. Patricia Dávila, "Activa, la red mafiosa del exfiscal Veytia," *Proceso*, May 1, 2017, [www.proceso.com.mx/reportajes/2017/5/1/activa-la-red-mafiosa-del-exfiscal-veytia-183380.html](http://www.proceso.com.mx/reportajes/2017/5/1/activa-la-red-mafiosa-del-exfiscal-veytia-183380.html).
32. "Nayarit: los costos de la paz narca," *Newsweek Español*, May 26, 2017, [www.newsweekespanol.com/2017/05/coahuila-los-costos-de-la-paz-narca](http://www.newsweekespanol.com/2017/05/coahuila-los-costos-de-la-paz-narca).
33. Myriam Navarro González, "Militares, a cargo de policía y seguridad en Nayarit," *La Jornada*, September 22, 2011, <https://web.jornada.com.mx/2011/09/22/estados/034n2est>.
34. Gustavo Vargas, "Gobierno del Estado entrega más casas a la Policía Nayarit," *Nayarit en Línea*, February 16, 2015, [www.nayaritenlinea.mx/2015/02/16/gobierno-del-estado-entrega-mas-casas-a-la-policia-nayarit](http://www.nayaritenlinea.mx/2015/02/16/gobierno-del-estado-entrega-mas-casas-a-la-policia-nayarit); FIDH, "Mexico: Criminal Structure."
35. FIDH, "Mexico: Criminal Structure."
36. Other participants included, for example, a former local congressperson, Carlos Saldete, who engaged in extortion and illicit expropriation of properties. See Karina Cancino, "Atrapan a uno de los hombres cercanos al exfiscal Veytia," *Mexicanos contra la Corrupción y la Impunidad*, [www.contralacorrupcion.mx/carlos-saldete-exfiscal-edgar-veytia](http://www.contralacorrupcion.mx/carlos-saldete-exfiscal-edgar-veytia); Georgina Zerega, "La caída de Roberto Sandoval, el último cacique del PRI en sentarse en el banquillo de los acusados," *El País*, July 2, 2021, [www.elpais.com/mexico/2021-07-02/la-caida-de-roberto-sandoval-el-ultimo-cacique-del-pri-en-sentarse-en-el-banquillo-de-los-acusados.html](http://www.elpais.com/mexico/2021-07-02/la-caida-de-roberto-sandoval-el-ultimo-cacique-del-pri-en-sentarse-en-el-banquillo-de-los-acusados.html); NTV, "Asegura Fiscalía de Nayarit 203 hectáreas relacionadas con prestanombres y exfuncionarios," February 5, 2022, [www.ntv.com.mx/2022/02/05/asegura-fiscalia-de-nayarit-203-hectareas-relacionadas-con-prestanombres-y-exfuncionarios](http://www.ntv.com.mx/2022/02/05/asegura-fiscalia-de-nayarit-203-hectareas-relacionadas-con-prestanombres-y-exfuncionarios).
37. Dávila, "El Diablo."
38. "Former Nayarit Governor Arrested for Corruption after 8 Months on the Run," *Mexico News Daily*, June 7, 2021, [www.mexiconewsdaily.com/news/former-nayarit-governor-arrested-on-corruption-charges-after-8-months-on-the-run](http://www.mexiconewsdaily.com/news/former-nayarit-governor-arrested-on-corruption-charges-after-8-months-on-the-run).
39. Laura Sánchez Ley, "Queman negocios y persiguen a testigos que declararon contra Sandoval," *Milenio*, February 11, 2021, [www.milenio.com/estados/queman-negocios-persiguen-testigos-declararon-sandoval](http://www.milenio.com/estados/queman-negocios-persiguen-testigos-declararon-sandoval).

40. Karina Cancino, "Comisión de la Verdad en Nayarit denuncia a Sandoval por amenazas," *El Financiero*, September 27, 2018, [www.elfinanciero.com.mx/nacional/comision-de-la-verdad-en-nayarit-denuncia-a-sandoval-por-amenazas](http://www.elfinanciero.com.mx/nacional/comision-de-la-verdad-en-nayarit-denuncia-a-sandoval-por-amenazas); Justicia Transicional en México (@JTenMexico) "El caso Nayarit ha escalado en las últimas semanas. Hoy @lopezobrador\_ mencionó el tema en su conferencia. Diversas agrupaciones ciudadanas que reclaman verdad y justicia se encuentran bajo amenaza y sufren actos de violencia. Abrimos clarificando lo que está en juego." Twitter, February 11, 2021, [www.twitter.com/JTenMexico/status/1359987449049403400](https://www.twitter.com/JTenMexico/status/1359987449049403400).
41. Dávila, "El Diablo."
42. Sentencing memorandum.
43. "'Si no se alinea, mávalo', ordenó exgobernador Sandoval: exfiscal en EU," *Pulso San Luis Potosí*, August 16, 2021, <https://pulsoslp.com.mx/nacional/si-no-se-alinea-matalo-ordeno-exgobernador-sandoval-exfiscal-en-eu/1352256>.
44. Comisión Nacional de Búsqueda (CNB), *Análisis de Contexto: Informe sobre las Acciones Urgentes Caso Nayarit* (Ciudad de México: Secretaría de Gobernación, Comisión Nacional de Búsqueda, 2021).
45. Óscar Verdín Camacho/Relatos Nayarit, "Un Tribunal Federal libera a policías del caso Santa María del Oro," *Nayarit en Línea*, February 14, 2014, [www.nayaritenlinea.mx/2014/02/14/un-tribunal-federal-libera-a-policias-del-caso-santa-maria-del-oro](http://www.nayaritenlinea.mx/2014/02/14/un-tribunal-federal-libera-a-policias-del-caso-santa-maria-del-oro).
46. Author interview. See also Dávila, "Activa."
47. CNB, *Análisis de Contexto*, 97.
48. FIDH, "Mexico: Criminal Structure."
49. FIDH, "Mexico: Criminal Structure."
50. "'Si no se alinea (el H2), mávalo', ordenó exgobernador Sandoval: exfiscal en EU," *Sin Embargo*, August 16, 2021, [www.sinembargo.mx/16-08-2021/4015035](http://www.sinembargo.mx/16-08-2021/4015035).
51. CNB, *Análisis de Contexto*.
52. The case against Cienfuegos in the United States was subsequently dismissed at the request of the attorney general and an investigation in Mexico found no evidence to support a prosecution.
53. Sentencing memorandum.
54. Dávila, "El Diablo."
55. Francisco Rivas, "OPINIÓN: ¿Nayarit es realmente seguro como dicen sus números?," *Expansión*, April 3, 2017, [www.expansion.mx/opinion/2017/04/03/opinion-nayarit-es-realmente-seguro-como-dicen-sus-numeros](http://www.expansion.mx/opinion/2017/04/03/opinion-nayarit-es-realmente-seguro-como-dicen-sus-numeros).
56. Mexicanos contra la Corrupción y la Impunidad, "El Fiscal que hizo de Nayarit un Infierno," 2019 <https://investigaciones.contralacorrupcion.mx/edgar-veytia-fiscal-infierno-nayarit>.
57. FIDH, "Mexico: Criminal Structure."
58. Mexicanos contra la Corrupción, "El Fiscal."
59. Mexicanos contra la Corrupción, "El Fiscal." According to sources, the state prison in Tepic was frequently used to hold people while they were extorted or threatened.
60. Georgina Zerega, "Un millar de desapariciones: el legado político en un paraíso turístico mexicano," *El País*, August 19, 2019, [www.elpais.com/internacional/2019/08/17/actualidad/1565996443\\_969820.html](http://www.elpais.com/internacional/2019/08/17/actualidad/1565996443_969820.html).
61. Laura Sánchez Ley and Daniel Lizárraga, "Fiscalía investiga a Roberto Sandoval por casas, ranchos, caballos y vacas," *Expansión*, November 14, 2020, <https://politica.expansion.mx/voces/2020/11/14/acusacion-contra-exgobernador-roberto-sandoval>; Morris, "Nayarit."
62. Alejandro Avendaño, "Aseguran inmuebles y objetos de valor vinculados a Roberto Sandoval," *News Network Communication*, December 15, 2020, [www.nnc.mx/categoria/nayarit/aseguran-inmuebles-y-objetos-de-valor-vinculados-a-roberto-sandoval/1593413110](http://www.nnc.mx/categoria/nayarit/aseguran-inmuebles-y-objetos-de-valor-vinculados-a-roberto-sandoval/1593413110).
63. Cecilia Farfán Méndez, "'Sinaloa Is Not Guerrero': Illicit Production, Licit Agribusiness," Mexico Violence Resource Project, March 9, 2021, [www.mexicoviolence.org/post/sinaloa-is-not-guerrero-illicit-production-licit-agribusiness](http://www.mexicoviolence.org/post/sinaloa-is-not-guerrero-illicit-production-licit-agribusiness).
64. Marcos Vizcarra, "Ballots or Bullets: The Logic of Corruption and Candidacies in Sinaloa," Mexico Violence Resource Project, 2021, [www.mexicoviolence.org/votingamidviolence/ballots-or-bullets](http://www.mexicoviolence.org/votingamidviolence/ballots-or-bullets).
65. Silber Meza, "Sinaloa, el laboratorio militar de Cienfuegos," *El Sur*, February 10, 2018, [www.suracapulco.mx/sinaloa-laboratorio-militar-cienfuegos](http://www.suracapulco.mx/sinaloa-laboratorio-militar-cienfuegos).
66. "Inicia campaña Quirino: Buscará más seguridad y destrabar apoyos al campo," *Revista Espejo*, April 4, 2016, [www.revistaespejo.com/2016/04/04/inicia-campana-quirino-buscara-mas-seguridad-y-destrabar-apoyos-al-campo](http://www.revistaespejo.com/2016/04/04/inicia-campana-quirino-buscara-mas-seguridad-y-destrabar-apoyos-al-campo).
67. Jan Martínez Ahrens, "Is the end nigh for 'El Chapo' Guzmán's Sinaloa cartel?," *El País*, October 18, 2016, [https://english.elpais.com/elpais/2016/10/18/inenglish/1476782392\\_318288.html](https://english.elpais.com/elpais/2016/10/18/inenglish/1476782392_318288.html).
68. Jorge Monroy and Héctor Molina, "Convenios, a falta de la Ley de Seguridad," *El Economista*, February 8, 2018, [www.eleconomista.com.mx/politica/Convenios-a-falta-de-la-Ley-de-Seguridad-20180208-0025.html](http://www.eleconomista.com.mx/politica/Convenios-a-falta-de-la-Ley-de-Seguridad-20180208-0025.html).
69. Manuel Aceves, "Militares podrían asumir la seguridad durante gobierno de Quirino," *Luz Noticias*, December 27, 2016, [www.luznoticias.mx/2016-12-27/seguridad/militares-podrian-asumir-la-seguridad-durante-gobierno-de-quirino/14497](http://www.luznoticias.mx/2016-12-27/seguridad/militares-podrian-asumir-la-seguridad-durante-gobierno-de-quirino/14497).

70. “‘Vamos con todo’ contra bestias que emboscaron a militares, advierte Cienfuegos,” *Proceso*, October 2, 2016, [www.proceso.com.mx/nacional/2016/10/2/vamos-con-todo-contra-bestias-que-emboscaron-militares-advierte-cienfuegos-171548.html](http://www.proceso.com.mx/nacional/2016/10/2/vamos-con-todo-contra-bestias-que-emboscaron-militares-advierte-cienfuegos-171548.html).
71. Aceves, “Militares.”
72. “Genaro Robles, un ‘novato’ en la seguridad del estado,” *El Debate*, April 25, 2013, [www.debate.com.mx/culiacan/Genaro-Robles-un-novato-en-la-seguridad-del-estado-20170325-0067.html](http://www.debate.com.mx/culiacan/Genaro-Robles-un-novato-en-la-seguridad-del-estado-20170325-0067.html).
73. Alejandro Sicairos, “La tardanza de los generales Acata, vetado por el Ejército,” *Noroeste*, January 5, 2017, [www.noroeste.com.mx/colaboraciones/la-tardanza-de-los-generales-acata-vetado-por-el-ej-amp-eacute-rcito-amp-nbsp-YTOP97890](http://www.noroeste.com.mx/colaboraciones/la-tardanza-de-los-generales-acata-vetado-por-el-ej-amp-eacute-rcito-amp-nbsp-YTOP97890); Ismael Bojórquez, “Militares: la riesgosa apuesta de Quirino,” *Río Doce*, January 16, 2017, [www.riodoce.mx/2017/01/16/militares-la-riesgosa-apuesta-de-quirino](http://www.riodoce.mx/2017/01/16/militares-la-riesgosa-apuesta-de-quirino).
74. Javier Valdez Cárdenas, “Militares asumen secretarías de seguridad en Culiacán y Mazatlán,” *La Jornada*, January 14, 2017, [www.jornada.com.mx/2017/01/14/estados/022n1est](http://www.jornada.com.mx/2017/01/14/estados/022n1est).
75. Editorial, “Despliegan mil 800 militares en Ahome, Culiacán, Mazatlán y Salvador Alvarado,” *La Jornada*, January 11, 2017, [www.jornada.com.mx/2017/01/11/estados/025n1est](http://www.jornada.com.mx/2017/01/11/estados/025n1est).
76. “Llega a Mazatlán la Policía Militar,” *Río Doce*, January 9, 2017, [www.riodoce.mx/2017/01/09/llega-a-mazatlan-la-policia-militar](http://www.riodoce.mx/2017/01/09/llega-a-mazatlan-la-policia-militar); Gerardo Rodríguez Sánchez Lara and María Paula Montserrat Aguilar Romero, “The Mexican Armed Forces in Public Security: Path Dependence and Power Conflicts,” *Revista de Relaciones Internacionales, Estrategia y Seguridad* 15, no. 1 (2020): 61–78, [www.redalyc.org/journal/927/92764558005/html](http://www.redalyc.org/journal/927/92764558005/html).
77. Bianca Estrada, “Sinaloa en guerra: en 6 meses hay más muertos que en todo 2016; y Quirino regala escoltas a Malova,” *Sin Embargo*, July 9, 2017, [www.sinembargo.mx/09-07-2017/3257048W](http://www.sinembargo.mx/09-07-2017/3257048W).
78. Ismael Bojórquez, “El fracaso anticipado de los militares,” *Río Doce*, March 20, 2017, [www.riodoce.mx/2017/03/20/el-fracaso-anticipado-de-los-militares](http://www.riodoce.mx/2017/03/20/el-fracaso-anticipado-de-los-militares).
79. “Termina apoyo de Sedena en Sinaloa, pero se instalan militares en Mazatlán,” *Río Doce*, December 11, 2018, [www.riodoce.mx/2018/12/11/termina-apoyo-de-sedena-en-sinaloa-pero-se-instalan-militares-en-mazatlan](http://www.riodoce.mx/2018/12/11/termina-apoyo-de-sedena-en-sinaloa-pero-se-instalan-militares-en-mazatlan).
80. Guadalupe Martínez, “Cuesta a sinaloenses 20 mil pesos mensuales cada Policía Militar,” *Reacción Informativa*, July 26, 2018, [www.reaccioninformativa.com/noticias/sinaloa/cuesta-a-sinaloenses-20-mil-pesos-mensuales-cada-policia-militar\\_1N7TFIb0K8G00AmsOG6IGY](http://www.reaccioninformativa.com/noticias/sinaloa/cuesta-a-sinaloenses-20-mil-pesos-mensuales-cada-policia-militar_1N7TFIb0K8G00AmsOG6IGY).
81. Police officers in Sinaloa continue to have benefits that are lower than soldiers deployed in the state. Alejandro Monjardín, “No hay viáticos para policías desde hace más de 3 meses, pero sí para militares,” *Río Doce*, August 14, 2018, [www.riodoce.mx/2018/08/14/no-hay-viaticos-para-policias-desde-hace-mas-de-3-meses-pero-si-para-militares](http://www.riodoce.mx/2018/08/14/no-hay-viaticos-para-policias-desde-hace-mas-de-3-meses-pero-si-para-militares); Alejandro Monjardín, “Persisten salarios de hambre en las policías,” *Río Doce*, November 3, 2020, [www.riodoce.mx/2020/11/03/persisten-salarios-de-hambre-en-las-policias](http://www.riodoce.mx/2020/11/03/persisten-salarios-de-hambre-en-las-policias); Nelda Ortega, “Trato desigual en Sinaloa: municipales vs militares,” *Río Doce*, February 23, 2021, [www.riodoce.mx/2021/02/23/trato-desigual-en-sinaloa-municipales-vs-militares](http://www.riodoce.mx/2021/02/23/trato-desigual-en-sinaloa-municipales-vs-militares).
82. Marcos Vizcarra, “Gobierno del Estado entregó la seguridad pública al Ejército,” *Río Doce*, April 2, 2019, [www.riodoce.mx/2019/04/02/gobierno-del-estado-entrego-la-seguridad-publica-al-ejercito](http://www.riodoce.mx/2019/04/02/gobierno-del-estado-entrego-la-seguridad-publica-al-ejercito).
83. Rafael González, “Millones de pesos gastó el gobierno de Sinaloa en Drones,” *El Debate*, September 4, 2017, [www.debate.com.mx/culiacan/Millones-de-pesos-gasto-el-gobierno-de-Sinaloa-en-drones-20170904-0013.html](http://www.debate.com.mx/culiacan/Millones-de-pesos-gasto-el-gobierno-de-Sinaloa-en-drones-20170904-0013.html).
84. Marcos Vizcarra, “Construyó Sedena base a sobreprecio... y quedó casi vacía,” *Revista Espejo*, May 19, 2020, [www.revistaespejo.com/2020/05/19/construyo-sedena-base-a-sobreprecio-y-queda-casi-vacia](http://www.revistaespejo.com/2020/05/19/construyo-sedena-base-a-sobreprecio-y-queda-casi-vacia); Marcos Vizcarra, “Quirino pagó 740 mdp para la base militar El Sauz, que hoy habitan 300 personas,” *Río Doce*, November 12, 2019, [www.riodoce.mx/2019/11/12/quirino-pago-740-mdp-para-la-base-militar-el-sauz-que-habitan-300-personas](http://www.riodoce.mx/2019/11/12/quirino-pago-740-mdp-para-la-base-militar-el-sauz-que-habitan-300-personas).
85. “Guardia Nacional realiza su primer operativo en Culiacán,” *Revista Espejo*, July 4, 2019, [www.revistaespejo.com/2019/07/04/guardia-nacional-realiza-su-operativo-en-culiacan](http://www.revistaespejo.com/2019/07/04/guardia-nacional-realiza-su-operativo-en-culiacan).
86. “2017, año más violento para estado de Sinaloa,” *El Universo*, June 18, 2017, [www.eluniverso.com/noticias/2017/06/18/nota/6235537/ano-mas-violento-estado-sinaloa](http://www.eluniverso.com/noticias/2017/06/18/nota/6235537/ano-mas-violento-estado-sinaloa); Alejandro Monjardín, “Con militares al mando, cierra Sinaloa 2017 como el año más violento,” *Río Doce*, December 31, 2017, [www.riodoce.mx/2017/12/31/con-militares-al-mando-cierra-sinaloa-2017-como-el-ano-mas-violento](http://www.riodoce.mx/2017/12/31/con-militares-al-mando-cierra-sinaloa-2017-como-el-ano-mas-violento).
87. Observatorio Nacional Ciudadano, “Observatorio Interactivo.”
88. Ismael Bojórquez, “El fracaso anticipado de los militares,” *Río Doce*, March 20, 2017, [www.riodoce.mx/2017/03/20/el-fracaso-anticipado-de-los-militares](http://www.riodoce.mx/2017/03/20/el-fracaso-anticipado-de-los-militares).
89. “Recluta la SSP a más militares,” *Río Doce*, September 11, 2017, [www.riodoce.mx/2017/09/11/recluta-la-ssp-a-mas-militares](http://www.riodoce.mx/2017/09/11/recluta-la-ssp-a-mas-militares).
90. Liz Douret, “Designan al mayor Carlos Alberto Hernández Leyva como subsecretario de la SSP,” *Línea Directa*, December 7, 2018, [www.lineadirectaportal.com/sinaloa/2018/12/7/designan-al-mayor-carlos-alberto-hernandez-leyva-como-subsecretario-de-la-ssp-212888.html](http://www.lineadirectaportal.com/sinaloa/2018/12/7/designan-al-mayor-carlos-alberto-hernandez-leyva-como-subsecretario-de-la-ssp-212888.html).
91. “Recluta la SSP,” *Río Doce*.
92. Cuenta Pública, “Análisis del Ejercicio del Presupuesto de Egresos Defensa Nacional,” 2017, [www.cuentapublica.hacienda.gob.mx/work/models/CP/2017/tomo/III/Print.R07.03.AEPE.pdf](http://www.cuentapublica.hacienda.gob.mx/work/models/CP/2017/tomo/III/Print.R07.03.AEPE.pdf).

93. Ismael Bojórquez, “El costoso amasiato de Quirino con los militares,” *Río Doce*, November 27, 2017, [www.riodoce.mx/2017/11/27/el-costoso-amasiato-de-quirino-con-los-militares](http://www.riodoce.mx/2017/11/27/el-costoso-amasiato-de-quirino-con-los-militares).
94. Bojórquez, “El costoso amasiato.”
95. Vizcarra, “Construyó Sedena base”; Zorayda Gallegos, “Con Malova y Quirino, la Sedena bajo el mando de Cienfuegos, contrató 10 empresas fantasma,” *Revista Espejo*, October 27, 2020, [www.riodoce.mx/2020/10/27/con-malova-y-quirino-la-sedena-bajo-el-mando-de-cienfuegos-contrato-10-empresas-fantasma](http://www.riodoce.mx/2020/10/27/con-malova-y-quirino-la-sedena-bajo-el-mando-de-cienfuegos-contrato-10-empresas-fantasma).
96. Vizcarra, “Construyó Sedena base.”
97. Alejandro Monjardín, “Compra SSPE uniformes a la Sedena, pero no se los entregan,” *Río Doce*, February 27, 2018, [www.riodoce.mx/2018/02/27/compra-sspe-uniformes-a-la-sedena-pero-no-se-los-entregan](http://www.riodoce.mx/2018/02/27/compra-sspe-uniformes-a-la-sedena-pero-no-se-los-entregan); Alejandro Monjardín, “Trajes policíacos en Sinaloa, baratos y defectuosos,” *Río Doce*, June 12, 2018, [www.riodoce.mx/2018/06/12/trajes-policiacos-en-sinaloa-baratos-y-defectuosos](http://www.riodoce.mx/2018/06/12/trajes-policiacos-en-sinaloa-baratos-y-defectuosos).
98. “Compra Gobierno 8 vehículos a Sedena,” *Noroeste*, August 11, 2018, [www.noroeste.com.mx/culiacan/compra-gobierno-8-vehiculos-a-sedena-ATNO1094884](http://www.noroeste.com.mx/culiacan/compra-gobierno-8-vehiculos-a-sedena-ATNO1094884).
99. Mariano García, “El DGIM DN-XI, el heredero mexicano del Sandcat,” *InfoDefensa*, September 26, 2018, [www.infodefensa.com/texto-diario/mostrar/3057677/dgim-dn-xi-heredero-mexicano-sandcat](http://www.infodefensa.com/texto-diario/mostrar/3057677/dgim-dn-xi-heredero-mexicano-sandcat); Mariano García, “Sedena prepara una nueva serie de 20 blindados DN-XI con capacidades mejoradas,” *InfoDefensa*, January 28, 2019, [www.infodefensa.com/texto-diario/mostrar/3130903/sedena-prepara-nueva-serie-20-blindados-dn-xi-capacidades-mejoradas](http://www.infodefensa.com/texto-diario/mostrar/3130903/sedena-prepara-nueva-serie-20-blindados-dn-xi-capacidades-mejoradas); Ignacio Alzaga, “Ejército diseña y fabrica vehículos a prueba de todo,” *Milenio*, April 8, 2019, [www.milenio.com/policia/ejercito-disena-y-fabrica-vehiculos-a-prueba-de-todo](http://www.milenio.com/policia/ejercito-disena-y-fabrica-vehiculos-a-prueba-de-todo).
100. “Sedena da contrato millonario a empresa del hijo de Bartlett que fue sancionada por la SFP,” *Proceso*, August 23, 2021, [www.proceso.com.mx/nacional/2021/8/23/sedena-da-contrato-millonario-empresa-del-hijo-de-bartlett-que-fue-sancionada-por-la-sfp-270419.html](http://www.proceso.com.mx/nacional/2021/8/23/sedena-da-contrato-millonario-empresa-del-hijo-de-bartlett-que-fue-sancionada-por-la-sfp-270419.html). SEMAR has also been implicated in channeling funds to shell companies; see Silber Meza, “Marina pagó 215 mdp a empresas fantasma,” *El Universal*, August 30, 2021, [www.eluniversal.com.mx/nacion/marina-pago-215-mdp-empresas-fantasma](http://www.eluniversal.com.mx/nacion/marina-pago-215-mdp-empresas-fantasma).
101. México Unido Contra la Delincuencia, *El negocio de la militarización en México* (Mexico City: MUCD, 2022), [www.mucd.org.mx/wp-content/uploads/2022/09/El-negocio-de-la-militarizacion-version-web.pdf](http://www.mucd.org.mx/wp-content/uploads/2022/09/El-negocio-de-la-militarizacion-version-web.pdf).
102. Data from Envepe compiled by the Mexico Violence Resource Project. The start of Sandoval’s term uses data from the 2012 survey, collected approximately six months after the inauguration. End of Sandoval’s term refers to data from the 2018 survey, collected approximately six months after the governor left office (INEGI, “Encuesta Nacional de Victimización y Percepción sobre Seguridad Pública [ENVIPE] 2020,” [www.inegi.org.mx/programas/envipe/2020/](http://www.inegi.org.mx/programas/envipe/2020/)).
103. Salvador Arellano, “En 2 años, más de 100 cuerpos fueron exhumados en fosas de Nayarit,” *Milenio*, April 26, 2019, [www.milenio.com/policia/nayarit-exhuman-100-cuerpos-fosas-clandestinas](http://www.milenio.com/policia/nayarit-exhuman-100-cuerpos-fosas-clandestinas).
104. FIDH, “Mexico: Criminal Structure.”
105. CNB, *Análisis de Contexto*.
106. FIDH, “Mexico: Criminal Structure”; Gloria Leticia Díaz, “Persiste en Nayarit estructura criminal creada en el sexenio de Roberto Sandoval y Edgar Veytia: CNB,” *Proceso*, January 14, 2022, [www.proceso.com.mx/nacional/2022/1/14/persiste-en-nayarit-estructura-criminal-creada-en-el-sexenio-de-roberto-sandoval-edgar-veytia-cnb-279147.html](http://www.proceso.com.mx/nacional/2022/1/14/persiste-en-nayarit-estructura-criminal-creada-en-el-sexenio-de-roberto-sandoval-edgar-veytia-cnb-279147.html).
107. Iñigo Arredondo, “Un Grupo Criminal llamado Policía,” *Una Guerra Adictiva*, December 9, 2021, <https://una-guerra-adictiva.elclip.org/un-grupo-criminal-llamado-policia.html>.
108. Envepe data compiled by the Mexico Violence Resource Project.
109. Mexican Commission for the Defense and Promotion of Human Rights (CMDPDH), “Crímenes atroces cometidos por militares en México: la importancia de las cadenas de mando,” *Animal Político*, August 31, 2020, [www.animalpolitico.com/verdad-justicia-y-reparacion/crimenes-atroces-cometidos-por-militares-en-mexico-la-importancia-de-las-cadenas-de-mando](http://www.animalpolitico.com/verdad-justicia-y-reparacion/crimenes-atroces-cometidos-por-militares-en-mexico-la-importancia-de-las-cadenas-de-mando); Segunda Conferencia Internacional Seguridad Ciudadana, *Seguridad Pública Enfocada en el Uso de la Fuerza e Intervención Militar: la Evidencia en México* (Ciudad de México: Universidad Iberoamericana Ciudad de México, 2019), [https://seguridadciudadana.iberomex.mx/wp-content/uploads/2021/03/Informe\\_PSC\\_2019.pdf](https://seguridadciudadana.iberomex.mx/wp-content/uploads/2021/03/Informe_PSC_2019.pdf).
110. México Unido Contra la Delincuencia, “La Militarización de la Seguridad Pública: Impidiendo la Construcción de un México más Seguro y en Paz,” April 2021, [www.mucd.org.mx/wp-content/uploads/2021/04/BRIEFING-1.pdf](http://www.mucd.org.mx/wp-content/uploads/2021/04/BRIEFING-1.pdf).
111. High-profile anecdotal cases are plentiful, such as the attempt to stage the scene of the Tlatlaya massacre: Washington Office on Latin America, “In Mexico’s Tlatlaya Massacre, Soldiers Were Ordered to ‘Take Them Out,’” press release, July 2, 2015, [www.wola.org/2015/07/in-mexicos-tlatlaya-massacre-soldiers-were-ordered-to-take-them-out](http://www.wola.org/2015/07/in-mexicos-tlatlaya-massacre-soldiers-were-ordered-to-take-them-out).
112. Secretaría de la Defensa Nacional (SEDENA), “Agresiones contra el personal militar. 2007 al 2021,” *Gobierno de México*, May 1, 2019, [www.gob.mx/sedena/acciones-y-programas/agresiones-contra-el-personal-militar](http://www.gob.mx/sedena/acciones-y-programas/agresiones-contra-el-personal-militar). See also Estefanía Vela and Georgina Jiménez, “La SEDENA y su creciente abuso de la fuerza,” *Intersecta*, September 7, 2020, [www.intersecta.org/la-sedena-y-su-creciente-abuso-de-la-fuerza](http://www.intersecta.org/la-sedena-y-su-creciente-abuso-de-la-fuerza); Artículo 19, “SEDENA debe informar sobre civiles muertos, heridos y detenidos en ‘enfrentamientos’ entre 2014 y 2018,” March 15, 2019, [www.articulo19.org/sedena-debe-informar-sobre-civiles-muertos-heridos-y-detenidos-en-enfrentamientos-entre-2014-y-2018](http://www.articulo19.org/sedena-debe-informar-sobre-civiles-muertos-heridos-y-detenidos-en-enfrentamientos-entre-2014-y-2018).
113. Nallely Casillas, “Asume Mauricio García Rodríguez como titular se la SSPyTM en Culiacán,” *El Sol de Sinaloa*, July 6, 2021, [www.elsoldesinaloa.com.mx/local/assume-mauricio-garcia-rodriguez-como-titular-se-la-sspym-en-culiacan-6929727.html](http://www.elsoldesinaloa.com.mx/local/assume-mauricio-garcia-rodriguez-como-titular-se-la-sspym-en-culiacan-6929727.html).

114. “Barda del NAICM, construida por la Sedena, 89% más cara y con empresas fantasma involucradas,” *Proceso*, March 26, 2018, [www.proceso.com.mx/nacional/2018/3/26/barda-del-naicm-construida-por-la-sedena-89-mas-cara-con-empresas-fantasma-involucradas-202167.html](http://www.proceso.com.mx/nacional/2018/3/26/barda-del-naicm-construida-por-la-sedena-89-mas-cara-con-empresas-fantasma-involucradas-202167.html).
115. For example, General Jesús Gutiérrez Rebollo, Mexico’s top antidrug official, was arrested in 1997 and convicted of colluding with traffickers. Adriana Gomez Licon, “Disgraced ex-Mexican drug czar dies at age 79,” AP News, December 20, 2013, [www.apnews.com/article/5ce9373c813949b9af505f8b99efa931](http://www.apnews.com/article/5ce9373c813949b9af505f8b99efa931).
116. Thompson, “How the US Triggered a Massacre in Mexico”; Emily Green and David Mora, “US-Trained Cops in Mexico Killed Migrants, Set Them on Fire, Say Prosecutors,” *Vice*, August 4, 2021, [www.vice.com/en/article/93y847/us-trained-cops-in-mexico-killed-migrants-set-them-on-fire-say-prosecutors](http://www.vice.com/en/article/93y847/us-trained-cops-in-mexico-killed-migrants-set-them-on-fire-say-prosecutors); Drazen Jorgic, “US judge signals slow-moving corruption trial for former Mexican security chief,” *Reuters*, January 21, 2020, [www.reuters.com/article/uk-usa-mexico-corruption-idUKKBN1ZK2NK](http://www.reuters.com/article/uk-usa-mexico-corruption-idUKKBN1ZK2NK).
117. William Finnegan, “In the Name of the Law,” *The New Yorker*, October 18, 2010, [www.newyorker.com/magazine/2010/10/18/in-the-name-of-the-law](http://www.newyorker.com/magazine/2010/10/18/in-the-name-of-the-law); Nathan Jones, “Captured Tijuana Cartel Boss Confirms Sinaloa Truce,” *Insight Crime*, December 12, 2011, [www.insightcrime.org/news/analysis/captured-tijuana-cartel-boss-confirms-sinaloa-truce](http://www.insightcrime.org/news/analysis/captured-tijuana-cartel-boss-confirms-sinaloa-truce).
118. US House of Representatives, *Report of the Western Hemisphere Drug Policy Commission*, 2020 [https://foreignaffairs.house.gov/\\_cache/files/a/5/a51ee680-e339-4a1b-933f-b15e535fa103/AA2A3440265DDE42367A79D4BCBC9AA1.whdpc-final-report-2020-11.30.pdf](https://foreignaffairs.house.gov/_cache/files/a/5/a51ee680-e339-4a1b-933f-b15e535fa103/AA2A3440265DDE42367A79D4BCBC9AA1.whdpc-final-report-2020-11.30.pdf).
119. Kennia Velázquez, Arnoldo Cuéllar, Marcos Vizcarra and Verónica Espinosa, “Carlos Zamarripa: el Caudillo de la Justicia Mexicana,” *Connectas*, May 2020, [www.connectas.org/especiales/carlos-zamarripa-el-caudillo-de-la-justicia-mexicana](http://www.connectas.org/especiales/carlos-zamarripa-el-caudillo-de-la-justicia-mexicana).
120. In Tamaulipas, for example, the state congress has advanced a proposal to allow the state prosecutor to serve a 16-year term.
121. During fiscal years 2015 and 2016, USAID provided targeted assistance to judicial reform programs in Nayarit, as part of a national program largely focused on public defenders and victims’ commissions. Sources note that USAID did not engage with Veytia’s Fiscalía or security forces. Since the Sandoval regime, however, it has provided significant assistance to civil society activists in Nayarit, including for investigations into disappearances that occurred from 2011 to 2017.
122. CMDPDH, “Gross Human Rights Abuses: The Legal and Illegal Gun Trade to Mexico,” August 2018, [www.cmdpdh.org/publicaciones-pdf/cmdpdh-the-legal-and-illegal-gun-trade-to-mexico.pdf](http://www.cmdpdh.org/publicaciones-pdf/cmdpdh-the-legal-and-illegal-gun-trade-to-mexico.pdf). SEDENA is the only institution legally allowed to import weapons.
123. The Mexico Police Firearms Database ([www.stopusarmstomexico/police-firearms-database](http://www.stopusarmstomexico/police-firearms-database)) is based on documents released by SEDENA in response to a public information request, Folio 0000700176018. This was a tiny fraction of the 1,205 Italian-manufactured weapons the state received, but most of the Italian-manufactured weapons were transferred to municipal police forces.
124. The Mexico Police End Use Certificates Database is based on documents released by SEDENA in response a public information request, Folio 0000700065520.
125. Molly Moore, “Vast Mexico Drug Crackdown Targets Top Officials,” *Washington Post*, April 8, 1999, [www.washingtonpost.com/wp-srv/inatl/longterm/mexico/stories/crackdown040899.htm](http://www.washingtonpost.com/wp-srv/inatl/longterm/mexico/stories/crackdown040899.htm).
126. US Department of Justice, “Joint Statement by Attorney General of the United States William P. Barr and Fiscalía General of Mexico Alejandro Gertz Manero,” press release, November 17, 2020, [www.justice.gov/opa/pr/joint-statement-attorney-general-united-states-william-p-barr-and-fiscal-general-mexico](http://www.justice.gov/opa/pr/joint-statement-attorney-general-united-states-william-p-barr-and-fiscal-general-mexico).
127. Political considerations, particularly Sandoval’s closeness with President Enrique Peña Nieto may have factored in this decision, though the case may also have been an example of passively tolerating corruption that did not directly or significantly impact the United States.
128. Drug Enforcement Administration, “National Drug Threat Assessment,” March 2021, [www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment\\_WEB.pdf](http://www.dea.gov/sites/default/files/2021-02/DIR-008-21%202020%20National%20Drug%20Threat%20Assessment_WEB.pdf).
129. US House of Representatives, *Report of the Western Hemisphere Drug Policy*.

## UGANDA CASE STUDY

1. Abdul B. K. Kasozi, *The Social Origins of Violence in Uganda, 1964–1985* (Montreal: McGill-Queen’s University Press, 1994); Robin Luckham, “The Military, Militarization and Democratization in Africa: A Survey of Literature and Issues,” *African Studies Review* 37, no. 2 (1994): 13–75.
2. Paul D. Williams, “Joining AMISOM: Why Six African States Contributed Troops to the African Union Mission in Somalia,” *Journal of Eastern African Studies* 12, no. 1 (2018): 174; Faith I. Okpotor, “The Political Economy of US Security Assistance to Africa: A Research Agenda,” *African Conflict and Peacebuilding Review* 6, no. 1 (2016): 105–22.
3. François Ngolet, “Ideological Manipulations and Political Longevity: The Power of Omar Bongo in Gabon since 1967,” *African Studies Review* 43, no. 2 (September 2000): 55–71; James T. Quinlivan, “Coup-Proofing: Its Practice and Consequences in the Middle East,” *International Security* 24, no. 2 (1999): 131–65; Sabastiano Rwengabo, “Regime Stability in Post-1986 Uganda: Counting the Benefits of Coup-Proofing,” *Armed Forces and Society* 39, no. 3 (2013): 531–59.

4. Kasozi, *Social Origins of Violence*; Rwengabo, "Regime Stability."
5. G. F. Engholm and Ali A. Mazrui, "Violent Constitutionalism in Uganda," *Government and Opposition* 2, no. 4 (1967): 585–99; Ali A. Mazrui and Donald Rothschild, "The Soldier and the State in East Africa: Some Theoretical Conclusions on the Army Mutinies of 1964," *Western Political Quarterly* 20, no. 1 (1967): 82–96.
6. Engholm and Mazrui, "Violent Constitutionalism," 587–89; Kasozi, *Social Origins of Violence*.
7. One example is the Alice Auma/Lakwena's Holy Spirits Movement.
8. Samuel H. Baligidde, "Diplomacy for Development or Doom? Epistemological Reflections on Uganda's Recent Foreign Policy Achievements and Blunders," *Estudios Internacionales* 44, no. 171 (2012): 36.
9. James Tonny Dhizaala, "Presidential Politics in Uganda: Driving Democracy Underground," *Australasian Review of African Studies* 41, no. 1 (2020): 70–85; Rwengabo, "Regime Stability"; interview, March 18, 2021, Kololo, Kampala.
10. Interview, April 21, 2021, Kampala.
11. Section 4 of the National Security Council Act (2000) sets out membership of the NSC.
12. Uganda People's Defence Forces Act, *Cap. 307* (2005); National Security Council Act, *Cap. 301* (2004); interview, Kampala, April 2021.
13. Jonathan Fisher, "Managing Donor Perceptions: Contextualizing Uganda's 2007 Intervention in Somalia," *African Affairs* 111, no. 444 (July 2012): 404–23; Liam Taylor, "'Beacon of Impunity': US Eyes Uganda Ties as Abuses Continue," *Al-Jazeera*, March 4, 2021, [www.aljazeera.com/news/2021/3/4/us-threatens-sanctions-against-ugandan-leader](http://www.aljazeera.com/news/2021/3/4/us-threatens-sanctions-against-ugandan-leader).
14. Interview, April 21, 2021, Kampala.
15. See, for example, Sulaiman Kakaire, "Govt Tasked to Explain Regional Imbalance in Cadet Recruitment," *The Observer* (Kampala), April 24, 2011, [www.observer.ug/component/content/article?id=13134:govt-tasked-to-explain-regional-imbalance-in-cadet-recruitment-](http://www.observer.ug/component/content/article?id=13134:govt-tasked-to-explain-regional-imbalance-in-cadet-recruitment-).
16. Interview, April 25, 2021, Kampala.
17. "Prospective Recruits Bribing Their Way into UPDF," October 17, 2017, *The Observer* (Kampala), [www.observer.ug/news/headlines/55456-prospective-recruits-bribing-their-way-into-updf](http://www.observer.ug/news/headlines/55456-prospective-recruits-bribing-their-way-into-updf); Natascha Wagner, Wil Hout, and Rose Namara, "Improving Police Integrity in Uganda: Assessment of the Police Accountability and Reform Project," *Review of Development Economics* 24 (2020): 62–83.
18. Interview, April 21, 2021, Kampala.
19. Gerald Bareebe, "Predators or Protectors? Military Corruption as a Pillar of Regime Survival in Uganda," *Civil Wars* 22, no. 2–3 (2020): 313–32.
20. Bareebe, "Predators or Protectors?" 313.
21. Bareebe, "Predators or Protectors?"
22. Olive Nakatudde, "Military Secret Spending Swells Again Despite Protest from MPs," *Uganda Radio Network*, April 24, 2015, [www.ugandaradionetwork.com/story/military-secret-spending-swells-again-despite-protest-from-mps](http://www.ugandaradionetwork.com/story/military-secret-spending-swells-again-despite-protest-from-mps); Parliament of the Republic of Uganda, "UPDF Spends Extra Shs400B in Classified Expenditure," March 10, 2020, [www.parliament.go.ug/news/4553/updf-spends-extra-shs400b-classified-expenditure](http://www.parliament.go.ug/news/4553/updf-spends-extra-shs400b-classified-expenditure).
23. Andrew Mwenda, "Nyakairima and UPDF's Soul," *The Independent* (Kampala), September 20, 2015, [www.independent.co.ug/nyakairima-updfs-soul](http://www.independent.co.ug/nyakairima-updfs-soul); Bareebe, "Predators or Protectors?"; Roger Tangri and Andrew M. Mwenda, "Military Corruption and Ugandan Politics Since the Late 1990s," *Review of African Political Economy* 30, no. 98 (2013): 539–52; Tangri and Mwenda, *The Politics of Elite Corruption in Africa: Uganda in Comparative African Perspective* (London: Routledge, 2013).
24. Interview, April 22, 2021, Kampala.
25. Bareebe, "Predators or Protectors?"
26. Inspectorate of Government, "Row Over Shs 130 billion UPDF Hospital Goes To IGG," March 1, 2016, [www.igg.go.ug/updates/media/row-over-shs130-billion-updf-hospital-goes-to-igg](http://www.igg.go.ug/updates/media/row-over-shs130-billion-updf-hospital-goes-to-igg).
27. Inspectorate of Government, "IGG to Investigate Army over Ghost Pilot Scam," December 29, 2016, [www.igg.go.ug/updates/media/igg-to-investigate-army-over-ghost-pilot-scam](http://www.igg.go.ug/updates/media/igg-to-investigate-army-over-ghost-pilot-scam).
28. Inspectorate of Government, "Summary of Report on Investigation into Alleged Mismanagement/Embezzlement and Loss of Terminal Benefits of Former Internal Security Organisation (ISO) Employees," December 2014, [www.igg.go.ug/media/files/publications/IG\\_Report\\_on\\_ISO\\_Employees.pdf](http://www.igg.go.ug/media/files/publications/IG_Report_on_ISO_Employees.pdf). UVETISO Limited had a bank account (no. 0145034204600) in Crane Bank Ltd, Kampala Road Branch, with signatories listed as Jeff Lawrence Kiwanuka, Jamal Kitandwe, and Bernard Kamugisha. The trio withdrew UGX 4,917,764,000 (\$1.3 million) in cash from the UVETISO Association Account, which was never accounted for. See Rec. 3.6.5
29. Interview, April 13, 2021, Kampala.
30. Interview, April 13, 2021, Kampala.
31. Harold D. Laswell, "The Garrison State," *American Journal of Sociology* 46, no. 4 (1941): 455–68; Sabastiano Rwengabo and Jonas Mbabazi, "Militarisation and the Laswellian Garrison State in Uganda," (unpublished manuscript, 2019).



32. Rwengabo and Mbabazi, "Militarisation."
33. Interview, April 1, 2021, Kampala.
34. Even with official UN/AU sanction, aspects of mercenarization and profiteering are evident, such as Somalia.
35. Patience Kabamba, "External Economic Exploitation in the DRC: 1990–2005," *African Studies Review* 55, no. 1 (2012): 123–30; Phillip Apuuli Kasajja, "The United Nations' Mapping Exercise Report and Uganda's Involvement in the Democratic Republic of Congo Conflict from 1996 to 2003," *African Human Rights Law Journal* 11 (2011): 659–82; UN Security Council, "Final Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of DR Congo," October 28, 2003, [www.undocs.org/S/2003/1027](http://www.undocs.org/S/2003/1027).
36. "Why UPDF Deployed in Equatorial Guinea," February 17, 2017, *Daily Monitor* (Kampala), [www.monitor.co.ug/uganda/news/national/why-updf-deployed-in-equatorial-guinea-1688586](http://www.monitor.co.ug/uganda/news/national/why-updf-deployed-in-equatorial-guinea-1688586); Francis Adongo, "UPDF Deploys Secretly in Equatorial Guinea," "We Don't Need Parliamentary Approval to Deploy in Equatorial Guinea," February 27, 2020, *Eagle Online* (Kampala), [www.eagle.co.ug/2017/02/14/we-dont-need-parliamentary-approval-to-deploy-in-equatorial-guinea-updf.html](http://www.eagle.co.ug/2017/02/14/we-dont-need-parliamentary-approval-to-deploy-in-equatorial-guinea-updf.html); "UPDF Makes 3 Years in Equatorial Guinea as it Increases its Numbers to 700 Soldiers," *Eagle Online* (Kampala), February 27, 2020, [www.eagle.co.ug/2020/02/27/updf-makes-3-years-in-equatorial-guinea-as-it-increases-its-numbers-to-700-soldiers.html](http://www.eagle.co.ug/2020/02/27/updf-makes-3-years-in-equatorial-guinea-as-it-increases-its-numbers-to-700-soldiers.html).
37. Moses Khisa, "Shrinking Democratic Space? Crisis of Consensus and Contentious Politics in Uganda," *Commonwealth & Comparative Politics* 57, no. 3 (2019): 343–62.
38. Anne Mette Kjær, and Mesharch W. Katusiimeh, "Nomination Violence in Uganda's National Resistance Movement," *African Affairs* 120, no. 479 (2021): 177–98.
39. Interview, April 20, 2021, Kampala.
40. See, for instance, Thomas Pepinsky, "The Institutional Turn in Comparative Authoritarianism," *British Journal of Political Science* 44, no. 3 (2014): 631–53; Anders Sjøgren, "Wielding the Stick Again: The Rise and Fall and Rise of State Violence during Presidential Elections in Uganda," in *Violence in African Elections: Between Democracy and Big Man Politics*, ed. Mimmi Söderberg Kovacs and Jesper Bjarnesen (London: Zed Books, 2018): 47–66; Rebecca Tapscott, "Where the Wild Things are Not: Crime Preventers and the 2016 Ugandan Elections," *Journal of Eastern African Studies* 10, no. 4 (2016), 693–712; Bareebe, "Predators or Protectors?"
41. Parliament of the Republic of Uganda, "Fishing Communities Divided over UPDF Presence on Lakes," November 22, 2018, [www.parliament.go.ug/news/2928/fishing-communities-divided-over-updf-presence-lakes](http://www.parliament.go.ug/news/2928/fishing-communities-divided-over-updf-presence-lakes).
42. See Jemera Rone, "State of Pain: Torture in Uganda," Human Rights Watch, 2004, [www.hrw.org/sites/default/files/reports/uganda0304.pdf](http://www.hrw.org/sites/default/files/reports/uganda0304.pdf); Refugee Review Tribunal Australia, "RRT Research Response #UGA33919," October 2008, [www.ecoi.net/en/file/local/1068894/2016\\_1297955689\\_uga33919.pdf](http://www.ecoi.net/en/file/local/1068894/2016_1297955689_uga33919.pdf); Privacy International, "For God and My President: State Surveillance In Uganda," October 2015, [www.privacyinternational.org/sites/default/files/2017-12/Uganda\\_Report\\_1.pdf](http://www.privacyinternational.org/sites/default/files/2017-12/Uganda_Report_1.pdf).
43. Andrew Bagala, "We Don't Know Whereabouts of Missing Persons—Gov't," *Daily Monitor* (Kampala), January 28, 2021, [www.monitor.co.ug/uganda/news/national/we-don-t-know-whereabouts-of-missing-people-govt-3271450](http://www.monitor.co.ug/uganda/news/national/we-don-t-know-whereabouts-of-missing-people-govt-3271450).
44. See, for example, Eboe Hutchful, preface to *Changing Intelligence Dynamics in Africa*, ed. Sandy Africa and Johnny Kwadjo (Birmingham: GFN-SSR, 2009); interviews, April 2021, Kampala.
45. Barney Walsh, "Revisiting Regional Security Complex Theory in Africa: Museveni's Uganda and Regional Security in East Africa," *African Security* 13, no. 4 (2021): 300–24.
46. Gérard Prunier, "Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo (1986–99)," *African Affairs* 103, no. 412 (2004): 359–83; Filip Reyntjens, *The Great African War: Congo and Regional Geopolitics, 1996–2006* (New York: Cambridge University Press, 2009); Kasajja Philip Apuuli, "Explaining the (il)legality of Uganda's Intervention in the Current South Sudan Conflict," *African Security Review* 23 no. 4 (2014): 352–69; Filip Reyntjen, "Instability in the Great Lakes Region," in *Africa in World Politics: Constructing Political and Economic Order*, ed. John W. Harbeson and Donald Rothchild (New York: Routledge, 2017): 176–202.
47. Fisher, "Managing Donor Perceptions."
48. "MPs Question Ugandan Army's Presence in Bunia," November 3, 2015, *New Humanitarian*, [www.thenewhumanitarian.org/fr/node/210310](http://www.thenewhumanitarian.org/fr/node/210310); "MPs Turn on Each Other over UPDF Mission in South Sudan," January 11, 2014, *Daily Monitor* (Kampala), [www.monitor.co.ug/uganda/news/national/mps-turn-on-each-other-over-updf-mission-in-south-sudan-1562912](http://www.monitor.co.ug/uganda/news/national/mps-turn-on-each-other-over-updf-mission-in-south-sudan-1562912).
49. Allen Grane, "Uganda and the African Standby Force," Council on Foreign Relations, March 17, 2014, [www.cfr.org/blog/uganda-and-african-standby-force](http://www.cfr.org/blog/uganda-and-african-standby-force); Sabastiano Rwengabo, *Security Cooperation in the East African Community* (Trenton, NJ: Africa World Press, 2018); Line Wallenius, "Any Small Thing Ugandans Do, They Will Kill You': A Study of Xenophobia Towards Ugandan Traders in South Sudan" (master's thesis, University of Oslo, 2017); Felix Warom Okello and Rashul Adidi, "Relatives of Ugandans killed in South Sudan demand compensation," *Daily Monitor* (Kampala), April 4, 2021, [www.monitor.co.ug/uganda/news/national/relatives-of-ugandans-killed-in-south-sudan-demand-compensation-3348102](http://www.monitor.co.ug/uganda/news/national/relatives-of-ugandans-killed-in-south-sudan-demand-compensation-3348102); Sophie Neiman, "The Dangers of Deteriorating Relations Between Rwanda and Uganda," *World Politics Review*, October 17, 2019, [www.worldpoliticsreview.com/articles/28272/the-dangers-of-deteriorating-relations-between-rwanda-and-uganda](http://www.worldpoliticsreview.com/articles/28272/the-dangers-of-deteriorating-relations-between-rwanda-and-uganda).
50. Anne J. Kantel, "Fishing for Power: Incursions of the Ugandan Authoritarian State," *Annals of the American Association of Geographers* 109, no. 2 (2019): 443–55; Edwin Karuhanga, "An Assessment of the Outcome of Military Enforcement of Lake Victoria Fisheries: A Case Study of Kasenyi Landing Site" (BSc diss., Makerere University, 2018); Pranietha Mudliar, "Polycentric to Monocentric Governance: Power Dynamics in Lake Victoria's Fisheries," *Environmental Policy and Governance* 31, no. 4 (2021): 302–15.

51. W. Andy Knight and Temitope B. Oriola, "Regional Security Governance in Africa," *African Security* 13, no. 4 (2020): 2; Barney Walsh, "Revisiting Regional Security Complex Theory in Africa: Museveni's Uganda and Regional Security in East Africa," *African Security* 13, no. 4 (2020); Conflict Armament Research, *Weapon Supplies into South Sudan's Civil War: Regional Re-Transfers and International Intermediaries* (London: CAR, 2018).
52. US Department of State, "Partnership for Regional East Africa Counterterrorism (PRACT)," February 14, 2019, [www.state.gov/partnership-for-regional-east-africa-counterterrorism-preact](http://www.state.gov/partnership-for-regional-east-africa-counterterrorism-preact).
53. Expert Convening, June 10, 2021; interviews, March–May 2021, Kampala; Enough Project, "Completing the Mission: US Special Forces are Essential for Ending the LRA," October 2013, [www.reliefweb.int/sites/reliefweb.int/files/resources/Completing-The-Mission-US-Special-Forces-Essential-to-Ending-LRA.pdf](http://www.reliefweb.int/sites/reliefweb.int/files/resources/Completing-The-Mission-US-Special-Forces-Essential-to-Ending-LRA.pdf).
54. US Department of State, *US Relations with Uganda*, December 19, 2019, [www.state.gov/u-s-relations-with-uganda](http://www.state.gov/u-s-relations-with-uganda).
55. Security Assistance Monitor, "Security Assistance Database," Center for International Policy, [www.securityassistance.org/security-sector-assistance](http://www.securityassistance.org/security-sector-assistance).
56. Participant, Expert Convening, June 10, 2021.
57. Participant, Expert Convening, June 10, 2021.
58. Participant, Expert Convening, June 10, 2021.
59. See, for instance, US Embassy in Uganda, "Press Statement: On the Results of Uganda's Presidential Elections," press release, February 20, 2016, <https://ug.usembassy.gov/press-statement-on-the-results-of-ugandas-presidential-elections>; participant, Expert Convening, June 10, 2021.
60. Commonwealth Secretariat, "Uganda Presidential and Parliamentary Elections: Report of the Commonwealth Observer Group," February 23, 2006, [www.aceproject.org/ero-en/regions/africa/UG/uganda-final-report-presidential-and-parliamentary-1](http://www.aceproject.org/ero-en/regions/africa/UG/uganda-final-report-presidential-and-parliamentary-1).
61. Interview, April 26, 2021.
62. HRW, "State of Pain"; "Refugee Review Tribunal Australia," October 2008.
63. Fisher, "Managing Donor Perceptions"; Sebastiano Rwengabo, "AMISOM and African-Centred Solutions to Peace and Security Challenges," *AfSol Journal* 1, no. 1 (2016): 91–137.
64. This also allowed for the strengthening of the SFC and ad hoc agencies like JATF, VCCU, Police Flying Squad, and Crime Preventers, all with a questionable legal basis.
65. Interview, April 26, 2021.
66. Interview, April 26, 2021.
67. Participant, Expert Convening, June 10, 2021.
68. Greg Mills and Jeffrey Herbst, "Africa, Terrorism and AFRICOM," *RUSI* 152, no. 2 (2007), 40–44; A. Sarjoh Bah and Kwesi Aning, "US Peace Operations Policy in Africa: From ACRI to AFRICOM," *International Peacekeeping* 15, no. 1 (2008): 118–32; Jolle Demmers and Lauren Gould, "An Assemblage Approach to Liquid Warfare: AFRICOM and the 'Hunt' for Joseph Kony," *Security Dialogue* 49, no. 5 (2018): 364–81; Bronwyn E. Bruton and Paul D. Williams, *Counterinsurgency in Somalia: Lessons Learned from the African Union Mission in Somalia, 2007–2013* (MacDill Air Force Base, FL: Joint Special Operations University Press, 2014): 73–82; Rubrick Biegona and Tom Watts, "Security Cooperation as Remote Warfare: The US in the Horn of Africa," in *Remote Warfare: Interdisciplinary Perspectives*, ed. Alasdair McKay, Abigail Watson, and Megan Karlshøj-Pedersen (Bristol: e-International Relations Publishing, 2021): 152–73.
69. Jason Burke, "Ugandan President's Son Named in ICC Complaint over Abductions and Abuse," *The Guardian*, May 3, 2021, [www.theguardian.com/world/2021/may/03/ugandan-presidents-son-named-in-icc-complaint-over-abductions-and-abuse](http://www.theguardian.com/world/2021/may/03/ugandan-presidents-son-named-in-icc-complaint-over-abductions-and-abuse).
70. Interview, March 18, 2021, Kampala.
71. Kasozi, *Social Origins of Violence*; Luckham, "Military, Militarization and Democratization."
72. Fisher, "Managing Donor Perceptions"; Nilton César Fernandes Cardoso, "Regional Security in the Horn of Africa: Conflicts, Agendas and Threats," *Brazilian Journal of African Studies* 1, no. 2 (2017): 131–65.
73. François Ngolet, "Ideological Manipulations and Political Longevity: The Power of Omar Bongo in Gabon since 1967," *African Studies Review* 43, no. 2 (September 2000): 55–71; Quinlivan, "Coup-Proofing"; Rwengabo, "Regime Stability."
74. Interview, March 17–18, 2021, Kampala.
75. Interview, April 12, 2021, Kampala.
76. Sebastiano Rwengabo, *Security Cooperation in the East African Community* (Trenton, NJ: Africa World Press, 2018).



## UKRAINE CASE STUDY

1. Razumkov Center, "Public Trust in Judicial System in Ukraine," December 2020, <https://rm.coe.int/zvitsud2020/1680a0c2d7>.
2. Razumkov Center, "Public Opinion on the Current Situation in Ukraine, Public Trust in Social Institutes, Politicians, Electoral Preferences," March 2021, <https://razumkov.org.ua/napriamky/sotsiologichni-doslidzhennia/otsinka-sytuatsii-v-kraini-dovira-do-instytutiv-suspilstva-ta-politykiv-elektoralni-oriientsatsii-gromadian-berezen-2021r>.
3. The Kremlin, "Address by the President of the Russian Federation," February 21, 2022, <http://en.kremlin.ru/events/president/news/67828>.
4. "Who Is the Newly Elected HCJ Member Inna Plakhtiy?," Automaidan, March 17, 2021, [www.automaidan.org.ua/17032021.html](http://www.automaidan.org.ua/17032021.html).
5. For further information on organized crime in Ukraine, see the report prepared in December 2022 by Phil Williams and John Picarelli for the US Department of Justice, "Organized Crime in Ukraine: Challenge and Response," [www.ojp.gov/pdffiles1/nij/grants/198321.pdf](http://www.ojp.gov/pdffiles1/nij/grants/198321.pdf).
6. Rinat Akhmetov, Ukraine's richest person and the most influential oligarch, started his career as a business partner of Akhat Bragin, who according to Ukrainian police was an influential criminal leader in 1990s. Akhmetov inherited Bragin's business interests after his death in an explosion during a football match. Maximilian Hess, "Ukraine's Donbas Don: Who Is Rinat Akhmetov?," *Eurasianet*, January 29, 2020, [www.eurasianet.org/ukraines-donbas-don-who-is-rinat-akhmetov](http://www.eurasianet.org/ukraines-donbas-don-who-is-rinat-akhmetov); Tatyana Chornovil, "Donetsk Vendetta (Supplemented)," *Ukrainska Pravda*, January 28, 2013, <https://blogs.pravda.com.ua/authors/chornovol/5106584eed6da>. Another Ukrainian oligarch, Dmytro Firtash, made his fortune in the natural gas market when his firm became the sole trader in Russian gas in Ukraine, which was impossible without Russian state patronage. Firtash faces bribery-related criminal charges in the United States and is allegedly connected to Russian mafia. Todd Prince, "Dmytro Firtash: Who Is the Ukrainian Tycoon Wanted by the U.S. on Bribery Charges?," *Radio Free Europe/Radio Liberty*, June 25, 2019, [www.rferl.org/a/dmytro-firtash-who-is-the-ukrainian-tycoon-wanted-by-the-u-s-on-bribery-charges-/30020239.html](http://www.rferl.org/a/dmytro-firtash-who-is-the-ukrainian-tycoon-wanted-by-the-u-s-on-bribery-charges-/30020239.html); Tom Winter, Ken Dilanian, and Dan De Luce, "Who Is Dmytro Firtash? The Man Linked to \$1 Million Loan to Giuliani Ally has a Shadowy Past," *NBC*, January 25, 2020, [www.nbcnews.com/politics/politics-news/who-dmytro-firtash-man-linked-1-million-loan-giuliani-ally-n1121561](http://www.nbcnews.com/politics/politics-news/who-dmytro-firtash-man-linked-1-million-loan-giuliani-ally-n1121561).
7. For an overview of lawsuits against the government, see Anna Myroniuk, "What Is Happening with PrivatBank Court Cases and Why Is This Such a Big Deal?," *Kyiv Post*, March 22, 2020, [www.kyivpost.com/business/what-is-happening-with-PrivatBank-court-cases-and-why-is-this-such-a-big-deal.html](http://www.kyivpost.com/business/what-is-happening-with-PrivatBank-court-cases-and-why-is-this-such-a-big-deal.html). For more details on court decisions, see Oleg Sukhov, "Court Rules to Seize Pipeline Allegedly Linked to Medvedchuk," *Kyiv Post*, February 24, 2021, [www.kyivpost.com/ukraine-politics/court-rules-to-seize-pipeline-allegedly-linked-to-medvedchuk.html](http://www.kyivpost.com/ukraine-politics/court-rules-to-seize-pipeline-allegedly-linked-to-medvedchuk.html). On the story behind the case, see Andrian Prokip, "Medvedchuk's Wings Clipped: Ukraine's Energy and Political 'Ambassador' to Russia Hit by Sanctions," *Focus Ukraine* (blog), Wilson Center, May 6, 2021, [www.wilsoncenter.org/blog-post/medvedchuks-wings-clipped-ukraines-energy-and-political-ambassador-russia-hit-sanctions](http://www.wilsoncenter.org/blog-post/medvedchuks-wings-clipped-ukraines-energy-and-political-ambassador-russia-hit-sanctions).
8. The experts of the Reanimation Package of Reforms, a civic coalition advocating for reforms after the Maidan Revolution, anticipated that the judiciary would become independent if institutional strings were cut. The law, adopted in the first few months after the revolution, gave judges the right to elect court presidents. Before this, they had been appointed by the HCJ, controlled by Yanukovich. See Anastasia Simukha and Taras Shepe, "Criminal Organization of Judges," *Ukrainska Pravda*, August 21, 2014, [www.pravda.com.ua/articles/2014/08/21/7035201](http://www.pravda.com.ua/articles/2014/08/21/7035201).
9. Mykhailo Zhernakov, "Judicial Reform in Ukraine: Mission Possible?," *International Renaissance Foundation*, [https://rpr.org.ua/wp-content/uploads/2017/02/Renaissance\\_A4\\_5JURIDICIAL-REFORM.pdf](https://rpr.org.ua/wp-content/uploads/2017/02/Renaissance_A4_5JURIDICIAL-REFORM.pdf).
10. Forty-four candidates who received negative PIC opinions were appointed judges of the Supreme Court; the overall number of SC judges was 195. DEJURE Foundation, "Judicial Reform: A Fresh Start Is Needed," November 2019, 9, <https://en.dejure.foundation/library/judicial-reform-a-fresh-start-is-needed>.
11. Slidstvo Info, "Did the Prosecutor Want To Buy a Mercedes for a Bribe? Secrets of the Investigation," YouTube video, <https://youtu.be/mwkvYSxTvU>.
12. Estelle Shirbon, "Ukrainian Oligarchs Settle \$2-Billion Dispute Days Before London Court Hearing," *Reuters*, January 22, 2016, [www.reuters.com/article/uk-britain-ukraine-oligarchs-idUKKCN0V02O3](http://www.reuters.com/article/uk-britain-ukraine-oligarchs-idUKKCN0V02O3).
13. DEJURE Foundation, "48 Friends of Pavlo Vovk," <https://dejure.foundation/48-vovk-friends>; "The HCJ Covers Judges of DACK Who Were Suspected of Committing Crimes," <https://vrpfails.dejure.foundation/the-hcj-covers-judges-of-dack-who-were-suspected>. For information on Bohdan Lvov orchestrating the appointment of judges of the CCU and HCJ, see DEJURE Foundation, "Members of the HCJ Do Not Meet the Criteria of Integrity," <https://vrpfails.dejure.foundation/en/members-of-the-hcj-do-not-meet-the-criteria-of-integrity>.
14. Natalie Sedletska and Heorhiy Shabayev, "Ukrainian Supreme Court Judge Has Russian Citizenship, Investigation Finds," September 30, 2022, *Radio Free Europe/Radio Liberty*, [www.rferl.org/a/ukraine-supreme-court-judge-russian-citizenship-investigation/32059734.html](http://www.rferl.org/a/ukraine-supreme-court-judge-russian-citizenship-investigation/32059734.html).
15. "Judgments and Protocols in Cases against Maidan Activists are Carbon Copied," *Zmina*, December 10, 2015, [https://zmina.info/en/news-en/sudovi\\_rishennja\\_ta\\_protokoli\\_shhodo\\_majdanivciv\\_pisali\\_pid\\_kopirku-3](https://zmina.info/en/news-en/sudovi_rishennja_ta_protokoli_shhodo_majdanivciv_pisali_pid_kopirku-3).
16. This institution's role in manipulating justice will be further covered in detail. Vasyl Bidun, "Shortly before Zelensky's victory in the elections, the DACK was preparing a 'gift'," *Slidstvo-Info*, November 4, 2020, [www.slidstvo.info/news/pislya-sliv-suddi-pavla-vovka-pro-podarunok-zelenskomu-oask-skasuvav-zaboronu-serialu-svaty](http://www.slidstvo.info/news/pislya-sliv-suddi-pavla-vovka-pro-podarunok-zelenskomu-oask-skasuvav-zaboronu-serialu-svaty).

17. "DACK Opened Proceedings in the Case on Cancellation of the Decision of the Congress of the Party, 'Servant of the people,'" September 25, 2020, District Administrative Court of Kyiv, <http://oask.gov.ua/node/4601>.
18. A list of cases involving HCJ persecuted judges who stood up to systemic corruption, prepared by leading NGOs in judicial reform (the DEJURE Foundation, Automaidan, and Anti-Corruption Action Center). See DEJURE Foundation, "The HCJ Systematically Puts Pressure on Independent Judges," <https://vrpfails.dejure.foundation/en/the-hcj-systematically-puts-pressure-on-independent-judges>.
19. The HCJ has used disciplinary proceedings to launch attacks on HACC judges, and judges themselves publicly state that the HCJ is interfering in the administering of justice.
20. For the new model of HCJ formation, see DEJURE Foundation, "Judicial Reform."
21. The Supreme Court president is the HCJ member ex officio.
22. For a summary of the recordings, see DEJURE Foundation, "Members of the HCJ Do Not Meet the Criteria of Integrity." For the recordings, see "How Judges Vote on the Instructions of the Leadership," 24Channel, June 27, 2019, [www.24tv.ua/yak\\_suddi\\_golosuyut\\_zh\\_vkazivkami\\_kerivnitstva\\_zyavivsvya\\_audiozapis\\_tayemnih\\_zboriv\\_n1171982](http://www.24tv.ua/yak_suddi_golosuyut_zh_vkazivkami_kerivnitstva_zyavivsvya_audiozapis_tayemnih_zboriv_n1171982).
23. DEJURE Foundation, "Members of the HCJ Do Not Meet the Criteria of Integrity."
24. Malovatskyi had represented the Petro Poroshenko Bloc during the 2014 parliamentary elections and was on the party list. He was nominated by the Petro Poroshenko Bloc faction. Hrechivskiy sat on Kyiv city council with Petro Poroshenko Bloc party leaders in 2008.
25. DEJURE Foundation, "Members of the HCJ Act on the Instructions of Judges of District Administrative Court of Kyiv," <https://vrpfails.dejure.foundation/members-of-the-hcj-act-on-instructions-of-judges-of-dack>.
26. The HQCJ is a so-called HR of the judiciary, and conducts the selection of all judicial candidates to vacant seats and recommends their appointment to the HCJ. The HCJ in turn can reject a candidate selected by the HQCJ.
27. It conducts disciplinary proceedings against judges and is the only body that can dismiss a judge from its position for misconduct. For an overview, see DEJURE Foundation, "Ukrainian Judiciary," <https://en.dejure.foundation/library/ukrainian-judiciary>. For more on the results of the selection of the new Supreme Court judges, see Centre of Policy and Legal Reforms and DEJURE Foundation, "Establishment of the New Supreme Court: Key Lessons," January 2018, <https://drive.google.com/file/d/1WXTK3S3uMwpitiFdCzZqh5BfoDj7SyFQ/view>.
28. Vyacheslav Masnyi, "VPR Announced a Disciplinary Penalty for the Judge of the HQCJ, Which Allowed Vovk's Drive," *Suspilne*, March 18, 2021, <https://suspilne.media/114468-vpr-ogolosila-disciplinarnе-stagnenna-dla-suddi-vaks-akij-dozvoliv-privid-vovka>.
29. DEJURE Foundation, "The HCJ is Putting Pressure."
30. DEJURE Foundation, "Failures of the High Council of Justice," <https://vrpfails.dejure.foundation/en>.
31. Probably the most extreme case is that of Viacheslav Poliushko, sentenced for life based on evidence received under torture. The judge in his case—Oleksandr Kasminin—is now the judge of the Constitutional Court. For an overview of a number of life sentence cases, see "The Unresolved Question of the Decade," Ukrainian Helsinki Human Rights Union, January 14, 2021, <https://helsinki.org.ua/articles/nevyrishene-pytannia-desiatyrichchia>.
32. The Supreme Court reviews the decisions of Parliament, the president, the HCJ, and the HQCJ. The DACK reviews decisions of the Cabinet of Ministers, ministries, other central executive bodies, and results of all competitive selection procedures for the most senior posts.
33. "Kyiv Administrative Court Suspended Ulana Suprun from Serving as Ukraine's Acting Health Minister," *UATV*, February 5, 2019, [www.uatv.ua/en/kyiv-administrative-court-suspended-ulana-suprun-serving-ukraines-acting-health-minister](http://www.uatv.ua/en/kyiv-administrative-court-suspended-ulana-suprun-serving-ukraines-acting-health-minister).
34. Andriy Portnov masterminded the judicial hierarchy of the Yanukovich era and was sanctioned by the West after the Maidan Revolution. Halya Coynash, "Notorious Judge Awards Ex-Yanukovich Aide Millions in Damages from Ukraine," Kharkiv Human Rights Protection Group, August 15, 2019, [www.khpg.org/en/1565641437](http://www.khpg.org/en/1565641437).
35. "Serhiy Kivalov," Organized Crime and Corruption Reporting Project, [www.occrp.org/en/paradisepapers/profiles/serhiy-kivalov](http://www.occrp.org/en/paradisepapers/profiles/serhiy-kivalov).
36. "Judge Vovk: Portnov Will Take a Bite of Pyotr Alekseevich, Find It, Get It. And Poroshenko Will Ask for Political Asylum Somewhere," *Gordon*, August 23, 2019, [www.gordonua.com/publications/sudja-vovk-portnov-petra-alekseevicha-perekusit-najdet-dostanet-i-poroshenko-budet-gde-to-politicheskoe-ubezhishche-prosit-1211151.html](http://www.gordonua.com/publications/sudja-vovk-portnov-petra-alekseevicha-perekusit-najdet-dostanet-i-poroshenko-budet-gde-to-politicheskoe-ubezhishche-prosit-1211151.html).
37. For more on the career of Pavlo Vovk and the DACK's decisions, see Anti-Corruption Action Center, "There Are Many Presidents But There Is Only One KDAC. How Pavlo Vovk Became the Most Notorious Judge of the Decade," April 8, 2021, <https://antac.org.ua/en/news/there-are-many-presidents-but-there-is-only-one-kdac-how-pavlo-vovk-became-the-most-notorious-judge-of-the-decade>.
38. "Abuse of office by the Kyiv District Administrative Court judges: new episodes," National Anti-Corruption Bureau of Ukraine (NABU), July 17, 2020, <https://nabu.gov.ua/en/novyny/abuse-office-kyiv-district-administrative-court-judges-new-episodes>.
39. "Under the Tune of the Kremlin: Anti-Ukrainian Decisions of the DACK," *ZN,UA*, January 27, 2022, <https://zn.ua/ukr/LAW/pid-dudku-kremlja-antiukrajinski-rishennja-oask.html>.
40. Under the Mantle (@PodMantiyey), Telegram post, June 16, 2020, <https://t.me/s/PodMantiyey>.
41. For a screenshot of the post, and a comment by the Anti-Corruption Action Center, see [www.facebook.com/vitaliy.shabunin/posts/10158008426089537](http://www.facebook.com/vitaliy.shabunin/posts/10158008426089537). For Vitaliy Shabunin's original post on Telegram, see <https://t.me/PodMantiyey/1321>.

42. Serhii Andrushko, "The Kremlin's 'Legitimate' Scenario. Who and How in Ukraine Helped to 'Renew' Yanukovich?," Radio Svoboda, November 17, 2022, [www.radiosvoboda.org/a/skhemy-lehitymnyy-stsenariy-kremlya/32135589.html](http://www.radiosvoboda.org/a/skhemy-lehitymnyy-stsenariy-kremlya/32135589.html).
43. "Danilov Told How the Judges Were Supposed to Legitimize Yanukovich in Ukraine," *Global Happenings*, May 27, 2022, [www.globalhappenings.com/opinion/189880.html](http://www.globalhappenings.com/opinion/189880.html).
44. In 2015, Ukrainian Parliament adopted the law "On Decommunization," providing for the removal of Soviet Communist monuments, and renaming the cities, villages, and streets named after Communist leaders. Interfax Ukraine, "Court Settles Portnov's Claim on Celebration of OUN-UPA Anniversaries," *Kyiv Post*, March 12, 2020, [www.kyivpost.com/ukraine-politics/court-settles-portnovs-claim-on-celebration-of-oun-upa-anniversaries.html](http://www.kyivpost.com/ukraine-politics/court-settles-portnovs-claim-on-celebration-of-oun-upa-anniversaries.html).
45. Statement by the Judiciary of Ukraine: Supreme Court, "The Plenum of the Supreme Court Adopted a Statement on the Records Made, According to the NABU, in the Office of the Head of the DACK," September 18, 2020, <https://supreme.court.gov.ua/supreme/pres-centr/news/994530>.
46. "Court Decisions Regarding PrivatBank Threatening Cycle of Monetary Policy Mitigation Started by NBU," Interfax-Ukraine, May 6, 2019, <https://en.interfax.com.ua/news/economic/585688.html>.
47. International Monetary Fund, press release, April 19, 2019, [www.imf.org/~media/Files/Countries/ResRep/UKR/press-release-imf-PrivatBank-april-19-2019.ashx](http://www.imf.org/~media/Files/Countries/ResRep/UKR/press-release-imf-PrivatBank-april-19-2019.ashx).
48. "Ukraine Arrests Ex-PrivatBank Official as U.S. Prioritizes Criminal Probe of Former Owners," Radio Free Europe/Radio Liberty, February 22, 2021, [www.rferl.org/a/ukraine-oligarchs-kolomoyskiy-boholyubov-us-case-suspended-forfeiture-criminal-investigation/31115946.html](http://www.rferl.org/a/ukraine-oligarchs-kolomoyskiy-boholyubov-us-case-suspended-forfeiture-criminal-investigation/31115946.html).
49. Project Liga, "PrivatBank's 'Big Bang': A Complete Guide to the Universe of Courts on Nationalization," [https://project.liga.net/projects/bigbang\\_privat\\_eng/#1planet](https://project.liga.net/projects/bigbang_privat_eng/#1planet).
50. International Monetary Fund, press release, April 19, 2019; "Court Decisions Regarding PrivatBank Threatening Cycle of Monetary Policy Mitigation Started by NBU," Interfax-Ukraine.
51. Parliament could not appoint her as minister because many MPs representing stakeholders in the health-care system opposed her. The Cabinet of Ministers appointed her as acting minister without a parliamentary vote. Igor Kossof, "Attacks on Suprun seen as revenge for her success in fighting corruption," *Kyiv Post*, February 8, 2019, [www.kyivpost.com/ukraine-politics/attacks-on-suprun-seen-as-revenge-for-her-success-in-fighting-corruption.html](http://www.kyivpost.com/ukraine-politics/attacks-on-suprun-seen-as-revenge-for-her-success-in-fighting-corruption.html).
52. The lawsuit's initiator, MP Mosiychuk, claimed that Suprun was not a Ukrainian citizen even though she had been granted Ukrainian citizenship in 2015. "Mosiychuk vs. Suprun: What Is the Essence of the Case?," February 15, 2019, BBC, [www.bbc.com/ukrainian/news-47252445](http://www.bbc.com/ukrainian/news-47252445).
53. "The Scandalous District Administrative Court of Kiev Suspended the Reform of Food in the Army," *LB.ua*, July 27, 2019, [www.lb.ua/society/2019/07/27/433280\\_skandalniy\\_okruzhnoy\\_adminsud\\_kieva.html](http://www.lb.ua/society/2019/07/27/433280_skandalniy_okruzhnoy_adminsud_kieva.html).
54. Stepan Bercot, "What Are the Legal Consequences of the DACK's Decision Regarding NABU Director Sytnyk?," DEJURE Foundation, October 27, 2020, <https://dejure.foundation/tpost/xcnjrlzmg1-yak-yuridichn-nasldki-rshennya-oask-scho>; DEJURE Foundation, "The Constitutional Court Will Not Reinstate Ex-head Stanislav Shevchuk as a Judge," December 5, 2019, <https://dejure.foundation/tpost/sble9piro1-konstitutsinii-sud-ne-ponovlyuvatime-eks>.
55. Oleg Sukhov, "Judge Vovk's Brother Arrested for Allegedly Taking Bribe for Vovk," *Kyiv Post*, April 6, 2021, [www.kyivpost.com/ukraine-politics/sources-judge-vovks-brother-arrested-for-allegedly-taking-bribe-for-vovk.html](http://www.kyivpost.com/ukraine-politics/sources-judge-vovks-brother-arrested-for-allegedly-taking-bribe-for-vovk.html).
56. US Department of State, "Combating Global Corruption and Human Rights Abuses," fact sheet, December 9, 2022, [www.state.gov/combating-global-corruption-and-human-rights-abuses](http://www.state.gov/combating-global-corruption-and-human-rights-abuses).
57. "Rada Liquidates District Administrative Court of Kyiv, Creates Kyiv City District Administrative Court," Interfax-Ukraine, December 13, 2022, <https://en.interfax.com.ua/news/general/878098.html>.
58. President of Ukraine, "The Story of DACK is Over, the Story of Reforms Continues Even During the War—Address by the President of Ukraine," December 13, 2022, [www.president.gov.ua/en/news/istoriya-oask-zavershilas-istoriya-reform-trivaye-navit-pid-79837](http://www.president.gov.ua/en/news/istoriya-oask-zavershilas-istoriya-reform-trivaye-navit-pid-79837).
59. "Three Judges of the Constitutional Court Resign," BBC, September 10, 2010, [www.bbc.com/ukrainian/news/2010/09/100910\\_court\\_constit\\_rezign\\_ob](http://www.bbc.com/ukrainian/news/2010/09/100910_court_constit_rezign_ob).
60. "Ukraine Court Boosts Powers of President Yanukovich," BBC, October 1, 2020, [www.bbc.com/news/world-europe-11451447](http://www.bbc.com/news/world-europe-11451447).
61. National Agency on Corruption Prevention, "Court Says the Judges of the Constitutional Court of Ukraine Cannot Be Found Guilty of Administrative Offenses Related to the Conflict of Interest," April 13, 2021, <https://nazk.gov.ua/en/news/court-says-the-judges-of-the-constitutional-court-of-ukraine-cannot-be-found-guilty-of-administrative-offenses-related-to-the-conflict-of-interest>.
62. DEJURE Foundation, "The Constitutional Court Destroyed the Asset Declaration System: Analysis of the Decision," October 29, 2020, <https://en.dejure.foundation/tpost/infmup741-the-constitutional-court-destroyed-the-a>.
63. "Case Against Notorious Judges Shows Dire Need of Reforming Ukraine's Judiciary," *Ukraine Today*, July 24, 2020, [www.ukrainetoday.org/2020/07/24/case-against-notorious-judges-shows-dire-need-of-reforming-ukraines-judiciary](http://www.ukrainetoday.org/2020/07/24/case-against-notorious-judges-shows-dire-need-of-reforming-ukraines-judiciary).
64. Stepan Berko and Oleh Savychuk, "Who Are Judges of the Constitutional Court and Why They Do Not Protect the Constitution?," DEJURE Foundation, December 24, 2020, <https://en.dejure.foundation/library/who-become-judges-of-the-constitutional-court>.

65. Venice Commission, “Ukraine—Opinion on the Draft Law on Constitutional Procedure (Draft Law No. 4533) and Alternative Draft Law on the Procedure for Consideration of Cases and Execution of Judgements of the Constitutional Court (Draft Law No. 4533-1) Adopted by the Venice Commission at its 126th Plenary Session (online, 19–20 March 2021),” [www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)006-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)006-e).
66. For a summary of the opinion by the DEJURE Foundation, see “The Vacancies in the Constitutional Court Should Be Filled Only after a Change in the Procedure for Appointing Judges—Venice Commission,” March 23, 2021, <https://en.dejure.foundation/tpost/b0j9I9u1e1-the-vacancies-in-the-constitutional-cour>. For a more detailed opinion, see Stepan Bercot et al., “Constitutional Court: What Ways Out of the Crisis Are Left by the Decision of the Venice Commission,” *European Pravda*, December 11, 2020, [www.eurointegration.com.ua/articles/2020/12/11/7117542](http://www.eurointegration.com.ua/articles/2020/12/11/7117542).
67. The selection procedure was suggested by the DEJURE Foundation, Centre of Legal and Policy Reforms, Anti-Corruption Action Center, and Automaidan. See DEJURE Foundation, “New Model for Selecting Constitutional Court Judges,” <http://en.dejure.foundation/library/new-model-for-selecting-constitutional-court-judges>.
68. For an analysis of bills introduced in Parliament aimed at solving the CCU crisis, see DEJURE Foundation, “Legislative Kaleidoscope: What Solutions to the Constitutional Crisis Are Presented in the Parliament and Why They Will Not Solve the Problem,” November 16, 2020, <https://en.dejure.foundation/library/legislative-kaleidoscope-solutions-to-the-constitutional-crisis>.
69. Centre of United Actions, “Commemoration of the Revolution of Dignity, Trial in Absentia for Maidan Cases, and Appointment of Constitutional Court Judge,” February 19, 2021, [www.centrea.org/en/article/commemoration-revolution-dignity-trial-absentia-maidan-cases-and-appointment-constitutional-court-judge](http://www.centrea.org/en/article/commemoration-revolution-dignity-trial-absentia-maidan-cases-and-appointment-constitutional-court-judge).
70. DEJURE Foundation, “One of the Candidates for Judges of the CCU from the Parliament Does Not Meet the Formal Requirements for the Position,” June 11, 2020, <https://dejure.foundation/tpost/fy31ksb5d1-odin-z-kandidatv-v-sudd-ksu-ud-parlament>.
71. Oleg Sukhov, “Prosecutors Send Case against Constitutional Court Head to Trial,” *Kyiv Post*, May 26, 2021, [www.kyivpost.com/ukraine-politics/prosecutors-send-case-against-constitutional-court-head-to-trial.html](http://www.kyivpost.com/ukraine-politics/prosecutors-send-case-against-constitutional-court-head-to-trial.html).
72. Matthew Kupfer, “Zelensky Suspends Constitutional Court Chief Tupytsky from Job over Bribery Charges,” *Kyiv Post*, December 29, 2020, [www.kyivpost.com/ukraine-politics/zelensky-suspends-constitutional-court-chief-tupytsky-from-job-over-bribery-charges.html](http://www.kyivpost.com/ukraine-politics/zelensky-suspends-constitutional-court-chief-tupytsky-from-job-over-bribery-charges.html).
73. DEJURE Foundation, “President Zelensky’s Decree to Repeal the Appointment of Oleksandr Tupytsky and Oleksandr Kasminin Is Unconstitutional,” March 21, 2021, <https://en.dejure.foundation/tpost/450lfedas1-president-zelenskys-decree-to-repeal-the>.
74. “Supreme Court Starts Considering Claims to Appeal against Zelensky’s Decree on Abolition of Appointment of Constitutional Court’s Judges Tupytsky, Kasminin,” April 29, 2021, Interfax-Ukraine, <https://en.interfax.com.ua/news/general/741135.html>.
75. President of Ukraine, “Andriy Yermak and G7 Ambassadors Discussed the Course of Negotiations on Ending the War in Donbas, Renewal of the CCU and a Number of Important Reforms in Ukraine,” April 21, 2021, [www.president.gov.ua/en/news/andrij-yermak-obgovoriv-z-poslami-g7-perebig-peregovoriv-sho-68101](http://www.president.gov.ua/en/news/andrij-yermak-obgovoriv-z-poslami-g7-perebig-peregovoriv-sho-68101).
76. DEJURE Foundation, “Statement of the NGOs Regarding the Competition for the Positions of Judges of the Constitutional Court of Ukraine Appointed by the President of Ukraine,” October 20, 2021, <https://en.dejure.foundation/tpost/fj88eyt8f1-statement-of-the-ngos-regarding-the-comp>.
77. DEJURE Foundation, “Seven Candidates: Who Can Become a Constitutional Court Judge under the President’s Quota?,” October 25, 2021, <https://en.dejure.foundation/tpost/uj0s8dzeg1-seven-candidates-who-can-become-a-consti>.
78. DEJURE Foundation, “The Verkhovna Rada Appointed Olha Sovhyria as a Judge of the Constitutional Court in Disregard of the Constitution,” July 27, 2022, <https://en.dejure.foundation/tpost/zoe6h53s81-the-verkhovna-rada-appointed-olha-sovhyr>.
79. DEJURE Foundation, “The Parliamentary Committee Supported the Amendments, Which Provide for a Transparent Competitive Selection of Judges of the Constitutional Court,” June 23, 2021, <https://en.dejure.foundation/tpost/2nu9tphbs1-the-parliamentary-committee-supported-th>.
80. Dmytro Kryvosheiev, Olha Lymar, and Denys Davydenko, “How Ukraine Meets EU Requirements: Analysing Seven EU Commission Criteria,” *European Pravda*, December 14, 2022, [www.eurointegration.com.ua/eng/articles/2022/12/14/7152454](http://www.eurointegration.com.ua/eng/articles/2022/12/14/7152454).
81. Halyna Chyzyk and Mykhailo Zhernakov, “Ukraine’s Constitutional Court Reform on Brink of Catastrophe—and Venice Commission Is to Blame,” *Euractiv*, December 15, 2022, [www.euractiv.com/section/europe-s-east/opinion/ukraines-constitutional-court-reform-on-brink-of-catastrophe-and-the-venice-commission-is-to-blame](http://www.euractiv.com/section/europe-s-east/opinion/ukraines-constitutional-court-reform-on-brink-of-catastrophe-and-the-venice-commission-is-to-blame).
82. DEJURE Foundation, “What Is Wrong with the Venice Commission’s Urgent Opinion CDL-PI(2022)046 on the Draft Law No. 7662,” July 12, 2022, <https://en.dejure.foundation/tpost/nfhzui271f-what-is-wrong-with-the-venice-commission>.
83. DEJURE Foundation, “What Is Wrong with the Venice Commission’s Urgent Opinion CDL-PI(2022)046 on the Draft Law No. 7662.”
84. @G7AmbReformUA, Twitter post, December 9, 2022, 1:32 pm, [www.twitter.com/G7AmbReformUA/status/1601283579958681600](https://twitter.com/G7AmbReformUA/status/1601283579958681600).
85. “Police Investigate Attack on Activist Sternenko in Odesa as Attempted Murder,” Interfax-Ukraine, May 1, 2018, <https://en.interfax.com.ua/news/general/502430.html>.
86. Max Shcherbina for TV Toronto, “The Fourth Attack on Sternenko,” YouTube video, [www.youtube.com/watch?v=q89pihGY5S8](http://www.youtube.com/watch?v=q89pihGY5S8).
87. “Activist Sternenko Served Notice of Suspicion for Premeditated Murder, Cold Weapons Possession—SBU” Interfax-Ukraine, June 11, 2020, <https://en.interfax.com.ua/news/general/668107.html>.
88. “Former Ukrainian Paramilitary Leader Put under House Arrest amid Violent Protests,” Radio Free Europe/Radio Liberty, June 16, 2020, [www.rferl.org/a/former-ukrainian-paramilitary-leader-under-house-arrest-amid-violent-protests/30673371.html](http://www.rferl.org/a/former-ukrainian-paramilitary-leader-under-house-arrest-amid-violent-protests/30673371.html).

89. DEJURE Foundation, “We Demand Justice for Serhii Sternenko: The Statement of Civil Society Organizations,” February 26, 2021, <https://en.dejure.foundation/tpost/r8lssegx71-we-demand-justice-for-serhii-sternenko-t>; Public Council of Integrity, “On the noncompliance of Primorsky District Court of Odesa Judge Poprevych Viktor Mykhailovych,” May 17, 2019, [https://grd.gov.ua/wp-content/uploads/2020/06/Poprevych\\_vysn.pdf](https://grd.gov.ua/wp-content/uploads/2020/06/Poprevych_vysn.pdf).
90. Oleg Petrusiuk, “10,000 Ukrainians Take to Streets to Protest against Sternenko’s Verdict,” *Kyiv Post*, February 27, 2021, [www.kyivpost.com/multimedia/photo/10000-ukrainians-take-to-streets-to-protest-against-sternenkos-verdict](http://www.kyivpost.com/multimedia/photo/10000-ukrainians-take-to-streets-to-protest-against-sternenkos-verdict).
91. UNIAN, “Investigation Names Alleged Organizer of Sheremet Murder,” *Kyiv Post*, December 13, 2019, [www.kyivpost.com/ukraine-politics/unian-investigation-names-alleged-organizer-of-sheremet-murder.html](http://www.kyivpost.com/ukraine-politics/unian-investigation-names-alleged-organizer-of-sheremet-murder.html).
92. Reporters Without Borders, “Ukraine Must Be Less Cagney about Sheremet Murder Case, RSF Says,” January 10, 2020, [www.rsf.org/en/news/ukraine-must-be-less-cagney-about-sheremet-murder-case-rsf-says](http://www.rsf.org/en/news/ukraine-must-be-less-cagney-about-sheremet-murder-case-rsf-says).
93. Ukrainian Helsinki Human Rights Union, “The Unresolved Question of the Decade,” January 14, 2021, <https://helsinki.org.ua/articles/nevyrishene-pytannia-desiatyrichchia>.
94. Roman Ratushnyi, who participated in the protest outside the President’s Office during which the building was damaged, is charged with hooliganism and is facing a considerable punishment. His case is known as a Black Square case: the materials of the investigation include entirely black “photos” in which nothing can be identified. The police, however, insist that Roman is in the photographs. “The Court Placed Activist Ratushny under Round-the-Clock House Arrest,” *ZN,UA*, March 29, 2021, <https://zn.ua/ukr/UKRAINE/sud-vidpraviv-pid-tsilodobovij-domashnij-aresht-aktivista-ratushnoho.html>. Ratushnyi is now under house arrest. The judges reviewing his case are known for delivering politically motivated judgments. DEJURE Foundation, “Judges Who Will Consider Roman Ratushny’s Appeal Have Previously Allowed a Key Witness to the Downing of MH17 to Flee to Russia,” April 4, 2021, <http://en.dejure.foundation/tpost/6862cg9m11-judges-who-will-consider-roman-ratushny>.
95. The Kremlin, “Address by the President,” February 21, 2022.
96. The Venice Commission now officially recognizes that in transitional democracies, this standard strengthens untrustworthy judges. DEJURE Foundation, “What Are The “European Standards” for the Judiciary and How They Should Be Applied?,” August 17, 2020, <http://en.dejure.foundation/library/european-standards-for-the-judiciary-and-how-they-should-be-applied>.
97. For more details on the judicial reform and its results, see DEJURE Foundation, “Judicial Reform.”
98. For more detailed information, see Centre of Political and Legal Reforms, DEJURE Foundation, and Automaidan, “Qualification Assessment of Judges: Summary Of Interim Results (as of April 1, 2019),” <https://en.dejure.foundation/library/qualification-assessment-of-judges-summary-of-interim-results>.
99. As of 2019, when the qualification assessment was stopped due to the dissolution of the HQCJ, roughly half of all judges were evaluated.
100. DEJURE Foundation, ‘Judicial Reform.’
101. Anti-Corruption Action Centre, “Judicial Governance in Transitional Democracies: Lessons Learnt,” June 2021, [https://drive.google.com/file/d/1KJR7OcXiPRYFLXL0NFNNWaPI96m3zjh\\_/view?fbclid=IwAR0IDne-QHni-hycmQrau1io-5Te-v9OdnA9IzsLyNDdbipt-K7Npq6W\\_k](https://drive.google.com/file/d/1KJR7OcXiPRYFLXL0NFNNWaPI96m3zjh_/view?fbclid=IwAR0IDne-QHni-hycmQrau1io-5Te-v9OdnA9IzsLyNDdbipt-K7Npq6W_k).
102. Transparency International, “HQCJ Selects Public Council of International Experts for Selection of HACC Judges,” November 6, 2018, <https://ti-ukraine.org/en/news/hqcj-selects-public-council-of-international-experts-for-selection-of-anti-corruption-judges>.
103. Although the Public Integrity Council is a public authority, the law includes no provision for public funding.
104. “Civil Society Growing Tired: Public Watchdog Withdraws from Ukraine’s ‘Faked’ Judicial Reform,” *Euromaidan Press*, March 26, 2018, [www.euromaidanpress.com/2018/03/26/public-integrity-council-withdraws-from-evaluating-judges-claims-ukraines-judicial-reform-was-faked](http://www.euromaidanpress.com/2018/03/26/public-integrity-council-withdraws-from-evaluating-judges-claims-ukraines-judicial-reform-was-faked).
105. The former PrivatBank owners exploited the uncertainty of wartime to get a court decision to reclaim a building worth \$3 million. This decision was delivered while many courts were not operating in light of the intense fighting during the first weeks of the Russian invasion. Olga Gordienko, “On the First Day of the War, the Court in Dnipro Sided with the Former Top Manager of Privatbank in a Dispute over the Call Center Building for UAH 86 Million,” *Forbes*, March 24, 2022, <https://forbes.ua/news/voenniy-stan-ne-zavadiv-sud-u-dnipri-vidibrav-u-privatbanku-budivlyu-vartistyu-86-mln-grn-na-korist-kolishnogo-top-menedzhera-yatsenka-24032022-4987>.
106. “G7 Ambassadors Urged Ukraine to Adopt a Law on the National Commission on Energy,” *European Pravda*, September 17, 2016, [www.eurointegration.com.ua/news/2016/09/17/7054713](http://www.eurointegration.com.ua/news/2016/09/17/7054713).
107. “On Prevention of Threats to National Security Associated with Excessive Influence of Persons Who Have Significant Economic and Political Weight in Public Life,” Verkhovna Rada of Ukraine, 2021, no. 51, article 421, <https://zakon.rada.gov.ua/laws/show/1780-IX>.
108. President of Ukraine, “President Immediately Signed the Anti-Oligarchic Law Passed by the Verkhovna Rada,” November 5, 2021, [www.president.gov.ua/en/news/prezident-nevidkladno-pidpisav-uhvalenij-verhovnoyu-radoyu-a-71445](http://www.president.gov.ua/en/news/prezident-nevidkladno-pidpisav-uhvalenij-verhovnoyu-radoyu-a-71445).
109. “G7 Approves Zelensky’s Determination to Fight the Influence of Oligarchic Interests on Ukraine’s Politics and Economy—German Ambassador,” Interfax-Ukraine, June 15, 2021, <https://ua.interfax.com.ua/news/political/750164.html>.
110. US Department of the Treasury, “Treasury Takes Further Action Against Russian-linked Actor,” January 11, 2021, <https://home.treasury.gov/news/press-releases/sm1232>.

111. Investigative report by Slidstvo-Info, "How Dubinsky, through Judge Vovk, 'Closed' Borders to Politicians," Facebook video, November 15, 2020, [www.facebook.com/slidstvo.info/videos/515936252697724](https://www.facebook.com/slidstvo.info/videos/515936252697724).
112. Oleg Sukhov, "US Imposes Sanctions on Constitutional Court Chief, Ex-Yanukovych Official," *Kyiv Independent*, December 9, 2021 <https://kyivindependent.com/national/us-imposes-sanctions-on-constitutional-court-chief-ex-yanukovych-official>.
113. Dmytro Replyanchuk, "How Portnov, Bogdan and Judge Vovk 'Knelt' the Constitutional Court," *Slidstvo-Info*, September 8, 2021, [www.slidstvo.info/articles/yak-portnov-bogdan-i-suddya-vovk-stavyly-na-kolina-konstytutsijnj-sud](https://www.slidstvo.info/articles/yak-portnov-bogdan-i-suddya-vovk-stavyly-na-kolina-konstytutsijnj-sud).
114. Rating Group Ukraine, "Foreign Policy Orientations Dynamics," February 17, 2022, [www.ratinggroup.ua/research/ukraine/dinamika\\_vneshnepolitieskih\\_orientacij\\_16-17\\_fevralya\\_2022.html](https://www.ratinggroup.ua/research/ukraine/dinamika_vneshnepolitieskih_orientacij_16-17_fevralya_2022.html).
115. Rating Group Ukraine, "National Poll: Ukraine at War," March 1, 2022, [https://ratinggroup.ua/research/ukraine/obschenacionalnyy\\_opros\\_ukraina\\_v\\_usloviyah\\_voyny\\_1\\_marta\\_2022.html](https://ratinggroup.ua/research/ukraine/obschenacionalnyy_opros_ukraina_v_usloviyah_voyny_1_marta_2022.html).
116. "What NATO Should Do for Real Changes in Ukraine," *Kyiv Post*, May 21, 2021, [www.kyivpost.com/article/opinion/op-ed/authors-what-nato-should-do-for-real-changes-in-ukraine.html](https://www.kyivpost.com/article/opinion/op-ed/authors-what-nato-should-do-for-real-changes-in-ukraine.html).
117. "Ukraine Needs a 'Marshall Plan,' German Finance Minister Says," March 22, 2022, Reuters, [www.reuters.com/world/europe/ukraine-needs-marshall-plan-german-finance-minister-2022-03-22](https://www.reuters.com/world/europe/ukraine-needs-marshall-plan-german-finance-minister-2022-03-22).
118. "EU Promises to 'Seriously' Look into Ukraine's Membership Appeal," *Euractiv*, March 1, 2022, [www.euractiv.com/section/europe-s-east/news/eu-promises-to-seriously-look-into-ukraines-membership-appeal](https://www.euractiv.com/section/europe-s-east/news/eu-promises-to-seriously-look-into-ukraines-membership-appeal).
119. "EU to Demand Reforms as Condition for Funding Ukraine's Post-War Reconstruction," *Kyiv Independent*, May 17, 2022, [www.kyivindependent.com/news-feed/eu-to-demand-reforms-as-condition-for-funding-ukraines-post-war-reconstruction](https://www.kyivindependent.com/news-feed/eu-to-demand-reforms-as-condition-for-funding-ukraines-post-war-reconstruction).
120. @G7AmbReformUA, Twitter post, April 2, 2022, 1:52 pm, [www.twitter.com/G7AmbReformUA/status/1510238695919599616](https://www.twitter.com/G7AmbReformUA/status/1510238695919599616).
121. Judicial Reform Roadmap—a list of legislative amendments, the implementation of which will ensure the creation of an independent judiciary in Ukraine and guarantee the irreversibility of the reform. DEJURE Foundation, "What Is Needed for Establishing a Truly Independent Judiciary of High Integrity in Ukraine?," <http://en.dejure.foundation/judicial-reform-map-eng>.
122. Then candidate Zelenskyy officially supported the justice reform agenda formed by leading NGOs in the sector. See "Justice Reform Agenda for the Presidential Candidates of Ukraine," [www.pravosuddia2019.org.ua/en](http://www.pravosuddia2019.org.ua/en). During the parliamentary elections, his party, Sluha narodu, supported a similar document, "The Agenda for Justice," [www.justiceagenda2019.org.ua/en](http://www.justiceagenda2019.org.ua/en). See the Memorandum of Economic and Financial Policies, [www.mof.gov.ua/storage/files/1UKREA2020001.pdf](http://www.mof.gov.ua/storage/files/1UKREA2020001.pdf). For the Memorandum of understanding between Ukraine and the EU, see <https://zakon.rada.gov.ua/laws/file/text/82/f498250n84.pdf>.
123. DEJURE Foundation, "Experts Question Future of Ukrainian Judiciary as Court Cancels Judicial Reform," March 19, 2020, <https://en.dejure.foundation/column/experts-question-future-of-ukrainian-judiciary-as-court-cancels-reform>.
124. See the analysis of the bills on the HQCJ (no. 3711) and the HCJ (no. 5068) in DEJURE Foundation, "The Draft Law #3711 of President Zelensky Is Another Imitation of the Judicial Reform," June 23, 2020, <http://en.dejure.foundation/library/draft-law-3711-prezident-zelensky-another-imitation-of-judicial-reform>; and "DEJURE analysis of the Bills on Judicial Reform Introduced by the President," February 17, 2021, <https://en.dejure.foundation/library/dejure-analysis-of-the-bills-on-judicial-reform-by-the-president>.
125. @G7AmbReformUA, Twitter post, Jan 25, 2021, 2:18 pm, [www.twitter.com/G7AmbReformUA/status/1353708911036166155](https://www.twitter.com/G7AmbReformUA/status/1353708911036166155); DEJURE Foundation, "The Venice Commission Supported the Decisive Vote of International Experts in the Reform of the HCJ," May 6, 2021. <https://en.dejure.foundation/tpost/5vi4tk2hf1-the-venice-commission-supported-the-deci>.
126. DEJURE Foundation, "The Ethics Council That Will Reform The HCJ Was Formed Automatically," September 11, 2021, <http://en.dejure.foundation/tpost/89ia7k5zv1-the-ethics-council-that-will-reform-the>.
127. DEJURE Foundation, "What Is Needed."



# United States Institute of Peace

The United States Institute of Peace is a national, nonpartisan, independent institute, founded by Congress and dedicated to the proposition that a world without violent conflict is possible, practical, and essential for US and global security. In conflict zones abroad, the Institute works with local partners to prevent, mitigate, and resolve violent conflict. To reduce future crises and the need for costly interventions, USIP works with governments and civil societies to build local capacities to manage conflict peacefully. The Institute pursues its mission by linking research, policy, training, analysis, and direct action to support those who are working to build a more peaceful, inclusive world.

## Board of Directors

George E. Moose (Chair), Adjunct Professor of Practice, The George Washington University • Judy Ansley (Vice Chair), Former Assistant to the President and Deputy National Security Advisor under George W. Bush • Jonathan Burks, Vice President, Global Public Policy, Walmart • Edward M. Gabriel, President and CEO, The Gabriel Company LLC • Stephen J. Hadley, Principal, Rice, Hadley, Gates & Manuel LLC • Kerry Kennedy, President, Robert F. Kennedy Human Rights • Jeremy A. Rabkin, Professor of Law, Antonin Scalia Law School, George Mason University • Nathalie Rayes, President and CEO, Latino Victory Project • Michael Singh, Managing Director, Washington Institute for Near East Policy • Mary Swig, President and CEO, Mary Green • Kathryn Wheelbarger, Vice President, Future Concepts, Lockheed Martin • Nancy Zirkin, Executive Vice President, Leadership Conference on Civil and Human Rights

## MEMBERS EX OFFICIO

Uzra Zeya, Under Secretary of State for Civilian Security, Democracy, and Human Rights • Colin H. Kahl, Under Secretary of Defense for Policy • Michael T. Plehn, Lieutenant General, US Air Force; President, National Defense University • Lise Grande, President and CEO, United States Institute of Peace (nonvoting)

# Working Group on Elite Capture and Corruption of Security Sectors

The United States Institute of Peace (USIP) Working Group on Elite Capture and Corruption of Security Sectors was guided by four co-chairs. Each co-chair is a former US Ambassador who has operated at the intersection between US policy and security assistance, and has long-standing experience in either diplomacy, defense, or development. In addition, the Working Group was composed of an Executive Secretariat featuring USIP staff and researchers. The Working Group convened affinity group sessions—comprising a wide range of subject matter experts from the US government, multilateral organizations, think tanks, nongovernmental organizations, private sector organizations, academia, and civil society—to strengthen its research and analysis.



UNITED STATES  
INSTITUTE OF PEACE  
Making Peace Possible

2301 Constitution Avenue NW  
Washington, DC 20037  
202.457.1700  
[www.USIP.org](http://www.USIP.org)