



Report to the Ranking Member, Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues, Committee on Foreign Relations, U.S. Senate

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June 2020

# RULE OF LAW ASSISTANCE

Agency Efforts Are Guided by Various Strategies, and Overseas Missions Should Ensure that Programming Is Fully Coordinated

# GAO Highlights

Highlights of [GAO-20-393](#), a report to the Ranking Member, Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues, Committee on Foreign Relations, U.S. Senate

## Why GAO Did This Study

Rule of law strengthens protection of fundamental rights, ensures a robust civil society, and serves as a foundation for democratic governance and economic growth. According to State, countries with a strong rule of law provide a more level playing field for American businesses to engage and compete, and countries with a weak rule of law can potentially export transnational threats and economic insecurity, undermining the interests of the United States.

GAO was asked to review U.S. rule of law assistance around the world. This report examines (1) how State and USAID allocated funds for this assistance in fiscal years 2014 through 2018, (2) how agencies strategically plan and allocate this assistance globally, and (3) what processes agencies have to design, implement, and coordinate this assistance in selected countries.

GAO reviewed State, USAID, and DOJ documents and data for fiscal years 2014 through 2018 and interviewed officials in Colombia, Kosovo, Liberia, the Philippines, and Washington, D.C. GAO chose these countries on the basis of funding amounts and other factors.

## What GAO Recommends

GAO recommends that State require overseas missions where rule of law assistance funds have been allocated to assess whether this assistance is coordinated with all relevant interagency partners. State concurred with our recommendation.

View [GAO-20-393](#). For more information, contact Chelsa Gurkin at (202) 512-2964 or [gurkinc@gao.gov](mailto:gurkinc@gao.gov).

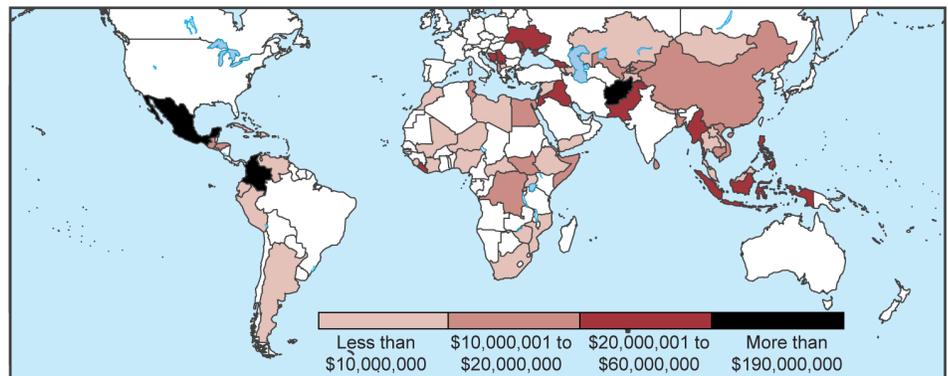
## RULE OF LAW ASSISTANCE

### Agency Efforts Are Guided by Various Strategies, and Overseas Missions Should Ensure that Programming Is Fully Coordinated

## What GAO Found

The Department of State (State) and the U.S. Agency for International Development (USAID) allocated more than \$2.7 billion for rule of law assistance from fiscal years 2014 through 2018—the latest available data as of GAO's review. Of that, State allocated over \$2 billion and USAID allocated over \$700 million. State and USAID funded some of these programs through the Department of Justice (DOJ). Rule of law assistance funded a variety of activities including improving justice institutions, legal reform, and promoting a culture of lawfulness. The agencies implemented these programs globally but allocated most funds to the Western Hemisphere and Afghanistan.

### Global Distribution of Bilateral Rule of Law Assistance Allocations, Fiscal Years 2014–2018



Source: GAO analysis of Department of State data. | GAO-20-393

After Congress appropriates funding, agencies determine rule of law allocations through the foreign assistance budget process. State and USAID identify rule of law as a goal in agency-wide strategic documents and hold an annual interagency roundtable regarding rule of law assistance to determine those allocations. Rule of law assistance is guided by national and agency-, bureau-, and mission-specific strategies that are linked to the national security goals of the United States. These strategies discuss the agencies' roles and responsibilities in improving the rule of law.

State and USAID guidance highlights the importance of coordination between agencies as they design and implement rule of law assistance, but not all agencies are included in some of the key coordination mechanisms used in four countries GAO selected for review. Agency officials in the selected countries cited the use of some informal and formal coordination practices, such as the use of law enforcement working groups, but State policy does not require all entities that may be involved in rule of law assistance to participate in these working groups. For example, in three of the four selected countries, officials described coordinating rule of law assistance, in part, through these working groups, which may not include critical agencies such as USAID. According to State policy, these working groups are designed to achieve other goals using agencies and offices that are not involved in providing rule of law assistance. Without verifying that interagency coordination includes all relevant entities, missions may not know whether they are fully leveraging interagency resources or ensuring that they do not duplicate or overlap rule of law assistance.

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# Contents

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Letter		1
	Background	3
	State and USAID Allocated \$2.7 Billion for Rule of Law Assistance in Fiscal Years 2014 through 2018, Mostly to Afghanistan and the Western Hemisphere	5
	Agencies Determine Allocations through the Annual Foreign Assistance Budget Process and Identify Rule of Law as a Goal in Strategic Documents	9
	Agencies in Selected Countries Use Similar Processes to Design and Implement Rule of Law Assistance, but the Sufficiency of Interagency Coordination Is Unknown	16
	Conclusions	26
	Recommendation for Executive Action	26
	Agency Comments	26
Appendix I	Objectives, Scope, and Methodology	28
Appendix II	Standardized Program Structure and Definitions of Rule of Law	32
Appendix III	Global Rule of Law Assistance Allocations	37
Appendix IV	Rule of Law-Related Issues in Selected Countries	41
Appendix V	Comments from the State Department	46
Appendix VI	Comments from the U.S. Agency for International Development	48
Appendix VII	GAO Contact and Acknowledgments	50

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Tables

Table 1: Fiscal Year 2018 Rule of Law Program Area and Component Program Elements	32
Table 2: Fiscal Year 2018 Allocated Funds Cross-Attributed to Both Rule of Law and Other Program Areas	33
Table 3: Rule of Law Allocations by State and USAID, Disaggregated by Operating Unit, Fiscal Years 2014–2018	37

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Figures

Figure 1: Annual Allocations for Rule of Law Assistance by the Department of State and the U.S. Agency for International Development, Fiscal Years 2014–2018	6
Figure 2: Rule of Law Allocations by State and USAID by Program Element, Fiscal Year 2018	7
Figure 3: Global Distribution of Bilateral Rule of Law Assistance Allocations, Fiscal Years 2014–2018	8
Figure 4: White House, Agency, Bureau, and Country-Level Strategies Guiding Rule of Law Assistance	11
Figure 5: Rule of Law Assistance Supported the Opening of a Free Legal Aid Service in Rural Areas of Liberia, Which Doubles as a Practical Training Center for New Attorneys	19
Figure 6: The International Law Enforcement Academy Program’s Regional Training Center in Accra, Ghana	20
Figure 7: Philippine Officials Demonstrate a USAID-Funded Case Status Information Kiosk	22
Figure 8: Example of a U.S. Ambassador to Kosovo Tweet Regarding the Status of a Local Rule of Law Issue	23

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## Abbreviations

CDCS	Country Development Cooperation Strategy
DOD	Department of Defense
DOJ	Department of Justice
DRG	Democracy, Human Rights, and Governance
F	Office of Foreign Assistance Resources
FAM	Foreign Affairs Manual
ICITAP	International Criminal Investigative Training Assistance Program
ICS	Integrated Country Strategy
INL	Bureau for International Narcotics and Law Enforcement
MCC	Millennium Challenge Corporation
NGO	nongovernmental organization
OMB	Office of Management and Budget
OPDAT	Office of Overseas Prosecutorial Development, Assistance and Training
PS	Peace and Security
SPSD	Standardized Program Structure and Definitions
State	Department of State
USAID	U.S. Agency for International Development

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June 9, 2020

The Honorable Benjamin Cardin  
Ranking Member  
Subcommittee on Western Hemisphere,  
Transnational Crime, Civilian Security,  
Democracy, Human Rights,  
And Global Women's Issues  
Committee on Foreign Relations  
United States Senate

Dear Mr. Cardin:

The principle of the rule of law holds that all people are subject to and equal before a nation's laws. Promoting rule of law overseas is a critical component of American foreign and national security policy. Rule of law strengthens protection of fundamental rights, ensures a robust civil society and independent media, and serves as a foundation for democratic governance and economic growth. According to the Department of State (State), strengthening judicial and legal systems in certain countries is vital to U.S. national security interests. A justice system that provides effective, accountable, and inclusive services for all citizens and respects the rule of law is fundamental to peace and security, crime and violence prevention, and combating extremism. States with instability or weak rule of law can potentially export transnational threats and economic insecurity to neighboring countries and undermine the foreign policy interests of the United States. According to the U.S. Agency for International Development (USAID), the rule of law is an important development outcome in itself, as well as a means to ending poverty, building resiliency, and supporting stability. Ensuring the capacity of the justice sector to effectively investigate and prosecute crime, end impunity, and deliver accountable and responsive services to citizens is critical to supporting partner countries.

The United States provides country-level funding, training, and technical assistance to establish or strengthen justice sector institutions and the rule of law and help countries address political dysfunction, terrorism, and transnational crime, among other challenges. For the purposes of this report, State and USAID are the primary U.S. agency funders of rule of law assistance, and the Department of Justice (DOJ) implements a number of programs funded by the agencies.

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You asked us to review U.S. rule of law assistance around the world. This report examines (1) how much funding State and USAID allocated for rule of law assistance in fiscal years 2014 through 2018, (2) how agencies strategically plan and coordinate the allocation of rule of law assistance globally, and (3) what processes agencies have to design, implement, and coordinate rule of law assistance programs in selected countries. This is the first of two reports that will address this issue.<sup>1</sup>

To determine how much funding State and USAID allocated for rule of law assistance in fiscal years 2014 through 2018—the latest available as of our review—we reviewed allocation funding data provided by the State office that is primarily responsible for tracking foreign assistance, the Office of Foreign Assistance Resources (F). We used F's Standard Program Structure and Definition (SPSD) codes to identify rule of law allocations by agency and recipient country. We also interviewed officials in F to discuss the reliability of the allocation funding data. We cross-checked the allocations funding data with other funding data and determined that the data were sufficiently reliable for the purposes of our reporting objective.

To examine how agencies strategically plan and coordinate the allocation of rule of law assistance globally, we reviewed strategic plans and guidance documents for State, USAID, and DOJ. We interviewed officials in Washington, D.C. to determine how the agencies work together to plan allocations of rule of law assistance around the world and how they coordinate that assistance.

To examine the processes U.S. agencies have in place to design, implement, and coordinate rule of law assistance, we reviewed rule of law assistance provided to four selected countries: Colombia, Kosovo, Liberia, and the Philippines. We selected these countries because they represented various geographic regions and had significant rule of law assistance allocations, which multiple agencies provided. We conducted fieldwork in Kosovo, Liberia, and the Philippines, where we interviewed U.S. agency officials, implementing partner organizations, international donor organizations, and senior government officials. We held similar meetings via teleconference with officials in Colombia. We also conducted fieldwork in Ghana, where we visited the U.S.-funded Regional Training Center, part of the International Law Enforcement Academy

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<sup>1</sup>A second report will examine agencies' efforts to monitor and evaluate rule of law assistance worldwide.

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Program. We reviewed the collaboration mechanisms outlined in the 2018-2022 State-USAID Joint Strategic Plan. A more detailed description of our scope and methodology is included in appendix I.

We conducted this performance audit from December 2018 to June 2020, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

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### History of Rule of Law Assistance

Promoting the rule of law abroad has been a U.S. government priority for decades. As early as 1985, rule of law was added to the Foreign Assistance Act of 1961 as a policy priority. Prior to the 1990s, rule of law assistance was primarily focused on activities in Latin America and the Caribbean. With the end of the Cold War and subsequent collapse of the Soviet Union, the U.S. government invested resources to support rule of law and justice sector reform in Central and Eastern Europe. Following the September 11, 2001 terrorist attacks, Afghanistan became a primary recipient country of U.S. rule of law assistance. The United States continues to support rule of law activities around the world.

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### Agencies Involved in Rule of Law Assistance

Several U.S. government agencies provide assistance to partner countries to promote the rule of law overseas. In the countries we reviewed, State and USAID are the primary providers of rule of law assistance. Other agencies and offices, including the Department of Defense (DOD), the Department of Homeland Security, and the

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**Department of State's Standardized Definition of Rule of Law**

Rule of law is a principle of governance under which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, independently adjudicated, equally applied and enforced, and consistent with international treaties and customary law.

Rule of law is demonstrated by adherence to the principles of publicly accepted legitimacy of the law, institutions, and process; checks and balances on structures of power; supremacy of the law; equality before the law; accountability to the law; fairness; effective application of the law; equitable access to justice; participation in decision-making; legal certainty; avoidance of arbitrariness; and procedural and legal transparency.

Activities include support for strengthening of judicial systems including court administration, management, and operations; judicial proceedings; constitutional and legal reform efforts; judicial independence; access to justice; and legal education and associations.

Source: Department of State. | GAO-20-393

Millennium Challenge Corporation (MCC), also provide assistance that can be related to improving the rule of law.<sup>2</sup>

At each agency, several offices participate in rule of law assistance. The Bureau for International Narcotics and Law Enforcement (INL) is the lead office for rule of law within State. According to INL, it has three main objectives related to rule of law assistance: (1) effectiveness, (2) accountability, and (3) respect for fundamental rights and freedoms. One principle that also guides INL's rule of law assistance is effectively coordinating assistance with other donors, other bureaus and offices within State, and interagency partners, according to INL.

According to USAID, USAID designs, oversees and manages rule of law programming primarily through country-level missions, which ensures programming is tailored to local context. These programs are, in turn, supported by Washington-based regional and pillar bureaus. As the home base for USAID's Democracy, Human Rights and Governance (DRG) programs, the DRG Center (1) leads USAID efforts to achieve self-reliant, citizen-responsive, democratic societies that respect human dignity, rights and the rule of law; (2) provides proactive and responsive technical support to missions and bureaus on core DRG sectors, including rule of law; and (3) conducts assessment, design, and evaluation of related DRG programs around the world to support more effective, systemic, cost-efficient and sustainable development.

DOJ does not directly fund rule of law assistance, but its Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) and the International Criminal Investigative Training Assistance Program (ICITAP) implement activities funded by agencies such as State, USAID, and DOD through interagency agreements.

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<sup>2</sup>This report focuses on rule of law assistance provided by State and USAID, including their funding of certain DOJ activities. DOD also provides funds to DOJ for rule of law assistance activities, and DOD also implements a number of rule of law activities funded by State, but those activities were not included in the scope of our review. For more information on some aspects of DOD's provision of rule of law assistance, see GAO, *Rule of Law Assistance: DOD Should Assess Workforce Size of Defense Institute of International Legal Studies*, [GAO-17-118](#) (Washington, D.C.: Dec. 14, 2016). We also recently reported on State's and USAID's democracy assistance allocations, their roles in providing democracy assistance, and how they coordinate this assistance. See GAO, *Democracy Assistance: State Should Improve Information Sharing with Embassies*, [GAO-20-173](#) (Washington, D.C.: Jan. 28, 2020).

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## State and USAID Allocated \$2.7 Billion for Rule of Law Assistance in Fiscal Years 2014 through 2018, Mostly to Afghanistan and the Western Hemisphere

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### State and USAID Rule of Law Allocations Increased from Fiscal Years 2014 to 2018

From fiscal years 2014 through 2018, State and USAID allocated<sup>3</sup> \$2.7 billion for rule of law assistance, with annual allocations increasing from \$496 million in fiscal year 2014 to \$551 million in fiscal year 2018, or 11 percent.<sup>4</sup> Within this time period, allocations fluctuated. Specifically, allocations increased by 20 percent from fiscal years 2014 through 2016, and subsequently decreased by 7 percent from fiscal years 2016 through 2018. According to the Congressional Research Service, the fluctuations in rule of law funding mirrored the fluctuations in foreign operations appropriations, which also increased by 11 percent from fiscal years 2014 through 2018.

State allocated more than \$2 billion from fiscal years 2014 through 2018 in that time period and USAID allocated over \$700 million. See figure 1 for annual allocations by State and USAID for rule of law assistance from fiscal years 2014 through 2018.

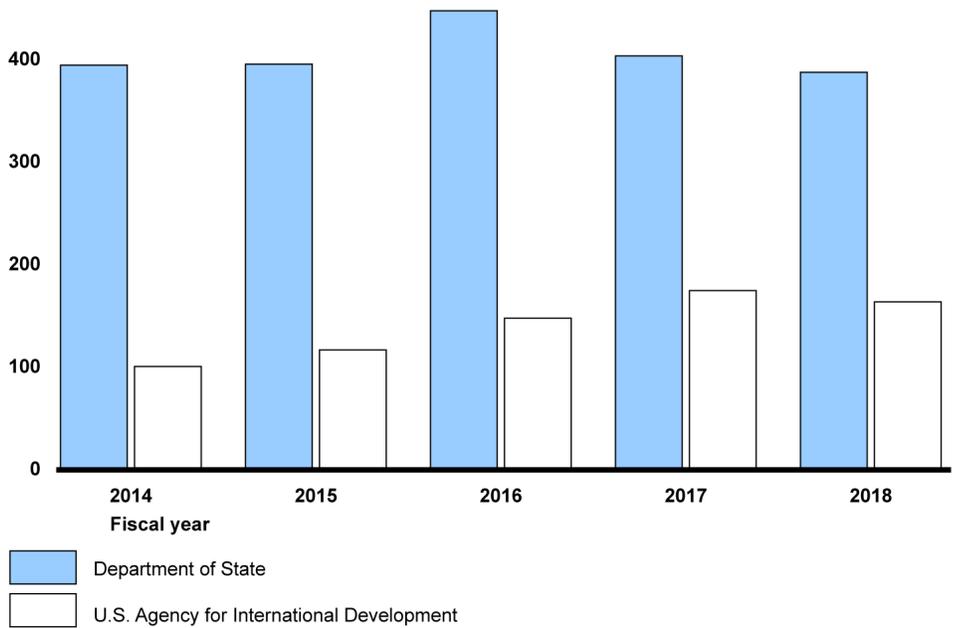
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<sup>3</sup>For the purposes of this report, an allocation is defined as authority to incur obligations within a specified amount for a particular purpose.

<sup>4</sup>F provided allocation data current at the time of Operational Plan approval by F. After that point, State and USAID reprogram funds, which can increase or decrease the amount of rule of law funding allocated. F could not provide verified final data that reflected all reprogrammed funds. This amount does not include funds allocated by State's Counterterrorism Bureau or any funds allocated by State or USAID to ICITAP.

**Figure 1: Annual Allocations for Rule of Law Assistance by the Department of State and the U.S. Agency for International Development, Fiscal Years 2014–2018**

Dollars (in millions)  
500

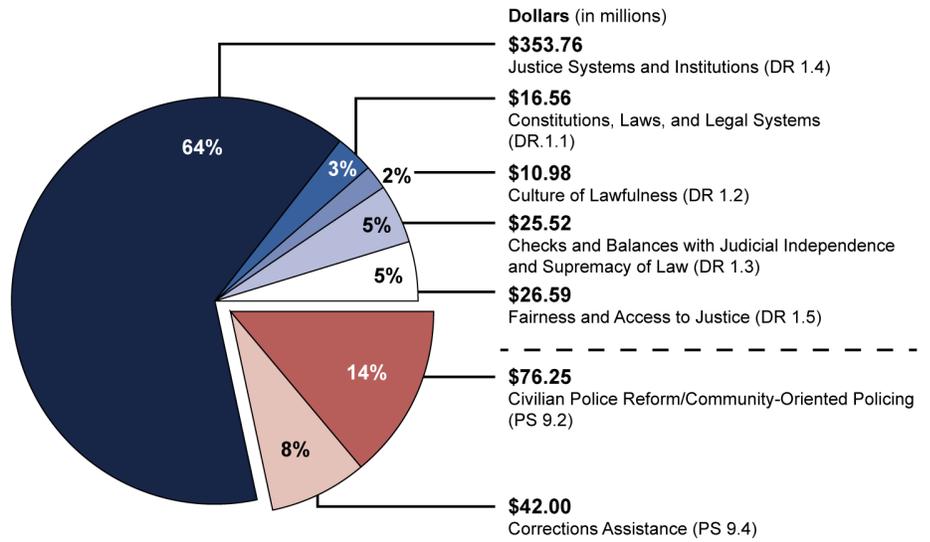


Source: GAO analysis of Department of State data. | GAO-20-393

Note: These allocations do not include funding that the Department of State and U.S. Agency for International Development allocated to the International Criminal Investigative Training Assistance Program.

In fiscal year 2018, activities promoting justice systems and institutions received more allocated funding than all other types of rule of law assistance combined. Justice Systems and Institutions funds were allocated toward activities such as improving the systems, capacity, and sustainability of the civil and criminal justice sectors by harmonizing policies, fostering public / private partnerships, providing training programs, and strengthening administrative and operational systems. Recipients of this assistance can include police forces, prosecutors, judges, public defenders, bar associations, and training institutions. See figure 2 for rule of law allocations by program element, and appendix II for more information on how State and USAID track rule of law funding.

**Figure 2: Rule of Law Allocations by State and USAID by Program Element, Fiscal Year 2018**



Legend: DR = Democracy, Human Rights and Governance; PS = Peace and Security.

Source: GAO analysis of Department of State data. | GAO-20-393

Notes: These allocations do not include funding that the Department of State (State) and U.S. Agency for International Development (USAID) allocated to the International Criminal Investigative Training Assistance Program. Percentages in the figure may not sum to 100 percent because of rounding.

DOJ's ICITAP and OPDAT track funding in obligations, not allocations.<sup>5</sup> According to DOJ, State and USAID used DOJ to implement certain rule of law programs, obligating \$691 million from fiscal year 2014 through July 2019.<sup>6</sup> Of this amount, \$327.6 million went to ICITAP and \$363.5 million went to OPDAT.<sup>7</sup>

<sup>5</sup>An "obligation" is a definite commitment that creates a legal liability of the government for the payment of goods and services ordered or received, or a legal duty on the part of the United States that could mature into a legal liability by virtue of actions on the part of the other party beyond the control of the United States.

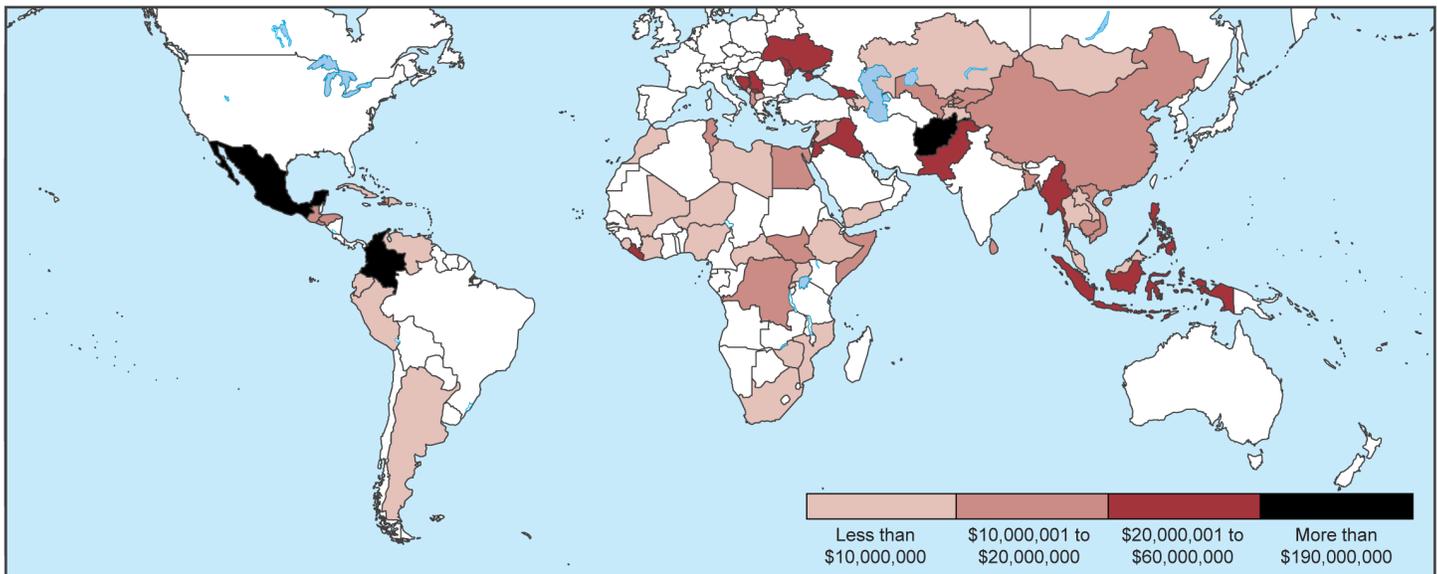
<sup>6</sup>DOJ provided us with aggregated funding data for fiscal year 2014 through July 2019.

<sup>7</sup>The \$327.6 million from State and USAID for ICITAP is not included in the \$2.7 billion allocated by State and USAID.

## Majority of Rule of Law Assistance Funds Were Allocated to Programs in Afghanistan and the Western Hemisphere

From fiscal years 2014 through 2018, State and USAID allocated funds for rule of law assistance to 20 regional or programmatic operating units in Washington, D.C., and 72 field-based operating units, primarily bilaterally to country missions.<sup>8</sup> The top four recipients of rule of law allocations were State’s Western Hemisphere Region and bilateral programs in Afghanistan, Mexico, and Colombia. These four recipients were allocated \$1.7 billion of \$2.7 billion, or 63 percent of the total rule of law allocations from fiscal years 2014 through 2018. The top three bilateral recipients, Afghanistan, Mexico, and Colombia, received 40 percent of rule of law assistance during this time period, which exceeded the total allocation to all 69 other bilateral recipients combined. Figure 3 shows worldwide distribution of bilateral rule of law assistance allocations from fiscal years 2014 through 2018. See appendix III for a complete list of countries and regional programs listed by funds received.

**Figure 3: Global Distribution of Bilateral Rule of Law Assistance Allocations, Fiscal Years 2014–2018**



Source: GAO analysis of Department of State data. | GAO-20-393

Notes: No recipient country received an allocation between \$60,000,000 and \$190,000,000. See appendix III for more information. These allocations do not include the funding that the Department of State and U.S. Agency for International Development allocated to the International Criminal Investigative Training Assistance Program.

<sup>8</sup>According to F, an operating unit is the organizational unit responsible for implementing a foreign assistance program for one or more elements of the foreign assistance framework. For example, all country missions and all Washington, D.C.-based bureaus, such as State Western Hemisphere Regional, are separate operating units.

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## Agencies Determine Allocations through the Annual Foreign Assistance Budget Process and Identify Rule of Law as a Goal in Strategic Documents

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### State and USAID Determine Rule of Law Assistance Allocations Worldwide through the Existing Annual Foreign Assistance Budget Process

State and USAID participate in an annual foreign assistance budget process, managed by State's F bureau, which determines the allocation of foreign assistance funds for a variety of projects for all recipient countries and programs worldwide. According to agency officials, allocations of rule of law assistance are determined during this process.

Agencies develop budget requests on an annual basis, usually starting this process 2 years before the start of any particular fiscal year. According to agency officials, the requests begin with the overseas missions providing annual reports and performance plans to State and USAID headquarters. They said that, during this process, each mission determines its need for financial resources related to foreign assistance, including rule of law assistance. Officials also hold interagency roundtable discussions regarding various aspects of foreign assistance. According to State officials, State chairs a roundtable on rule of law assistance that includes other interagency partners such as DOJ, DOD, MCC, and others. According to these officials, this roundtable allows the relevant agencies and bureaus to make decisions related to the amount of rule of law assistance funding that goes to specific regions and countries and align the funding with broader foreign assistance goals.

Each agency also compiles and analyzes these annual reports and performance plans and provides initial budget requests to the Office of Management and Budget (OMB) in September. From September to November, OMB reviews each agency's budget request submission and conducts analysis on how the budget requests align with the overall federal budget. After OMB conducts its review, it communicates to each agency the level of funding it can request from Congress. The President usually submits the overall federal budget request to Congress on the first

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Monday in February.<sup>9</sup> As part of this request, each agency, including State and USAID, provides a more detailed Congressional Budget Justification that explains the need for specific funding levels to the relevant congressional subcommittees. Once the House of Representatives and the Senate agree on the language of the bills, including the levels of funding, and pass the State and Foreign Operations appropriations bill, the President can then sign it into law.

Once the President signs the State and Foreign Operations appropriations bill into law, OMB apportions the amount of funds that State, USAID, and other agencies may use.<sup>10</sup> Agencies then allocate and obligate these funds for certain programs. In the case of rule of law assistance, these obligated funds are often used to engage in partnership with implementing partners overseas through contracts, grants, or cooperative agreements, according to agency officials.

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State, USAID, and DOJ  
Have National and  
Agency-Specific  
Strategies on Rule of Law  
Assistance and Determine  
Roles and Responsibilities  
for Relevant Bureaus and  
Offices

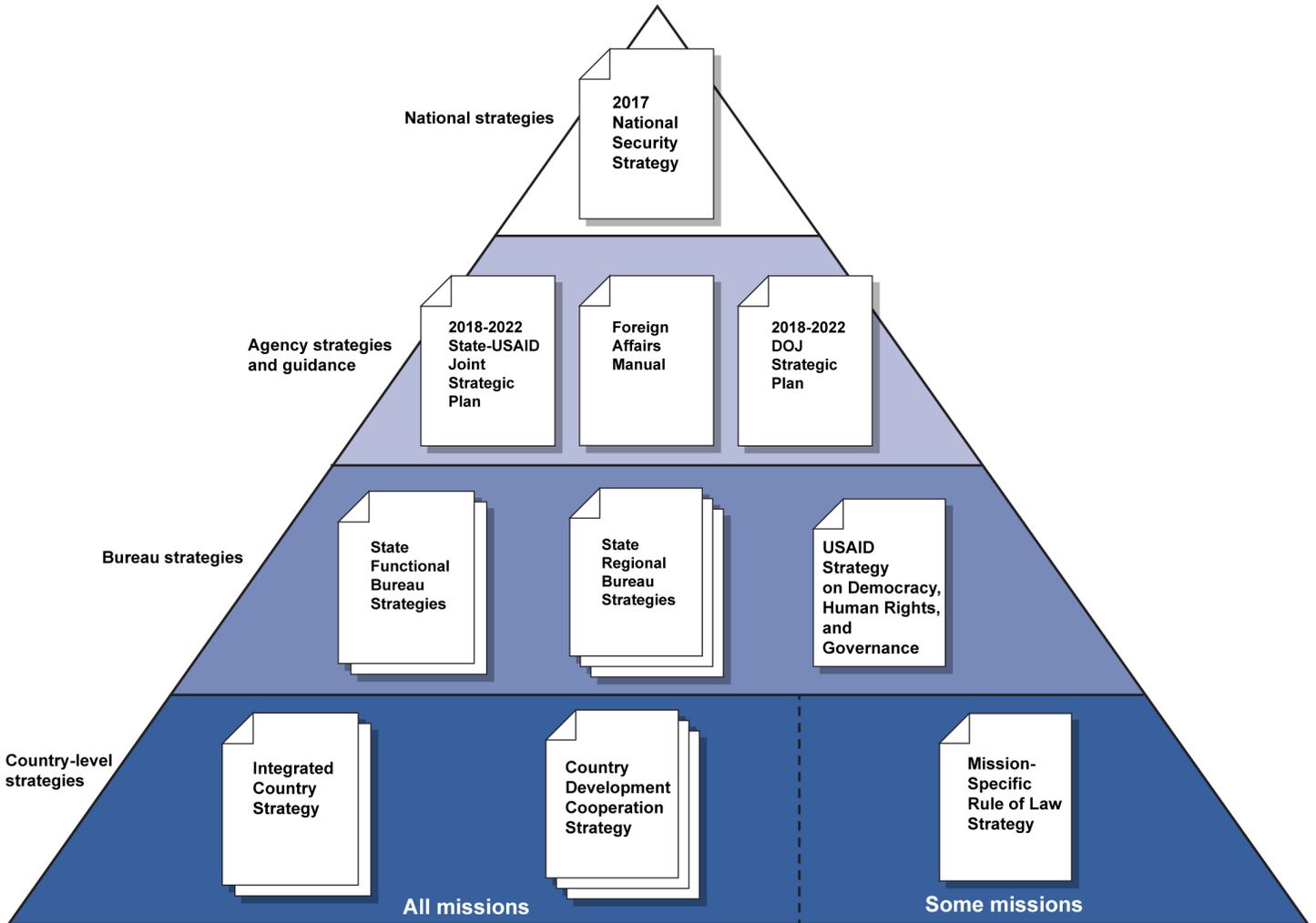
Improving the rule of law in partner countries overseas is identified as an important objective in several strategic documents including the 2017 National Security Strategy, the 2018-2022 State-USAID Joint Strategic Plan, the 2018-2022 DOJ Strategic Plan, and bureau-specific plans. Each of these strategic documents is linked to U.S. national security goals and discuss U.S. agencies' roles in improving the rule of law in partner countries. See figure 4.

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<sup>9</sup>This date is often subject to change under certain circumstances, such as the start of a new presidential administration.

<sup>10</sup>While Congress generally plans to pass appropriations bills into law prior to the beginning of the new fiscal year, this does not always happen. Also, the State and Foreign Operations appropriations bill is sometimes included in a larger consolidated appropriations bills along with appropriations for other agencies and purposes.

**Figure 4: White House, Agency, Bureau, and Country-Level Strategies Guiding Rule of Law Assistance**



Source: GAO analysis of Department of State, U.S. Agency for International Development, and Department of Justice information. | GAO-20-393

**White House**

*2017 National Security Strategy.* This strategy identifies the rule of law as a central U.S. governing principle and a part of the foundation of American alliances overseas. It also states that the United States should provide assistance to support democracy and rule of law in partner countries.

**State**

*2018-2020 State-USAID Joint Strategic Plan.* This plan articulates the importance of improving the rule of law in partner countries overseas and identifies this as a strategic objective. It also requires coordination between the two agencies to deliver sustainable assistance that

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strengthens their democratic institutions. The plan also calls for State and USAID to work together at the country level to develop country-specific strategies that ensure investments are sustainable and that results are valued by partner countries.

*Foreign Affairs Manual (FAM).* The FAM includes specific roles and responsibilities for rule of law assistance and notes that the lead office for such assistance, INL, is responsible for, among other things, the “development of assistance programs directed at U.S. Government objectives abroad on international criminal justice issues.”<sup>11</sup>

*Bureau-specific plans and documents.* INL and several other State bureaus also have their own strategic documents with elements that relate to the provision of rule of law assistance. Specifically:

- INL’s Functional Bureau Strategy provides a framework for connecting its responsibility for providing rule of law assistance with its specific programs overseas. The strategy also defines how the bureau matches U.S. foreign policy goals with its foreign assistance portfolio, including its allocation to rule of law assistance.
- State’s other functional bureaus and offices are guided by strategic documents that relate to rule of law assistance. According to State officials, programs provided by these bureaus and offices can touch on rule of law-related efforts such as training on techniques related to investigating and prosecuting trafficking cases. These bureaus include the Bureau of Democracy, Human Rights, and Labor; the Bureau of Counterterrorism; and the Office to Monitor and Combat Trafficking in Persons.
- State’s regional bureaus are also guided by strategic documents that can relate to rule of law assistance.<sup>12</sup> For example, the Joint Regional Strategy for the Bureau of European and Eurasian Affairs includes a strategic goal related to protecting core U.S. interests by advancing democracy and human rights and strengthening civil society.

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<sup>11</sup> FAM 531.1.

<sup>12</sup>State has six regional bureaus: (1) African Affairs, (2) European and Eurasian Affairs, (3) East Asian and Pacific Affairs, (4) Near Eastern Affairs, (5) South and Central Asian Affairs, and (6) Western Hemisphere Affairs. State also has an International Organizations regional bureau.

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USAID

*USAID Strategy on Democracy, Human Rights, and Governance.* This strategy identifies the strengthening of institutions that enable the rule of law as part of USAID's work to foster greater accountability of leaders to citizens and the law. USAID programs are designed to strengthen the institutional and decisional independence of judiciaries, develop judicial self-governance, and introduce best practices in judicial effectiveness. The strategy also states that USAID will continue to offer timely support for institutional development of oversight bodies, including legislatures and auditor general's offices.

DOJ

*2017 DOJ Strategic Plan.* The strategic plan identifies the development of rule of law as a key responsibility for DOJ. According to DOJ officials, DOJ has two main offices that provide rule of law assistance. Both of these offices are within DOJ's Criminal Division.

*ICITAP.* This office works with foreign governments to develop professional and transparent law enforcement institutions that protect human rights, combat corruption, and reduce the threat of transnational crime and terrorism. ICITAP focuses on law enforcement, correctional institutions, and forensics (whereas OPDAT works primarily with prosecutors and courts). According to DOJ, ICITAP and OPDAT often coordinate their rule of law assistance efforts and pursue a comprehensive approach to criminal justice reform in countries with both a Resident Legal Advisor and an ICITAP advisor. ICITAP programs are implemented by a combination of federal employees and contractors.

*OPDAT.* According to DOJ officials, OPDAT builds foreign partners who can work with the U.S. agencies to enhance cooperation in transnational cases and to fight crime before it reaches the United States. OPDAT has Resident Legal Advisors, Intermittent Legal Advisors, and International Computer Hacking and Intellectual Property Advisors posted at U.S. embassies overseas who provide assistance and case-based mentoring to foreign counterparts to develop justice systems that can combat transnational crime, corruption, and terrorism consistent with the rule of law. According to these officials, OPDAT's efforts and programming align with, reinforce, and further U.S. law enforcement and national security objectives.

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In Selected Countries,  
Missions Developed  
Interagency Strategies  
and Two Developed Issue-  
Specific Strategies to  
Guide Rule of Law  
Assistance

Mission-Wide Strategies We  
Reviewed Address Rule of Law

The Integrated Country Strategy (ICS) outlines goals and objectives for country-level priorities, such as rule of law assistance. The ICS is developed jointly by State and USAID in the country mission and establishes overall goals and objectives of the U.S. government in the particular country. The ICSs are 4-year strategic plans for whole-of-government priorities in a given country. According to State, the goals and objectives in the ICS are linked to and informed by the National Security Strategy, the State/USAID Joint Strategic Plan, and department regional and functional bureau strategies. ICS documents are organized around higher-level goals to be achieved by meeting objectives and sub-objectives. For example:

- In Kosovo, the ICS lists two objectives that help achieve the goal of improved rule of law: (1) ensuring that all Kosovo's citizens have access to reliable, transparent, and accountable governance and justice and that it is responsive to citizens' needs, and (2) improving delivery of services, implementation of laws and regulations, and committing to countering corruption.
- In Colombia, the goal to advance Colombia's capacity to strengthen governance includes the objective of extending the effective presence of democratic institutions and processes, such as the rule of law.

To further detail USAID's in-country efforts, USAID develops a Country Development Cooperation Strategy (CDCS) to plan agency goals and objectives, which are achieved by meeting intermediate and sub-intermediate results for its work in a specific country, such as the provision of rule of law assistance. According to USAID, the CDCS objectives are integrated into the ICS and inform overall rule of law assistance goals and strategy. Some examples include the following:

- In Liberia, the 2013-2019 CDCS states that the overall goal of "Strengthened Liberian Institutions" should be reached by achieving, among others, the development objective of more effective,

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accountable, and inclusive governance. This development objective would in turn be achieved by meeting, among others, the intermediate result of increased access to justice, according to the CDCS.

- In the Philippines, the 2013-2019 CDCS includes the sub-intermediate result of “judicial efficiency improved” as supporting the intermediate result of “economic competitiveness enhanced.” This intermediate result must be reached to achieve the development objective of broad-based and inclusive growth, which in turn contributes to the goal of a more stable, prosperous and well-governed Philippines, according to the CDCS.

The mission-wide strategies for the four selected countries varied in how they prioritized rule of law assistance. In Kosovo, Liberia, and the Philippines rule of law was a higher-level priority, such as a goal in the ICS or development objective in the CDCS. In Colombia, the ICS includes improving rule of law as an objective, but not a main goal, and the CDCS lists rule of law as a sub-intermediate result.

## Two Missions We Reviewed Developed Strategies Specific to Rule of Law

Depending on the emphasis of rule of law assistance in a particular country, the in-country mission may develop strategies, in addition to the ICS and CDCS, to address a specific priority such as rule of law. In two of the four selected countries, we found that missions had developed additional strategic documents specific to rule of law assistance.

- In Kosovo, the mission developed a specific rule of law strategy document to guide activities across State, USAID, and DOJ in support of the rule of law goal in the ICS.
- In Colombia, State and USAID developed a mission rule of law strategy in 2015. In addition, agency officials said they had adapted strategies to fit changing contexts. For example, when a spate of violence targeted human rights defenders and social activists in 2018, the mission in Colombia developed a human rights strategy as a supplement to the rule of law strategy.

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## Agencies in Selected Countries Use Similar Processes to Design and Implement Rule of Law Assistance, but the Sufficiency of Interagency Coordination Is Unknown

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### Agencies Use Similar Approaches to Identify Needs, Design Programs, and Execute Activities to Implement Rule of Law Assistance in Selected Countries

State, USAID, and DOJ conduct assessments, consult with host governments, and use interagency reviews to identify local rule of law needs. Agency officials noted that local context affects the nature of rule of law programs, and that needs assessments are critical to understanding this context. While each country faces unique and specific rule of law challenges, and agencies have flexibility to conduct foreign assistance as they deem appropriate, some key interventions are consistent across several or all of the selected countries. See appendix IV for more information on key interventions and priority issues in each selected country.

- **Assessments.** State and USAID officials said that they can identify needs by conducting assessments of the rule of law in some of the countries we reviewed. They also sometimes contract with other organizations to conduct these assessments as part of the broader contract for a program. DOJ noted that they have used these assessments as an initial baseline against which to evaluate progress, identify critical local assistance needs, inform development of mission strategies such as the ICS and CDCS, and prepare for future activities. According to U.S. officials, program implementing partners can also use assessments to prepare for specific projects and activities according to the terms of grants and contracts with U.S. government agencies. For example, according to officials:
  - In Colombia, State concluded a letter of agreement with the Pan American Development Foundation to conduct an assessment of the function of the local justice sector. Following this assessment, INL officials said they funded a project with the foundation to

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strengthen the capacity of Colombia's Attorney General to address issues related to the original assessment.

- Also in Colombia, USAID's Justice for Sustainable Peace program conducted a local justice study with civil society organizations and academic experts in 45 municipalities and also conducted six regional political economy analyses during the initial phase of the project, among other analytical tools that shaped the project's implementation.
- In the Philippines, a USAID assessment of closed cases and similar studies supported by the World Bank showed that judicial inefficiency was the most serious concern of litigants. Subsequently, USAID officials said they designed and funded a project intended to, among other things, address the two most significant results of inefficiency: docket congestion and court delay. They did this through supporting case inventories and disposition, streamlined litigation procedures, and automated case management. Late in fiscal year 2018, USAID also funded a project to improve access to justice by increasing access to legal information and assistance, and strengthening formal and informal alternative dispute resolution mechanisms.
- **Host government consultation.** U.S. officials said they have also involved the host government in identifying rule of law needs. For example:
  - In Liberia, USAID worked closely with the Liberian government while preparing the 5-year CDCS to best capture local views on justice sector needs, according to USAID officials.
  - In the Philippines, DOJ followed up judicial and prosecutor trainings with informal conversations to elicit local official views on rule of law needs and gaps, according to DOJ officials. According to USAID officials, USAID and the government of the Philippines convened interagency meetings consisting of justice system stakeholders to jointly develop the Joint Country Action Plan which includes rule of law priorities and programmatic activities.
  - In Colombia, USAID and the Colombian Ombudsman's Office jointly identify overlapping areas of interest and develop programs that fit these priorities, according to USAID officials.
- **Interagency review.** U.S. officials described collaborative efforts used at missions to identify local rule of law needs. For example:
  - In the Philippines, officials from State, USAID, and DOJ discuss local needs and capacity gaps in the Law Enforcement Working

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Group and ad-hoc rule of law technical panels. Agency officials noted that, unlike an independent assessment, these groups review proposed and ongoing activities to ensure they meet technical needs identified by all agencies, including potential projects before solicitations for proposals are made public.

- In Kosovo, U.S. officials who participate in the rule of law working group jointly discuss potential needs and areas of intervention for local rule of law assistance.
- Also in the Philippines, State and USAID officials jointly serve on technical evaluation committees to ensure that the design matches local needs and U.S. assistance goals.

In the selected countries, U.S.-supported rule of law assistance is implemented through country-specific programs,<sup>13</sup> and we identified five examples, among others, of distinct types of rule of law activities.

1. *Technical assistance to build human and institutional capacity in the justice system.* U.S. agencies provide assistance to improve rule of law capacity in the form of trainings and exchange programs, and through the use of embedded advisors in local institutions. In Liberia, for example, trainings supported by USAID address a variety of issues. According to officials there, trainings are used in programs to increase the number of magistrates, supplement legal education, increase capacity of the Liberian Land Authority, integrate rule of law and property rights concepts into surveyors' training, and increase the capacity and number of pro bono legal aid providers. (See fig. 5.) Multiple exchange programs provide training to enhance the rule of law, but local government officials from all four selected countries received training at International Law Enforcement Academies, which provide local law enforcement and justice sector officials with rule of law-related training and technical assistance. (See fig. 6.)

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<sup>13</sup>Activities may also be implemented through regional operating units that coordinate projects across several countries. Our review of activities in Colombia, Kosovo, Liberia, and the Philippines was limited to activities overseen by the U.S. mission in the specific country.

**Figure 5: Rule of Law Assistance Supported the Opening of a Free Legal Aid Service in Rural Areas of Liberia, Which Doubles as a Practical Training Center for New Attorneys**



Source: GAO. | GAO-20-393

Figure 6: The International Law Enforcement Academy Program's Regional Training Center in Accra, Ghana



Source: GAO. | GAO-20-393

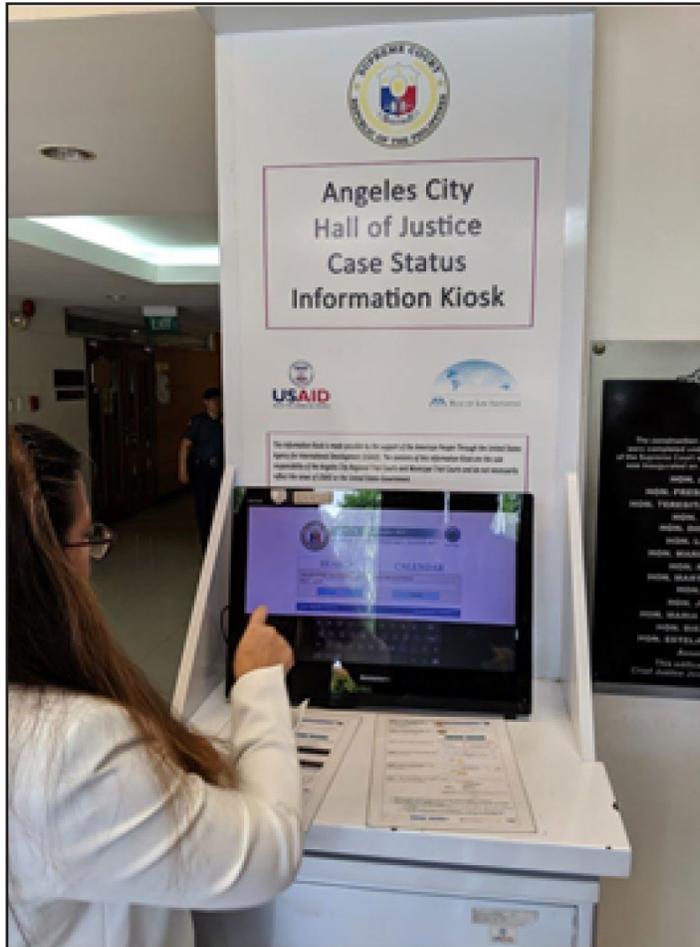
2. *Embedded advisors.* Embedded advisors provide onsite advice to local government officials and may operate in some of the selected countries as either a supplement or the primary agents of training and capacity building, according to agency officials. In several of our selected countries, the U.S. government embeds advisors with local government agencies or courts. According to U.S. officials, these advisors simultaneously provide technical assistance to local officials, but also can report back to the U.S. mission on the opinions and suggestions of local government. In Colombia, DOJ officials said that advisors now focus primarily on counter-narcotics issues but previously worked with host government agencies on human rights

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and rule of law-related work. They noted that DOJ advisors trained thousands of Colombian judges and attorneys prior to this shift in emphasis. Also in Colombia, USAID supports embedded advisors to provide technical assistance to the Office of Colombia's Attorney General on human rights defender homicides and gender-based violence and the Inspector General's Office to support public official disciplinary actions related to human rights protections. In Kosovo, OPDAT and ICITAP embedded advisors provide advice and training to their counterparts in a variety of Kosovo government agencies, including the Ministry of Justice, Ministry of the Interior, and Kosovo Corrections.

3. *Legislative and regulatory reform.* U.S. agencies and funded implementers work with local governments and programs to reform specific laws and administrative procedures. For example, U.S. programs introduced or expanded the concept of and legal structure for plea bargaining into Colombia, Kosovo, and the Philippines, according to U.S. officials in those countries. In the Philippines, members of the national court system provided data showing how the expanded use of continuous trial methods and plea bargaining, supported by U.S.-funded programs, increased courts' ability to process cases and begin to reduce the pre-trial detainee population.
4. *Resource and equipment provision.* Programs provide resources directly to government agencies and civil society groups that are engaged in advocacy around rule of law issues. In the Philippines, for example, USAID provided funds to install e-courts to improve how courts record case information, monitor case flow, and provide public access to the status of cases, according to USAID. They said this productivity tool automates the tasks and functions of the courts, improving overall efficiency, transparency and accountability. (See fig. 7.)

**Figure 7: Philippine Officials Demonstrate a USAID-Funded Case Status Information Kiosk**



Source: GAO. | GAO-20-393

5. *Public outreach.* Missions conduct interagency public outreach campaigns to promote the rule of law in the host country, including greater awareness of legal rights, responsibilities, access, and resources, according to agency officials. Interagency coordination via the Rule of Law working group allows the Kosovo mission to conduct consistently voiced rule of law-themed public communication, for example. The mission jointly publishes a rule of law tweet to update the public on relevant issues, supports “anti-corruption week,” and provides feedback to host government officials to emphasize U.S. activities and views on specific rule of law issues. (See fig. 8.)

Figure 8: Example of a U.S. Ambassador to Kosovo Tweet Regarding the Status of a Local Rule of Law Issue



Source: GAO. | GAO-20-393

In some situations, agency officials have the flexibility to amend a project during the lifespan of the project. For example, in Colombia, officials noted that a sudden rise in violence against social activists and community leaders led State, USAID, and DOJ to adjust their rule of law strategy and programming to focus more on the prevention and prosecution of those crimes.

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## In Selected Countries, Multiple Agencies Coordinate Rule of Law Assistance in Various Ways, but the Sufficiency of These Efforts Is Unknown

We found that agencies in the four selected countries coordinate rule of law assistance in various ways that do not consistently include relevant agencies, and the sufficiency of these coordination efforts is unknown. Officials in Colombia, Liberia, and the Philippines described their respective approaches to coordinating rule of law assistance as follows, citing their Law Enforcement Working Groups as the usual forum for formal coordination.

- In Colombia, INL officials said they operated a rule of law project coordination group specifically for INL staff, but the group did not always include other relevant agencies, such as USAID.<sup>14</sup> INL officials said they sometimes also coordinated rule of law assistance amongst agencies through a Law Enforcement Working Group—which also did not always include other relevant agencies—or through the Human Rights Working Group, which did include State, USAID, and DOJ, according to INL.
- In Liberia, agency officials said that State and USAID sometimes coordinated rule of law assistance through a Law Enforcement Working Group, but the mission did not have a rule of law-specific working group.
- In the Philippines, agency officials said they coordinated rule of law assistance through a Law Enforcement Working Group, which they said included all relevant members. Although the mission also operated a Counterterrorism Working Group, agency officials noted that rule of law was not a common topic at its meetings. The mission did not have a rule of law-specific working group.

By contrast, agencies at the fourth mission we visited—in Kosovo—used a rule of law-specific working group, which included all relevant agencies, to coordinate rule of law activities. Agency officials, including the Chief of Mission, described the working group as a highly effective means of ensuring interagency collaboration and coordination, and as having had a significant positive impact on the effectiveness of rule of law assistance in Kosovo. Agency officials in Kosovo described the working group as a more effective means of coordinating rule of law assistance than other thematic working groups they had utilized in other posts, such as one on Law Enforcement.

State and USAID guidance and our prior work have highlighted the importance of coordinating with relevant entities for interagency efforts,

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<sup>14</sup>According to State officials, ICITAP and OPDAT are included in these project coordinating meetings in their roles as implementers of INL programs.

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such as rule of law assistance, which is provided by multiple U.S. agencies. The 2018-2022 State-USAID Joint Strategic Plan notes that State and USAID will work with their interagency partners to coordinate strategies and programs, including their efforts related to providing rule of law assistance. In addition, we have reported on the importance of interagency collaboration when efforts involve multiple agencies, and have noted that interagency coordination mechanisms or strategies may reduce potentially duplicative, overlapping, or fragmented efforts.<sup>15</sup>

The Law Enforcement Working Groups were designed for purposes other than coordinating rule of law activities and are not required to include agencies that play a key role in providing rule of law assistance. The FAM notes that the Law Enforcement Working Group is the primary forum meant to coordinate U.S. law enforcement operations and law enforcement assistance programs under Chief of Mission authority. State and USAID categorize law enforcement assistance differently from rule of law assistance. Specifically, the FAM states that law enforcement assistance coordinated by the Law Enforcement Working Groups includes bilateral or multilateral foreign assistance programs where the host country unit receiving the assistance is authorized to use force. In addition, the FAM permits but does not require the inclusion of development agencies, including those that provide rule of law assistance, such as USAID, in the Law Enforcement Working Groups.

The extent to which interagency rule of law assistance coordination mechanisms are sufficient is unknown, because officials, led by the Chief of Mission, at overseas embassies have not assessed the sufficiency of interagency coordination of foreign assistance at overseas posts or ensured that such coordination includes all relevant agencies and bureaus. Given that strategic guidance is largely decentralized, country-level coordination and collaboration efforts are critical to achieving agency and government-wide objectives. Without assessing the sufficiency of a mission's mechanisms for coordinating rule of law assistance, such mechanisms may not be as effective as they could be, and may also

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<sup>15</sup>GAO, *Managing for Results: GPRA Modernization Act Implementation Provides Important Opportunities to Address Government Challenges*, [GAO-11-617T](#) (Washington, D.C.: May 10, 2011). We have also identified practices that can enhance and sustain interagency coordination, and key considerations for agencies implementing interagency collaborative mechanisms. See GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration among Federal Agencies*, [GAO-06-15](#) (Washington, D.C.: Oct. 21, 2005) and GAO, *Managing for Results: Key Considerations for Implementing Interagency Collaborative Mechanisms*, [GAO-12-1022](#) (Washington, D.C.: Sept. 27, 2012).

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increase the risk of duplicating efforts or fragmenting limited resources. In addition, agencies may also be missing opportunities to leverage interagency resources.

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## Conclusions

Improving the rule of law in partner countries overseas is a key objective of America's foreign and national security policy. Ensuring that State, USAID, DOJ, and other agencies involved in providing rule of law assistance coordinate their efforts effectively—including involving all relevant entities—is key to providing that assistance in an efficient and accountable way. Overseas missions have the ability to develop whole-of-government strategies that guide their priorities and activities in a given country. As a result, the quality of strategic planning and coordination at the mission level is critical.

Agency officials at overseas posts often work in a decentralized manner to design, implement, and coordinate rule of law assistance. While there is a range of coordination mechanisms in place, in selected countries, the extent and nature of interagency coordination varied and the sufficiency of those efforts is unknown. One of the key mechanisms used in-country to coordinate rule of law assistance is designed for other purposes, and, therefore, does not consistently include agencies that play a key role in providing rule of law assistance. Without assessing the sufficiency of their coordination methods, agencies could be missing opportunities to fully leverage limited resources for rule of law assistance, and could also be duplicating efforts and not providing assistance as effectively and efficiently as possible.

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## Recommendation for Executive Action

The Secretary of State should require Chiefs of Mission at overseas missions that receive allocations for rule of law assistance to assess the sufficiency of their coordination methods to verify that this assistance is coordinated with all relevant interagency partners. (Recommendation 1)

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## Agency Comments

We provided a draft of this report to State, USAID, DOJ, and DOD for their review and comment. State and USAID provided written comments, which are reproduced in their entirety in appendices V and VI, respectively. State, USAID, DOJ, and DOD provided technical comments, which we incorporated as appropriate.

In its written comments, State accepted our recommendation and agreed that an assessment of coordination mechanisms would improve the overall provision of rule of law assistance. State also said that, on behalf

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of the Secretary of State, INL will provide guidance to require posts to perform an assessment on their coordination of rule of law assistance and come to a determination if coordination sufficiently involves all relevant agency partners.

In its written comments, USAID noted that it prioritizes rule of law as a fundamental development outcome, and that it works with State and DOJ in its pursuit of this and other related objectives. USAID also noted a preference for formal rule of law-specific coordination groups to align efforts and reduce duplication.

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We are sending copies of this report to the appropriate congressional committees and to the Secretaries of State and Defense, the Acting Administrator of USAID, the Attorney General, and other interested parties. In addition, the report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-2964 or [gurkinc@gao.gov](mailto:gurkinc@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made major contributions to this report are listed in appendix VII.



Chelsea Gurkin  
Director, International Affairs and Trade

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# Appendix I: Objectives, Scope, and Methodology

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This report examines (1) how much funding the Department of State (State) and U.S. Agency for International Development (USAID) allocated for rule of law assistance in fiscal years 2014 through 2018; (2) how agencies strategically plan and coordinate the allocation of rule of law assistance; and (3) what processes agencies have to design, implement, and coordinate rule of law assistance programs in selected countries. This is the first of two reports that will address this issue.<sup>1</sup>

To identify which agencies were relevant for a review of global rule of law assistance, we spoke with officials from State, USAID, the Department of Justice (DOJ), the Department of Defense (DOD), and representatives from nongovernmental organizations (NGO) involved in the rule of law sector. On the basis of these interviews and our previous work, we selected State, USAID, and DOJ to review.<sup>2</sup>

To address our first objective, we analyzed funding data from State and USAID, and obligation data from DOJ. We primarily relied on allocation data provided by State's Office of Foreign Assistance Resources (F) for fiscal years 2014 through 2018—the most recent data available at the time of our review.<sup>3</sup> F's data included allocation data disaggregated by specific recipient country or regional program. Allocation data also was reviewable by the relevant rule of law program area and program elements as listed in State's and USAID's Standardized Program Structure and Definitions (SPSD). Rule of law is listed as a program area under the Democracy, Human Rights, and Governance (DR) category within the SPSD as "DR 1" and is composed of five program elements—DR 1.1 through DR 1.5. According to F officials, in fiscal year 2018, F changed its policy to allow operating units to designate activities with

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<sup>1</sup>A second report will examine agencies' efforts to monitor and evaluate rule of law assistance worldwide.

<sup>2</sup>We previously reported on some of DOD's rule of law-related activities. See [GAO-17-118](#).

<sup>3</sup>F provided allocation data current at the time of Operational Plan approval by F. State and USAID reprogram funds after that point, which can increase or decrease the amount of rule of law funding allocated. F could not provide verified final data that reflected all reprogrammed funds. These data do not include funds allocated by State's Counterterrorism Bureau or any funds allocated by State or USAID to ICITAP.

other SPSP codes to also count toward rule of law through the “cross-attribution” process.<sup>4</sup>

We assessed the reliability of State’s allocation data and determined the data to be sufficiently reliable for the purposes of reporting allocation totals and allocations disaggregated by program element and recipient country. F gathered this information from its FACTSInfo data system, which itself draws from data reported in annual Operational Plans prepared by relevant operating units, according to F officials. We verified the allocation data for the four countries we selected for our review by reviewing the allocated funds listed in the annual Operational Plans for each respective country. The data in the Operational Plans matched the allocation data from FACTSInfo.

In addition to the allocation data provided by F, we collected limited obligation data from State’s Bureau for International Narcotics and Law Enforcement (INL) and DOJ. Since DOJ functions primarily as a rule of law assistance program implementer, it reported all of its funding as obligations from State via interagency agreements.<sup>5</sup> DOJ reported obligated funds separately for its two rule of law-focused bodies, the International Criminal Investigative Training Assistance Program (ICITAP) and the Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT). DOJ’s data described all obligated funding for rule of law assistance globally from fiscal years 2014 through July 2019. To evaluate the reliability of DOJ’s data, we asked INL to confirm that DOJ’s obligation totals for the four selected countries matched INL’s. Ultimately, we found the data reported by INL and DOJ to be consistent and sufficiently reliable for the purposes of our reporting objective.

To address our second objective, we reviewed documents and interviewed officials in Washington, D.C. We compared strategies and guidance described for the whole of government, specific departments and agencies, and bureaus and offices within those departments. We also reviewed the annual foreign assistance budget process to describe how agencies at headquarters collaborate to determine foreign assistance allocations generally and for rule of law assistance in

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<sup>4</sup>Operating units represent either the country-specific mission, composed of both State and USAID, or the regional program, which may be composed of either State or USAID, or both. Operating units are the most localized unit that receives allocated funds, according to F officials.

<sup>5</sup>DOJ also receives allocations for rule of law assistance from DOD.

particular. We reviewed the Integrated Country Strategy documents for each selected country, as well as USAID's Country Development Cooperation Strategy. We reviewed these documents to identify rule of law thematic priorities and any guidance regarding roles and responsibilities, program implementation, and intra- or interagency coordination.

To address our third objective, we selected a non-generalizable sample of four countries: Colombia, Kosovo, Liberia, and the Philippines for site visits or in-depth analysis. We also reviewed one international program—the Regional Training Center, based in Accra, Ghana, part of the International Law Enforcement Academy Program. In selecting these countries, we considered, among other things, (1) countries in which at least two of the three focus agencies had allocated or obligated rule of law assistance funds during fiscal years 2014 through 2018; (2) countries that were among the top half of recipients of rule of law assistance allocations from State and USAID during the same period, as reported in publically available information; (3) geographic dispersal of selected countries, to ensure that no more than one country was selected in each of State's designated regions; and (4) suggestions from State, USAID, DOJ, and NGO officials with experience in the rule of law sector.

We traveled to the Philippines in August 2019 and to Ghana, Liberia, and Kosovo in September 2019. We met with and interviewed officials from State, USAID, and DOJ, and from NGOs that had implemented U.S.-funded rule of law assistance projects, as well as local government officials who had participated in U.S.-funded rule of law assistance activities. We did not travel to Colombia, but conducted interviews with State, USAID, DOJ, NGO, and local government officials in Colombia by phone. We also interviewed officials in Washington, D.C., in person.

To examine the processes used by State, USAID, and DOJ to design, implement and coordinate rule of law assistance in selected countries, we reviewed documents and interviewed agency and local government officials and implementing organization staff. We interviewed U.S. and local officials in Washington, D.C.; Colombia; Ghana; Liberia; Kosovo; and the Philippines on methods of identification of local needs, the process of program / activity design, and means of coordinating implementation among multiple agencies, among other topics. We also visited projects in the Philippines, Liberia, and Kosovo, where we were able to observe activities and speak with project implementers, partners, and beneficiaries. We compared the collaboration mechanisms used at

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these three missions to the collaboration requirements in the 2018-2022 State-USAID Joint Strategic Plan.

We conducted this performance audit from December 2018 to June 2020, in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

# Appendix II: Standardized Program Structure and Definitions of Rule of Law

## Fiscal Year 2018 Funding Allocations for Rule of Law SPSD Program Areas

The Department of State (State) and U.S. Agency for International Development (USAID) categorize and track their foreign assistance according to the Standardized Program Structure and Definitions (SPSD). State and USAID use the SPSD to define overall foreign assistance themes, and to code foreign assistance funds in order to track how U.S. agencies allocate their resources. The SPSD divides foreign assistance into category, program area, and program element. The SPSD comprises seven categories, including Democracy, Human Rights, and Governance, within which rule of law is a specific program area. Rule of law is composed of five program elements: (1) Constitutions, Laws and Legal Systems, (2) Culture of Lawfulness, (3) Checks and Balances with Judicial Independence and Supremacy of Law, (4) Justice Systems and Institutions, and (5) Fairness and Access to Justice. According to State officials, allocated funds are linked to specific SPSD codes in the annual Operational Plans, which are developed by either country-specific or regional operating units. Operating units also determine which program area and program element is the appropriate code for a specific activity. While the SPSD provides definitions of each program element, the definitions may overlap and operating units have some leeway to apply the SPSD codes based on their judgement. Table 1 shows funding associated with each rule of law program element and provides examples of rule of activities that were allocated funds in the selected countries.<sup>1</sup>

**Table 1: Fiscal Year 2018 Rule of Law Program Area and Component Program Elements**

Category	Program area	Program element	Total value (in dollars) and percentage of fiscal year 2018 rule of law allocation	Examples of activities that were allocated funds
Democracy, Human Rights, and Governance (DR)	Rule of Law (DR 1)	Constitutions, Laws, and Legal Systems (DR 1.1)	16,563,504 (3.00%)	Reforming host government laws and regulations to better protect property rights
—	—	Culture of Lawfulness (DR 1.2)	10,982,496 (1.99%)	Expanding legal clinic training experiences for law students

<sup>1</sup>F provided us with allocation data current at the time of Operational Plan approval by F. After Operational Plan approval, State and USAID reprogram funds, which can increase or decrease the amount of rule of law funding allocated. F could not provide verified final data that reflected all reprogrammed funds.

**Appendix II: Standardized Program Structure  
and Definitions of Rule of Law**

<b>Category</b>	<b>Program area</b>	<b>Program element</b>	<b>Total value (in dollars) and percentage of fiscal year 2018 rule of law allocation</b>	<b>Examples of activities that were allocated funds</b>
—	—	Checks and Balances with Judicial Independence and Supremacy of Law (DR 1.3)	25,523,119 (4.63%)	Assessing host government judicial sector's technical capacity and ability to act independently
—	—	Justice Systems and Institutions (DR 1.4)	353,759,740 (64.13%)	Training of local prosecutors by U.S. embedded advisors
—	—	Fairness and Access to Justice (DR 1.5)	26,589,529 (4.82%)	Providing support for local civil society to monitor host government justice institutions and advocating for improved community access to justice

Source: GAO analysis of Department of State data. | GAO-20-393

Beginning in fiscal year 2018, State's Office of Foreign Assistance Resources (F) began to track allocated funds that were not coded as part of the rule of law program area, but were also planned to be used for rule of law themes, according to F officials. This process is referred to as "cross-attribution." Cross-attributed funds are designated by operating units in their annual Operational Plan. State officials provided an example from fiscal year 2018, explaining that funding classified under two program elements from the Peace and Security program area were cross-attributed to rule of law. Table 2 shows the cross-attributed allocated funds in fiscal year 2018.

**Table 2: Fiscal Year 2018 Allocated Funds Cross-Attributed to Both Rule of Law and Other Program Areas**

<b>Category</b>	<b>Program area</b>	<b>Program element</b>	<b>Total value (in dollars) and percentage of fiscal year 2018 rule of law allocation</b>	<b>Examples of activities that were allocated funds</b>
Peace and Security	Citizen Security and Law Enforcement	Civilian Police Reform / Community-Oriented Policing (PS 9.2)	76,251,000 (13.82%)	Training rural community law enforcement on investigative techniques and human rights concepts
—	—	Corrections Assistance (PS 9.4)	42,000,000 (7.61%)	Enhancing prison guards' understanding of prisoners' rights and providing material support for improvements to corrections facilities

Source: GAO analysis of Department of State data. | GAO-20-393

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Rule of Law Program Area  
and Component Program  
Elements

State identifies five program elements within its Rule of Law program area and defines them as follows:

Program Element DR.1.1:  
Constitutions, Laws, and Legal  
Systems

*Definition:* Support the development of constitutions, laws, and legal systems that are procedurally and substantively fair, derived through participatory democratic processes, and consistent with international human rights standards. Both the substance of the law and the process by which it is developed must be legitimate and should be transparent. Includes analysis and dissemination of jurisprudence, innovations, and best practices in constitutional and law-making processes. Includes programs that assist in strengthening systems and processes for developing and enacting laws. Supports efforts to end impunity and enable peaceful transitions to democracy. Customary or religious dispute resolution mechanisms are included as laws, and legal systems do not have to be written or formal to be legitimate.

Program Element DR.1.2:  
Culture of Lawfulness

*Definition:* Foster and maintain a culture that is generally law-abiding, including through legal literacy, public awareness, constituency building, and citizen engagement in legal processes. Ensure that the public is educated about laws and regulations, perceives laws as legitimate and worthy of adherence, and respects the authority of law and legal institutions. Develop citizen demand for an effective and accountable justice system, and develop associations to advocate for all citizens. This includes programs that spur a culture of lawfulness by changing beliefs and attitudes by socializing people into a rule of law culture and changing norms so that people abide by the law. This also includes rule of law programs or civil society programs with a very specific focus on rule of law-related citizen awareness and education—i.e., supporting civil society organizations to participate in public hearings as part of a larger effort to strengthen the parliament or working with a civil society organization to provide legal representation of indigent populations as part of an overall judicial strengthening strategy.

Program Element DR.1.3:  
Checks and Balances with  
Judicial Independence and  
Supremacy of Law

*Definition:* Strengthen judicial independence as a means to maintain separation of powers and check excessive power in any branch or level of government. Strengthening judicial independence includes reducing improper influences on the judiciary through: open and participatory processes for judicial selection and appointment; security of tenure; satisfactory budget allocations to ensure adequate infrastructure, training, and working conditions; judicial self-governance including management of administrative, budgetary, ethics, and disciplinary processes and reform;

and transparent court operations and judicial processes. Enhance the judiciary's ability to check abuses of power by any branch or level of government through creating and strengthening constitutional or judicial review. This element also helps ensure that government is bound by law, and government decision-making is in accordance with the law. Work to create an independent and impartial justice system through institutional and behavioral change, and also to promote public respect for the justice system and judicial decision-making.

Program Element DR.1.4:  
Justice Systems and  
Institutions

*Definition:* Improve the systems, capacity, and sustainability of civil and criminal justice sector and institutions, improve the ability and skills of justice sector actors, and enhance coordination amongst them where appropriate (includes harmonization of policies, procedures, and systems, and public / private partnerships relating to both criminal and civil law). Justice sector actors and institutions include: police, border security, prosecutors, forensics experts, judges, court personnel, public defenders, mediators, arbitrators, conciliators, corrections personnel, private bar, law schools, legal professional associations, and training institutions for each of them. Support educational and training programs for all justice system actors, to include reform of pedagogy and curricula, continuing and in-service training, and support of accreditation and legal professional associations to promote professionalism; and encourage public service. Improve administrative and operational systems, including strategic planning, budget, procurement, and personnel.

Program Element DR.1.5:  
Fairness and Access to Justice

*Definition:* Work toward an equitable justice system by ensuring fairness in law and process. Fairness programs include non-discrimination law fair trial standards, effective administrative law systems to guard against arbitrary government action, and observance by all justice system actors and institutions of international treaties and customary law. Support monitoring and advocacy by justice sector NGOs, including strategic lawyering, trial monitoring, and policy dialogue. Improve equitable access to justice through increasing the quality and quantity of state and non-state justice services, with a particular focus on women, youth, the poor, LGBT persons, and other marginalized or vulnerable groups. This includes access to state and non-state dispute-resolution fora; court redistribution; mobile courts; the removal of language, gender, cultural, sexual orientation, gender identity and physical barriers; circulation of laws and legal decisions; alternative dispute resolution systems; and expanding access to legal services (e.g., public defenders' offices, legal aid and legal services, labor law services, justice or legal resources centers). This also includes programs to educate the citizenry about their rights, how to access services, and how to encourage change. Programs

primarily focused on trafficking in persons should be captured under Peace and Security (PS) PS.5 and programs focused on alien smuggling under PS.4.

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Peace and Security  
Program Area and Cross-  
Attributed Component  
Program Elements

In fiscal year 2018, State cross-attributed some funds in both the Rule of Law program area and the Peace and Security program area. State defines those program elements within the Peace and Security program area as follows:

Program Element PS.9.2:  
Civilian Police Reform /  
Community-Oriented Policing

*Definition:* Develop modern police forces through capacity-building (training and education both in the classroom and in the field) with focus on creating police institutions that can effectively fight crime and serve the public. Activities include, but are not limited to, police academy reform, organizational restructuring, professionalization, developing internal affairs, civil service reform (pay and rank reform), management and leadership, equipment and infrastructure support, aviation support, gender sensitivity, community-oriented policing, and public affairs. Assistance can also support the establishment and sustainment of effective, professional, and accountable law enforcement services (civilian police, stability / formed police units, and specialized units trained and equipped for specific issues such as port and maritime security, border security, gangs, or kidnapping). As the foundation for such a service is fundamentally rooted in the rule of law and respect for human rights, activities conducted in support of this element should be coordinated with programs under the Rule of Law elements in the Democracy, Human Rights, and Governance (DR) category.

Program Element PS.9.4:  
Corrections Assistance

*Definition:* Provide consultation on facilities, system, and process design; increase the capabilities and professionalization of corrections personnel at all levels through training, with the goal of developing sustainable operations and infrastructure in compliance with international guidelines, especially with respect to human rights. Implement an objective classification system to separate inmates by risk and status (felony / misdemeanor / pretrial); reduce pretrial detentions and other causes of overcrowding; eliminate factors that lead to violent uprisings and intergang violence; provide specialized equipment and vehicles to ensure secure operations; and develop a path toward independent international accreditation of facilities and operations to ensure effective, transparent, and accountable corrections systems. Activities conducted herein are in support of long-term development of effective, transparent, and accountable penal systems (described under the Democracy, Human Rights, and Governance (DR) Category).

# Appendix III: Global Rule of Law Assistance Allocations

For this review, we collected and analyzed foreign rule of law assistance allocation data from the Department of State’s (State) Office of Foreign Assistance Resources (F).<sup>1</sup> F tracks funding allocations by operating unit, which may be either one particular country, such as Afghanistan or Colombia, or a regional or programmatic unit, such as “State Western Hemisphere Regional” or “Near East Regional Democracy.” Allocations to regional and programmatic operating units shown in table 3 below are not inclusive of the allocations to individual countries on this list. For example, the funding allocated to State’s Western Hemisphere Regional operating unit does not include the funding allocated for the Colombia operating unit. While the regional operating units may conduct activities within particular countries, because the funds are managed from the regional perspective, they are considered different streams of funding. Both regional and country-specific operating units include funds for both State and the U.S. Agency for International Development.

**Table 3: Rule of Law Allocations by State and USAID, Disaggregated by Operating Unit, Fiscal Years 2014–2018**

Thousands of dollars

Operating unit	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2014–FY 2018 total
State Western Hemisphere Regional	52,201	108,900	175,744	142,940	130,347	<b>610,131</b>
Afghanistan	129,673	150,150	113,451	101,155	101,155	<b>595,584</b>
Mexico	94,694	54,229	54,440	56,417	52,988	<b>312,768</b>
Colombia	28,721	27,698	45,153	42,785	48,435	<b>192,792</b>
West Bank and Gaza	19,500	20,300	19,910	—	—	<b>59,710</b>
State Africa Regional	7,424	14,000	5,269	15,112	16,961	<b>58,766</b>
Kosovo	9,129	10,875	12,974	12,980	12,093	<b>58,051</b>
Jordan	1,500	6,000	15,000	13,639	10,000	<b>46,139</b>
Ukraine	5,089	1,525	8,850	12,000	10,169	<b>37,633</b>
State International Narcotics and Law Enforcement Affairs	12,735	9,920	—	—	12,596	<b>35,251</b>
Georgia	5,317	4,718	4,990	11,574	7,143	<b>33,742</b>

<sup>1</sup>F provided us with allocation data current at the time of Operational Plan approval by F. After Operational Plan approval, State and USAID reprogram funds, which can increase or decrease the amount of rule of law funding allocated. F could not provide verified final data that reflected all reprogrammed funds.

**Appendix III: Global Rule of Law Assistance  
Allocations**

<b>Operating unit</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2014–FY 2018 total</b>
Pakistan	9,847	5,893	7,000	7,000	2,800	<b>32,541</b>
Philippines	7,116	7,400	5,928	5,100	4,980	<b>30,524</b>
Liberia	7,752	2,850	4,067	8,041	7,222	<b>29,932</b>
Burma	1,503	3,551	7,760	9,391	6,645	<b>28,850</b>
State Democracy, Human Rights, and Labor	9,540	7,500	2,350	—	9,250	<b>28,640</b>
Serbia	6,464	3,950	3,497	7,327	6,539	<b>27,777</b>
Iraq	19,802	1,000	—	6,000	—	<b>26,802</b>
Indonesia	3,800	3,498	4,220	5,650	7,618	<b>24,786</b>
Lebanon	—	1,113	7,150	2,000	12,000	<b>22,263</b>
Moldova	3,051	2,481	4,087	5,190	7,144	<b>21,954</b>
Bosnia and Herzegovina	3,630	3,054	3,339	6,417	5,145	<b>21,585</b>
Near East Regional Democracy	2,830	5,556	3,640	3,616	4,000	<b>19,642</b>
Albania	3,893	3,200	3,200	3,100	5,635	<b>19,028</b>
Tunisia	1,274	500	8,397	4,685	3,800	<b>18,656</b>
South Sudan	—	14,040	1,000	2,500	—	<b>17,540</b>
Sri Lanka	1,720	—	4,582	6,328	3,925	<b>16,554</b>
China	3,800	825	3,800	3,800	3,800	<b>16,025</b>
Vietnam	150	665	2,965	7,750	3,680	<b>15,210</b>
Haiti	—	5,000	5,150	1,750	3,300	<b>15,200</b>
USAID Democracy, Conflict, and Humanitarian Assistance	4,360	1,190	3,132	3,996	1,813	<b>14,491</b>
Kyrgyz Republic	3,503	2,550	3,184	3,415	900	<b>13,552</b>
Democratic Republic of the Congo	2,400	2,544	2,278	3,260	2,854	<b>13,336</b>
Cambodia	5,157	3,617	2,000	1,500	—	<b>12,274</b>
Bangladesh	2,100	550	2,600	2,500	4,000	<b>11,750</b>
Egypt	2,273	1,020	4,000	—	4,000	<b>11,293</b>
El Salvador	—	1,945	3,689	5,504	—	<b>11,138</b>
Somalia	—	—	—	5,957	4,500	<b>10,457</b>
Uzbekistan	955	809	1,181	3,271	4,220	<b>10,436</b>
Guatemala	1,150	3,683	2,700	2,550	—	<b>10,083</b>
Honduras	440	3,859	1,760	4,000	—	<b>10,059</b>

**Appendix III: Global Rule of Law Assistance  
Allocations**

<b>Operating unit</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2014–FY 2018 total</b>
Middle East Partnership Initiative	206	1,000	8,100	—	—	<b>9,306</b>
North Macedonia	863	737	980	3,121	2,500	<b>8,201</b>
Montenegro	1,224	830	1,135	3,203	1,685	<b>8,077</b>
Europe and Eurasia Regional	975	220	1,465	1,905	1,445	<b>6,010</b>
Nigeria	—	—	—	3,000	3,000	<b>6,000</b>
Armenia	1,558	1,034	580	710	1,600	<b>5,482</b>
Rwanda	—	260	1,500	1,500	1,984	<b>5,244</b>
Mali	—	1,000	—	300	3,940	<b>5,240</b>
Nepal	990	900	1,030	1,030	1,162	<b>5,112</b>
USAID Africa Regional	—	—	—	4,750	264	<b>5,014</b>
Cote d'Ivoire	—	1,200	2,362	1,348	—	<b>4,910</b>
Central African Republic	—	—	1,250	2,000	1,000	<b>4,250</b>
USAID Sahel Regional Program	—	—	—	2,000	2,000	<b>4,000</b>
International Organizations	—	—	4,000	—	—	<b>4,000</b>
State East Asia and Pacific Regional	1,500	1,000	500	500	500	<b>4,000</b>
Libya	500	—	—	3,100	—	<b>3,600</b>
Thailand	686	950	950	465	400	<b>3,451</b>
Laos	100	300	300	2,301	—	<b>3,001</b>
Ambassador-at-Large for Global Women's Issues	3,000	—	—	—	—	<b>3,000</b>
Kazakhstan	521	—	390	1,350	703	<b>2,964</b>
Timor-Leste	1,160	700	800	—	—	<b>2,660</b>
Tajikistan	800	330	550	330	320	<b>2,330</b>
Peru	—	—	—	—	2,300	<b>2,300</b>
Azerbaijan	1,208	552	525	—	—	<b>2,285</b>
South Africa	—	—	500	500	1,200	<b>2,200</b>
Trans-Sahara Counter-Terrorism Partnership	—	—	540	540	1,000	<b>2,080</b>
Uganda	—	—	—	1,000	1,000	<b>2,000</b>
Sierra Leone	1,600	—	—	—	—	<b>1,600</b>
Niger	—	—	—	1,089	511	<b>1,599</b>

**Appendix III: Global Rule of Law Assistance  
Allocations**

<b>Operating unit</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2014–FY 2018 total</b>
Dominican Republic	—	—	1,500	—	—	<b>1,500</b>
Yemen	1,000	—	500	—	—	<b>1,500</b>
USAID Southern Africa Regional	—	—	500	1,000	—	<b>1,500</b>
Argentina	—	—	—	—	1,000	<b>1,000</b>
Morocco	—	—	—	500	500	<b>1,000</b>
Mongolia	—	—	500	500	—	<b>1,000</b>
Maldives	1,000	—	—	—	—	<b>1,000</b>
Cuba	225	760	—	—	—	<b>985</b>
Ecuador	810	—	—	—	—	<b>810</b>
Malaysia	800	—	—	—	—	<b>800</b>
USAID Middle East Regional	550	100	—	—	—	<b>650</b>
Ethiopia	—	—	—	527	—	<b>527</b>
African Union	—	—	500	-	—	<b>500</b>
Mozambique	—	—	—	400	—	<b>400</b>
Zimbabwe	155	230	—	—	—	<b>385</b>
USAID West Africa Regional	—	—	375	—	—	<b>375</b>
Syria	—	—	—	348	—	<b>348</b>
Venezuela	140	150	—	—	—	<b>290</b>
USAID Asia Regional	—	—	250	—	—	<b>250</b>
USAID Latin America and Caribbean Regional	—	—	—	200	—	<b>200</b>
Tanzania	45	—	—	—	—	<b>45</b>
Belarus	—	2	—	—	—	<b>2</b>
<b>Total</b>	<b>496,108</b>	<b>514,415</b>	<b>596,020</b>	<b>579,717</b>	<b>551,669</b>	<b>2,737,929</b>

Legend: State = Department of State, USAID = U.S. Agency for International Development, FY = fiscal year

Source: GAO analysis of State data. | GAO-20-393

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# Appendix IV: Rule of Law-Related Issues in Selected Countries

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This appendix provides a review of rule of law-related issues in selected countries in four different geographic regions. We selected a non-generalizable sample of four countries—Colombia, Kosovo, Liberia, the Philippines—to review specific rule of law programs and the ways agencies coordinate their rule of law assistance in-country. The following pages include some key facts and background information about those countries, key challenges to the rule of law, and U.S. rule of law assistance activities.

# Rule of Law Assistance

## Colombia



### Colombia Facts



Source: GAO (map resources). | GAO-20-393

#### Geography

- 1,138,910 square kilometers in area (slightly less than twice the size of Texas)

#### Population

- 48,168,996 (July 2018 est.)

#### Ethnic Composition

- Mestizo and white 87.6%, Afro-Colombian (includes mulatto, Raizal, and Palenquero) 6.8%, Amerindian 4.3%, unspecified 1.4% (2018 est.)

#### Economy

- \$14,400 GDP per capita (2017 est.)

#### Legal System

- Civil law system, influenced by Spanish and French civil codes

Source: Central Intelligence Agency, *World Factbook*.



Source: GAO. | GAO-20-393

### Overview

#### Background and Context

In 2016 the government of Colombia and the Revolutionary Armed Forces of Colombia (FARC) signed a final peace accord calling for demobilization of armed insurgents, the establishment of new transitional justice institutions, and the introduction of the FARC as a non-violent actor in the Colombian political community, according to the Central Intelligence Agency's *World Factbook*. The *World Factbook* also reports that conflict resulted in many lives lost, more than seven million internally displaced persons, and tens of thousands of "disappeared" victims. While the FARC has laid down its arms, challenges posed by remaining insurgent groups and narco traffickers remain. According to U.S. officials, in the absence of a full establishment of rule of law and equal access to justice for all populations, the country risks sliding back into conflict.

#### Key Challenges to the Rule of Law

In recent years, according to officials from the Department of State's (State) Bureau for International Narcotics and Law Enforcement (INL), the presence of illegal armed groups and narcotics trafficking organizations—which have led to an increase in violence against human rights defenders and social activists—has challenged the government of Colombia's ability to project the rule of law into rural and former conflict zones. In addition, the Integrated Country Strategy for Colombia notes that much of the gold production in Colombia is carried out by organized criminal actors and armed groups, which robs the government of tax revenue, harms human health and the environment, and prevents licit producers from entering the market.

#### Common Rule of Law Issues in Colombia, Noted by U.S. Officials

Post-conflict	Professional / technical capacity	Court docket congestion	Corruption
Fragile peace following 2016 peace accord; persistent threat to social activists; integration of communal justice systems	Need for enhanced skills for targeting complicated criminal acts (narcotics trafficking, money laundering, and dismantling organized crime)	Slow processing of court cases, particularly those in conflict-affected communities, risks rekindling violence	Corruption related to narcotics trafficking risks overwhelming the government

Source: Department of State and U.S. Agency for International Development. | GAO-20-393

#### U.S. Rule of Law Assistance Activities

Colombia is one of the largest recipients of U.S. rule of law assistance in the world, and programs have sought to address an array of interrelated issues, according to U.S. officials. These officials said that State and the U.S. Agency for International Development (USAID) have collaborated on responding to violence against human rights defenders. INL works with the Department of Justice to improve the capacity of local prosecutors and law enforcement. USAID officials said that they support programs to increase access to justice, including strengthening indigenous justice, instituting alternative dispute resolution mechanisms, and collaborating with the Colombian Public Defender's Office to expand legal representation for indigent and at-risk communities. They also said that they strengthen the investigation and prosecution of gender-based violence and social leader cases, investigation of public officials failing to protect social leaders, and justice and reparations for victims of armed conflict.



# Rule of Law Assistance

## Kosovo



### Kosovo Facts



#### Geography

- 10,887 square kilometers in area (slightly larger than Delaware)

#### Population

- 1,907,592 (July 2018 est.)

#### Ethnic Composition

- Albanian 92.9%, Bosniak 1.6%, Serb 1.5%, Turk 1.1%, Ashkali 0.9%, Egyptian 0.7%, Gorani 0.6%, Romani 0.5%, other / unspecified 0.2% (2011 est.). These estimates may exclude northern Kosovo because of census boycotts by Serb and Romani communities.

#### Economy

- \$10,900 GDP per capita (2017 est.)

#### Legal System

- Civil law system

Source: Central Intelligence Agency, *World Factbook*.



### Overview

#### Background and Context

Following violent internal conflict from 1998 through 1999, Kosovo remained under the stewardship of the United Nations (UN) until it declared independence in 2008, according to the Central Intelligence Agency's *World Factbook*. According to Department of State (State) officials, the 2013 Brussels Agreement resulted in Kosovo and Serbia further partially normalizing relations; however, Kosovo is not universally recognized as a state and is not currently permitted to join the UN, North Atlantic Treaty Organization, or European Union (EU), among others. With U.S. support, the government of Kosovo has sought to reform its legal institutions with the aim of joining the EU. The United States is committed to helping the government of Kosovo reach this goal.

#### Key Challenges to the Rule of Law

In 2018, administration of the legal system transferred from foreign oversight to full Kosovo government control, according to State officials. Consequently, local officials said they had to staff courts, translate casefiles kept in other languages, set new rules and regulations, and accomplish a range of other administrative functions in addition to day-to-day court operations. In addition, Kosovo's legal system had to integrate the previously parallel Serbia-run legal system into Kosovo's legal and judicial institutions, according to State officials.

#### Common Rule of Law Issues in Kosovo, Noted by U.S. Officials

Post-conflict and ethnic division	Professional / technical capacity	Court docket congestion	Corruption
Need for continued integration of minority ethnic communities into national justice system	Need for enhanced basic and advanced skills to address complicated criminal acts (money laundering, cybercrimes, trafficking in persons)	Slow-moving case processing has contributed to sense of impunity for gender- and youth-based violence	Nepotism and cronyism are persistent features of the civil service and political culture

Source: Department of State and U.S. Agency for International Development. | GAO-20-393

#### U.S. Rule of Law Assistance Activities

U.S. agencies have provided assistance to the government of Kosovo through a variety of means. The Department of Justice embeds advisors in multiple offices of the government of Kosovo, including the Ministry of Justice, Ministry of the Interior, Kosovo Corrections, and police inspectorate, according to agency officials. These officials also said that the advisors provide traditional classroom-based technical training to Kosovo government officials, as well as real-time advice on particular cases and guidance for the development of new regulations. Officials also said that several U.S.-funded small-grant and educational exchange programs have enhanced the capability of local officials and civil society representatives to manage and advocate for an improved justice sector. To ensure an inclusive and transparent judicial process, officials from the U.S. Agency for International Development said they train local government officials in areas such as transparent procurement processes, and local and central government officials on drafting policies and legislation. Agencies at the U.S. Embassy in Kosovo also collaboratively operated a public affairs campaign to engage with Kosovo citizens on rule of law issues, according to U.S. officials.



# Rule of Law Assistance

## Liberia



### Liberia Facts



Source: GAO (map resources). | GAO-20-393

#### Geography

- 111,369 square kilometers in area (slightly larger than Virginia)

#### Population

- 4,809,768 (July 2018 est.)

#### Ethnic Composition

- Kpelle, 20.3%; Bassa, 13.4%; Grebo, 10%; Gio, 8%; Mano, 7.9%; Kru, 6%; Lorma, 5.1%; Kissi, 4.8%; Gola, 4.4%; Krahn, 4%; Vai, 4%; Mandingo, 3.2%; Gbandi, 3%; Mende, 1.3%; Sapo, 1.3%; other Liberian, 1.7%; other African, 1.4%; non-African, 0.1% (2008 est.)

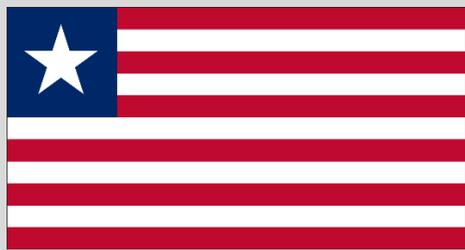
#### Economy

- \$1,300 GDP per capita (2017 est.)

#### Legal System

- Mixed legal system of common law, based on Anglo-American law, and customary law

Source: Central Intelligence Agency, *World Factbook*.



### Overview

#### Background and Context

Liberia, which the World Bank categorizes as a low income country, has a history that includes a 14-year civil war as well as the West African Ebola epidemic of 2014 and 2015. When the United Nations peacekeeping mission in Liberia completed its nearly 14-year deployment, the withdrawal of the several thousand peacekeeping personnel caused a significant economic recession, according to U.S. officials. The recession was exacerbated by drops in commodity prices, which left the government of Liberia unable to pay salaries to officials for months at a time, according to U.S. and Liberian officials. Within this context, the U.S. government has identified rule of law assistance as a priority for Liberia. U.S. officials stated that, by improving local rule of law, the United States can simultaneously address weaknesses in multiple sectors of Liberia's government and social services, including land management, health, and justice.

#### Key Challenges to the Rule of Law

According to U.S. officials in Liberia, enhancing Liberia's land-management system is key to helping establish rule of law throughout Liberia. Land disputes were one underlying cause of the civil war and remain a threat to stability, according to U.S. officials. These officials explained that disputes are complicated by the destruction of the national property registry during the war, a critical shortage of qualified arbiters and surveyors, and some judicial officials' poor understanding of property laws. Further, the officials said that persistent and slow-to-resolve land disputes highlight gaps in the administrative capacity of courts, local officials' lack of technical skills necessary to resolve such disputes, and the ease with which corruption may subvert the rules-based order.

#### Common Rule of Law Issues in Liberia, Noted by U.S. Officials

Post-conflict and ethnic division	Professional / technical capacity	Court docket congestion	Corruption
Post-war and post-Ebola withdrawal of UN peacekeepers, current government's struggles to rebuild, need for integration of communal justice systems	Shortage of trained legal professionals since the Ebola outbreak; need for increased number of trained lawyers, magistrates, and judges	Poor record keeping and case management systems result in slow resolution, especially in land disputes, a key driver of civil violence	Allegations of corruption threaten the government's authority but present an opportunity for empowering local anti-corruption actors

Source: GAO analysis of agency information. | GAO-20-393

#### U.S. Rule of Law Assistance Activities

Both the Department of State (State) and U.S. Agency for International Development (USAID) have embedded trainers within Liberian government ministries, such as the Ministry of Justice and the Liberia Land Authority. USAID funded an integrated rule of law and property dispute program to address multiple areas of weakness. State adapted a Centers for Disease Control and Prevention-sponsored rapid response program to identify and resolve potentially destabilizing conflicts. USAID also supported wider access to justice by funding a new legal aid network and providing fellowships for law students to work in rural communities.

# Rule of Law Assistance

## Philippines



### Philippines Facts



#### Geography

- 300,000 square kilometers in area (slightly larger than Arizona)

#### Population

- 105,893,381 (July 2018 est.)

#### Ethnic Composition

- Tagalog, 24.4%; Bisaya/Binisaya, 11.4%; Cebuano, 9.9%; Ilocano, 8.8%; Hiligaynon/Ilonggo, 8.4%; Bikol/Bicol, 6.8%; Waray, 4%; other local ethnicity 26.1%; other foreign ethnicity 0.1% (2010 est.)

#### Economy

- \$8,400 GDP per capita (2017 est.)

#### Legal System

- Mixed legal system of civil, common, Islamic (sharia), and customary law

Source: Central Intelligence Agency, *World Factbook*.



Source: GAO. | GAO-20-393

### Overview

#### Background and Context

A former U.S. colony, the Philippines attained independence in 1946 and has transitioned to a democracy, but its political leadership has at times been beset by allegations of corruption, according to the Central Intelligence Agency's *World Factbook*. Beginning in 2016, the government of the Philippines initiated a nationwide anti-drug campaign that has resulted in a surge of court cases and other challenges to the rule of law, according to U.S. officials. In addition to the anti-drug campaign, the government of the Philippines has been challenged by insurgencies, including some inspired by terrorist organizations.

#### Key Challenges to the Rule of Law

The government of the Philippines' expansion of the anti-drug campaign has counteracted progress made in reducing congestion in the Philippine courts and trial duration, according to U.S. officials. One local official we interviewed noted that violations of drug laws make up more than 70 percent of the criminal docket and that large numbers of arrests have led to a highly congested court system. A high volume of arrests and slow processing of cases has also resulted in a dramatic increase in the number of pretrial detainees, according to U.S. officials.

#### Common Rule of Law Issues in the Philippines, Noted by U.S. Officials

Post-conflict	Professional / technical capacity	Court docket congestion	Corruption
Anti-drug campaign escalates violence, in addition to insurgencies in some parts of the country	Technical case management tools, such as digital record keeping and plea bargaining, are needed to speed case processing and relieve overcrowded prisons	Anti-drug campaign has overwhelmed an already burdened case management system	Data compiled from 20 years of Department of State-funded surveys found that corruption is the public's second-highest concern for the justice sector, after administrative delays

Source: GAO analysis of Department of State information. | GAO-20-393

#### U.S. Rule of Law Assistance Activities

Department of State (State) U.S. Agency for International Development (USAID) and Department of Justice (DOJ) programs are designed to respond to the shift in the government of the Philippines' priorities, according to U.S. officials. State provided training to Philippine law students, judges, and law enforcement officials that emphasized improved collection and interpretation of evidence. State also funded the establishment of legal aid clinics to improve community access to representation. USAID funded the introduction of "e-courts" and other information technologies in the judicial sector to improve the efficiency and transparency of court proceedings. USAID also funded programs to introduce new legal mechanisms, such as plea bargaining and continuous trial, to reduce the pre-trial detainee population and speed the administration of justice. DOJ has programs to increase prosecutor-police cooperation and to build capacity to combat specific threats, including trafficking in persons, cybercrime, terrorism, and financial crime.

# Appendix V: Comments from the State Department



United States Department of State  
*Comptroller*  
Washington, DC 20520

May 22, 2020

Thomas Melito  
Managing Director  
International Affairs and Trade  
Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548-0001

Dear Mr. Melito:

We appreciate the opportunity to review your draft correspondence, “RULE OF LAW ASSISTANCE: Agency Efforts Are Guided by Various Strategies, and Overseas Missions Should Ensure that Programming Is Fully Coordinated.” GAO Job Code 103177.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

Sincerely,

A handwritten signature in blue ink that reads "Jeffrey C. Mounts".

Jeffrey C. Mounts (Acting)

Enclosure:  
As stated

cc: GAO – Chelsea Gurkin  
INL – James Walsh  
OIG - Norman Brown

**Department of State Comments on Draft GAO Report**

**RULE OF LAW ASSISTANCE: Agency Efforts Are Guided by Various Strategies, and  
Overseas Missions Should Ensure that Programming Is Fully Coordinate**  
(GAO-20-393, GAO Code 103177)

Thank you for the opportunity to comment on the GAO draft report, *“Rule of Law Assistance: Agency Efforts Are Guided by Various Strategies, and Overseas Missions Should Ensure that Programming Is Fully Coordinated.”*

**Recommendation 1: The Secretary of State should require Chief of Missions at overseas missions that receive allocations to assess the sufficiency that this assistance is coordinated with all relevant interagency partners.**

The Department accepts this recommendation. The Department prioritizes coordination among interagency partners to provide rule of law assistance. In many cases, posts have already established formal and informal effort mechanisms to coordinate interagency rule of law assistance. For example, the Embassy Manila, the Law Enforcement Working Group (LEWG) is the principal mechanism to discuss and debate Rule of Law (ROL) issues in the presence of the front office. All relevant ROL parties are members of the LEWG and are invited to attend and present issues as necessary. Discussing ROL issues in the LEWG makes sense because ROL issues are inextricably tied to law enforcement issues in the Philippines. In addition to the LEWG, relevant agencies meet and coordinate outside of the LEWG as needed.

In Colombia, the Bureau for International Narcotics and Law Enforcement Affairs convenes a ROL project coordination group that includes INL-funded interagency partners and INL staff. Outside of these internal INL meetings, INL and USAID meet regularly to coordinate rule of law programming

While recognizing the successful coordination undertaken at these and other posts, the Department agrees that an assessment of coordination mechanisms would improve the overall provision of ROL assistance. On behalf of the Secretary, INL will provide guidance to require posts to perform an assessment on their coordination of rule of law assistance and come to a determination if coordination sufficiently involves all relevant interagency partners.

Thank you for your work in producing this report.

# Appendix VI: Comments from the U.S. Agency for International Development



Chelsa Gurkin  
Director, International Affairs and Trade  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20226

Re: *Rule of Law Assistance: Agency Efforts are Guided by Various Strategies, and Overseas Missions Should Ensure That Programming Is Fully Coordinated (GAO-20-393)*

Dear Ms. Gurkin:

I am pleased to provide the formal response of the U.S. Agency for International Development (USAID) to the draft report produced by the U.S. Government Accountability Office (GAO) titled, *Rule of Law Assistance: Agency Efforts are Guided by Various Strategies, and Overseas Missions Should Ensure That Programming Is Fully Coordinated (GAO-20-393)*. We appreciate the opportunity to respond to your review of the U.S. Government's programming to promote the rule of law around the world.

The report contains no recommendations for USAID, but we are pleased that the GAO notes the critical role we play in providing rule-of-law assistance in countries all over the world. USAID prioritizes rule of law as a fundamental development outcome, as well as a means to end poverty, build resiliency, and support stability. Improving the delivery and quality of justice is a key priority of our work in democracy, human rights, and governance (DRG) around the world. This includes improving the capacity of the justice sector to investigate and prosecute crime effectively, end impunity and corruption, and deliver accountable and responsive services to citizens. USAID is committed to advancing the mandate of demonstrating democratic values abroad, safeguarding U.S. taxpayer investments, and promoting self-reliance. We are proud to work alongside our interagency colleagues at the Departments of State and Justice in pursuit of these objectives, and to ensure lasting, measurable development impact in countries around the world, including in those covered by GAO-20-393, the Republics of Colombia, Kosovo, Liberia, and The Philippines. Our preference would be for each U.S. Chief of Mission to establish a formal interagency Rule-of-Law Working Group to ensure alignment of efforts and reduce duplication, and we encourage the GAO to consider such a recommendation in future audit reports.

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**Appendix VI: Comments from the U.S. Agency  
for International Development**

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I am transmitting this letter and the enclosed comments from USAID for inclusion in the GAO's final report. Thank you for the opportunity to respond to the draft report, and for the courtesies extended by your staff while conducting this engagement. We appreciate the opportunity to participate in the complete and thorough evaluation of our programming to foster the rule of law around the world.

Sincerely,

*Frederick M. Nutt*

Frederick M. Nutt  
Assistant Administrator  
Bureau for Management

Enclosure: a/s

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# Appendix VII: GAO Contact and Acknowledgments

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## GAO Contact

Chelsa Gurkin at (202) 512-2964 or [gurkinc@gao.gov](mailto:gurkinc@gao.gov)

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## Staff Acknowledgments

In addition to the contact named above, Joe Carney (Assistant Director), Brian Hackney (Analyst in Charge), Benjamin Legow, Carolina Morgan, Afsana Oreen, Abena Serwaa, Parul Aggarwal, Debbie Chung, Justin Fisher, Jenny Grover, Chris Keblitis, and Alex Welsh made key contributions to this report.

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