WARTIME ROLE OF SECURITY ASSISTANCE AND FOREIGN MILITARY SALES: PLANNING FOR EMERGENCIES

By

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INTRODUCTION

Several of our closest allies believe the United States Government (USG) considers many of the US security assistance (SA) programs, including Foreign Military Sales (FMS), to be basically peacetime commitments. This paper is an effort to examine the reasons for this belief and examine the possible need for policies, procedures, support agreements and the establishment of DOD contingency support regulations addressing SA support of friends and allies in times of crisis. Although the United States fully intends to honor its SA commitments in times of peace, tension and war, current legislation requires the United States to reserve the right to terminate these agreements. Material and equipment to support the United States and its allied or friendly forces during times of hostility could be required from all available sources. Specific Administration, regional SA policy and objectives are briefly reviewed to highlight the need for establishment of specific plans and procedures in support of US, allied, and friendly forces during mobilization or crisis, to better plan for emergencies.

THE ISSUE OF DRAWDOWN AND DIVERSION AND AN UPDATE OF REGIONAL SECURITY ASSISTANCE POLICY OBJECTIVES

Concept. Our Administration places a high priority on SA programs as an essential instrument of an effective foreign policy, a vital component of the overall US defense effort, and an important complement to our economic aid programs. Our SA program is not one sided. When we assist other nations in meeting their security requirements we make a contribution to our own worldwide defense posture through a strong collective security framework. FMS, loans, and grants to other nations are vital in our efforts to obtain overflight, access, and base rights in the international arena. Our SA programs allow our friends and allies to obtain military equipment and training which will help them contribute to the combined defense of common security interests. The SA program provides tangible evidence of US responsiveness and credibility as a dependable political-military ally with key countries in the international community. In spite of the above intent, few concrete SA plans and procedures exist to support US, allied, and friendly forces during time of mobilization, crisis, or contingency. A basic premise of this paper is the need to have such plans and procedures prior to a crisis. This would allow timely response to material and equipment requests to support US, allied and friendly forces during periods of international tension or hostility. Requests could be filled from all available sources, including the drawdown of US

stocks or diversion of FMS material and equipment in the SA pipeline, to support more urgent needs of forces directly involved in such hostilities.

Normally, the military departments will fill SA material requirements from production, utilizing normal production lead times and established priorities, unless the DOD can meet such material requirements from inventory without impacting on the combat readiness of US forces. National security considerations and foreign policy objectives may require the drawdown of US stocks, impacting on US force readiness, to support allied or friendly forces involved in a contingency, thereby minimizing the need for direct US involvement. It may also be necessary to divert FMS assets from the SA pipeline to support more urgent operational requirements of US forces or other allied or friendly forces. A regional summary of this Administration's SA policy and objectives will serve to enhance understanding of the importance and complexity of our worldwide commitment to support these programs in time of crisis.

Europe. US security assistance to the Mediterranean/Southern Tier countries in Europe supports our common effort to deter aggression and cope with threats to the NATO alliance and to encourage cooperative efforts in areas of common interest outside the geographic boundaries of the Alliance. Next to North America, Europe remains the most important strategic region for defense planning, since it is on the front line with the Soviet Bloc. Our assistance is necessary to help member countries to acquire the equipment, training, and other services needed to strengthen the common defense. The European countries assisted provide us vital base rights as well. SA is required to help our NATO allies to undertake major modernization initiatives necessary to compensate for the growing force capabilities of the Warsaw Pact.

Middle East / Persian Gulf / Southwest Asia. Our policy in the Middle East is designed to pursue several interrelated objectives. These objectives include the search for a lasting peace among all the states in the region, and especially a reduction of the hostilities between Israel and regional Arab states. It also seeks to enhance the security of our friends in the area against regional threats, whether they are local in origin or inspired by Soviet pressures or through Soviet surrogates. If states in this region are independent, stable, and strong while simultaneously militarily non-aggressive and politically moderate, lasting peace will be promoted and US security interests will be enhanced. Our careful attention to stability, development, and security is required to convince states in the region that participation in and support for a comprehensive peace agreement will benefit all nations.

Energy exports from Southwest Asia and the Persian Gulf are vital to the growth and stability of the Free World. Regional volatility and serious threats of aggression menace most states in the region. Almost all of our friends in this region -- from Pakistan in the east, to Morocco and Tunisia in the West -- face potentially destabilizing economic problems as well. All of these countries are important, not only to our strategy for security in the region and to ensure the availability of energy resources, but also for their potential contributions to the Middle East peace process. The SA program for countries in Southwest Asia supports our efforts to bolster regional security and expand US access to countries, both in the region and enroute. Our programs also provide for economic stabilization and enhanced capabilities.

Asia and the Pacific. The US maintains firm political, military and economic ties with many countries in the Far East. Many of these countries are critically located astride important sea lanes, provide bases for important US military facilities, or are sources of essential raw materials. In most cases, our friends in Asia and the Pacific share borders with, or are located near, threatening Soviet allies and proxies (i.e., North Korea and Vietnam). US forces are stationed in Korea for the combined defense of the country. East Asian bases and facilities have assumed increasing importance in support of US strategic objectives in both the Far East and Southwest Asia.

Caribbean / Latin America. The SA proposed for countries in this region is designed to complement the President's Caribbean Basin Initiative which is the centerpiece of our efforts to prevent economic collapse in several key countries. We seek to assist in the development of the kind of security environment in which real socio-political progress and economic growth can take place. Programs are needed to forestall Soviet, Cuban and Nicaraguan adventurism in the region.

Africa. Primary US objectives in southern Africa include protecting US and Western interests through peaceful resolution of Namibia's independence and sovereignty, the withdrawal of Cuban troops from Angola, and encouraging South African evolution away from apartheid and toward improved relations with black Africa. In central Africa, US assistance focuses on Zaire and its political, economic, and military weaknesses. These weaknesses are compounded by episodic insurgent activities which threaten stability not only in Kinshasa (Zaire) but also in the nations on its border. The SA program contributes to all these goals while enhancing continued US access to the strategic minerals in both Southern and Central Africa. Continued access to key military and communications facilities and vital strategic resources is a fundamental US objective in both East and West Africa. As with our strategy in Southwest Asia, we are seeking to ensure that we and our friends have reliable access to oil from energy exporters in these regions. The Security Assistance Program assists those countries in resisting military threats and subversive pressures from Libya and Ethiopia, reinforced by Cuban troops and advisors from both the Soviet Union and Cuba. In addition, countries in both regions have been especially hard hit by increased energy costs and the prolonged international recession.

Summary of Regional Issues and Objectives. US security assistance policy supports regional objectives and is consistent with the conventional arms transfer policy statement by President Reagan on 8 July 1981. President Reagan's statement held that transfers of conventional arms and other defense articles and services are viewed as an essential element of our global posture and an indispensable component of our foreign policy.(1:1-18) Therefore, it is mandatory for the USG to meet the growing challenges to fundamental US interest and the interests of our friends and allies in time of peace and war.

SUPPORT OF FRIENDS AND ALLIES IN TIMES OF CRISIS

History. Over the last several years numerous countries have asked the USAF about plans to support FMS agreements during wartime or contingency. Many of the questions have focused on Cooperative Logistics Supply Support

Arrangements (CLSSAs). There is a general dissatisfaction with our response to these inquiries. The countries suggest either a change in procedures or bilateral agreements to provide the wartime support they believe must continue to be provided during times of crisis. The Joint Staff, at this time, is unable to provide an authoritative statement to countries requesting such assurance; e.g., the USG will honor their FMS commitments in time of war. (3:F-26)

Our response in the past to countries requesting FMS guarantees has been based on the limitations imposed by Section 42(e) of the Arms Export Control Act (AECA):

> . . . each contract for sale entered into under sections 21, 22, and 29 of this Act shall provide that such contract may be canceled in whole or in part, or its execution suspended, by the U.S. at any time under unusual or compelling circumstances if the national interest so requires.
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> (2) (A) Each export license issued under section 38 of this Act shall provide that such license may be revoked, suspended, or amended by the Secretary of State, without prior notice, whenever the Secretary deems such action to be advisable.
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> (B) Nothing in this paragraph may be construed as limiting the regulatory authority of the President under the Act.
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> (3) There are authorized to be appropriated from time to time such sums as may be necessary (A) to refund moneys received from purchasers under contracts of sale entered into under sections 21, 22, and 29 of this Act that are canceled or suspended under this subsection to the extent such moneys have previously been disbursed to private contractors and USG agencies for work in progress, and (B) to pay such damages and costs that accrue from the corresponding cancellation or suspension of the existing procurement contracts or USG agency work orders involved.(2:342)

In addition paragraph 6 of the General Conditions, Annex A, to the United States Department of Defense Offer and Acceptance (DD Form 1513), which all countries sign and agree to in advance of any FMS, states:

> . . . under unusual and compelling circumstances when the national interest of the United States so requires, the USG reserves the right to cancel or suspend all or part of this Offer and Acceptance at any time prior to the deliver of the defense articles or performance of services (including training). The USG shall be responsible for all termination costs of its suppliers resulting from cancellations or suspensions under this paragraph.(4)

The result of the above has been to "appreciate the concern" expressed by nations inquiring into the USG commitment to honor FMS agreements and to indicate to them that to the extent that it is in the US interest to do so, peacetime FMS agreements for friends and allies may be continued into wartime. The nation normally is further assured that, in the event of hostilities involving either the US or the nation with which the agreement was made, we

would seek to maintain our military supply relationship, particularly if the conflict involved the NATO alliance structure.

It is made clear to the inquiring nation that FMS agreements are intended to be peacetime commitments and the United States is required by Section 42(e) of the AECA to reserve the right to terminate these relationships if it is determined to be in the national interest. For this reason the DD Form 1513, Letter of Offer and Acceptance, makes provision for such eventuality and that a blanket guarantee of support in wartime cannot be given. This is not to imply that FMS agreements will automatically terminate in the event of hostilities involving either party but rather countries are informed that the US fully intends to honor the commitments of FMS agreements in times of peace, tension, and war to the maximum extent permitted by US law.(3)

The above type response appears to be about as far as current legislation will allow DOD to go in assuring inquiring nations as to the extent of US commitment to FMS continuance in time of crisis. Exercises directed by the Joint Chiefs of Staff (JCS) -- such as PROUD SPIRIT, PROUD SABER, and PRESSURE POINT -- have shown that there may well be cases in which US mobilization requirements, or the mobilization requirements of other countries where the USG has FMS commitments, may take precedence over an individual country's requirements in time of crisis. The necessity for the US to retain ultimate control of goods and services in such overriding contingencies cannot be excluded.

Planning for Emergencies. A direct result of the legal implications of FMS agreements has been a tendency to treat the question of expedited FMS procedures as the exception rather than the norm. Prior to 1982, the last instance of expedited and prioritized FMS type requests was in the Yom Kippur War of 1973. Although there were expedited deliveries of existing Letters of Offer and Acceptance subsequent to 1973, true crisis management of FMS agreements did not occur again until the Falkland Island conflict in 1982. The contingency was unique in "reacquainting" the military departments with the need to have established procedures and regulations to adequately respond to immediate requests for SA from another nation. We are limited by law as to the dollar value of defense articles stockpiled in foreign countries each year. (See Appendix B at the end of this article.) One must assume that, in time of international tension, authority will be granted for delivery of SA items in an expedited manner. To accept FMS as only a peacetime operation is to deny the reality of the world in which we live. DOD must repare for contingency operations in the FMS arena in advance of actual hostilities.

RECOMMENDATIONS

The Role of the Military Department. The military departments must be prepared to respond immediately to SA contingency support through existing Contingency Support Staffs (CSS). These staffs must consist of not only planners, logisticians, and operators knowledgeable of the military departments' operations and goals, but also those knowledgeable of foreign military operations, including SA programs such as FMS. Reserve Forces mobilization augmentees must be kept abreast of current security assistance directives and utilized during exercises in anticipation of their roles during contingencies.

These individuals should be made aware of, in advance, the functional guidance for contingency support of friends and allies during a crisis. An example of this SA guidance is a checklist (Appendix A) developed for HQ USAF use in supporting the Air Force Operations Center, Contingency Support Staff, in time of exercise or contingency as part of the JCS exercise PRESSURE POINT 84.

In addition to internal development of procedures, military departments must insure coordinated SA inputs into the military departments' Operations and Concept Plans as well as Exercise Plans. The SA requirements of the Falkland Island conflict have clearly pointed the need for the military departments to be procedurally ready to respond to a nation's SA needs during a crisis.

The Role of the Defense Security Assistance Agency and the Joint Chiefs of Staff. Countries continue to question the present SA agreements, perceiving wartime support as a potential problem. Adherence to routine USG FMS procedures during such crisis could delay the timely response required in such situations. The time has arrived for the Defense Security Assistance Agency in conjunction with the Joint Chiefs of Staff to jointly form a DOD interagency group to develop procedures and crisis management regulations addressing emergency SA support to friends and allies. A first step in this procedure would be to ensure all JCS Operations and Exercise Plans have a Security Assistance Annex. This SA Annex should outline the purpose, objectives, concept, and assumptions associated with SA diversion or drawdown and other SA-related procedures. A second step is the analysis of advance agreements (Memoranda of Agreement) that may be required between the USG and the government of other nations required to implement the immediate transfer of goods and services during a military emergency, in the best interest of the USG.

REFERENCES

US Congress, US Senate/US House of Representatives. Legislation on Foreign Relations Through 1982. Volume I. US Government Printing Office, Washington, DC, February 1983.

US Department of Defense. Military Assistance and Sales Manual (MASM), DoD Manual 5105.38-M, Washington DC, 1 October 1981. [Editorial Note: On 1 April 1984 the MASM was replaced by the Security Assistance Management Manual (SAMM), DoD Manual 5105.38-M].

US Department of Defense. United States Department of Defense Offer and Acceptance, DD Form 1513, Annex A, "General Conditions," 1 March 1979.

US President, Congressional Presentation Document, Security Assistance Programs, Washington, DC, FY 1984.

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APPENDIX A

AF/PRI CHECKLIST AND FUNCTIONAL GUIDANCE FOR CONTINGENCY SUPPORT STAFF (CSS) PARTICIPATION

OCTOBER 1983

1. FUNCTIONS: During an Exercise or a Contingency, functions under AF/PRI are on call through the CSS Team Chief or Executive Officer. When AF/PRI is tasked, a designated representative will report to the Air Force Operations Center (AFOC), Team Chief (Rm BD927). Divisions will supply duty officers on a rotating 24-hour basis until termination of the exercise or contingency. AF/PRIM will publish a roster of duty officers from the current CSS Alert Roster. Only individuals on the CSS Roster will be permitted unescorted entry into the AFOC. All personnel in AF/PRI who might be assigned duty in the CSS must have attended a CSS instruction course including tour of CSS or be individually briefed by the AF/PRIM CSS Action Officer. Divisions should insure training and utilization of Air Force Reserve mobilization augmentees to insure their currency in this vital area in time of crisis. In addition, divisions will maintain duty officers on alert and on-call basis to assist the AF/PRI duty officer in the following:

a. AF/PRIM is responsible and will support the AF/PRI duty representative on SA management, policy and procedural issues.

b. AF/PRIP is responsible and will furnish assistance on specific systems issues.

c. AF/PRIA/PRIB/PRIE/PRIS/PRIW are responsible and will furnish assistance within their respective geographical areas.

2. DUTY ROSTER: Individuals on the CSS Alert Roster are authorized unescorted access to the AFOC. This roster is updated quarterly. When called, designated personnel should respond promptly for CSS duty.

a. The CSS normally operates continuously on 12-hour shifts, until the situation being monitored is officially terminated, or can be managed through normal staff action.

b. Depending on the situation and amount of AF/PRI involvement, the representative(s) in the CSS will determine, with the concurrence of the duty officer, the necessity to remain continuously in the AFOC. If relieved from continuous attendance by the AF Team Chief, provide the CSS Executive Officer with name(s) and telephone number(s) for recall. Relief and shift changes should be arranged by the on site representative. An administrative support package will be positioned by AF/PRIM early in the exercise/contingency.

3. CLERICAL SUPPORT: Clerical support is provided in AFOC. Augmentation must be provided from within AF/PRI resources.

4. AVAILABILITY OF REFERENCE MATERIAL: The following publications/reference sources, as a minimum, should be be available within AF/PRI for duty officer use:

Pentagon Telephone Book
Calculator
AF/PRI Telephone List
"Military Assistance and Sales Manual (MASM)" (3 parts) [Editorial Note: Effective 1 April 1984 the MASM was replaced by the Security Assistance Management Manual (SAMM), DoD Manual 5105.38-M]
DOD 7290.3-M, "FMS Financial Management Manual" (replaced DoDI 2140.1)
AFR 400-3
AFR 170-3
AFR 75-43
AFR 50-29
Case Managers Handbook
Security Assistance Executive Management Summary (SAEMS)
International Traffic in Arms Regulation (ITAR)
Security Assistance Management Information System (SAMIS)
Volume 1, Legislation on Foreign Relations (with changes/supplements in FAA/AECA, if any)
Applicable OPLANs for Exercise/Contingency
DD Form 1513, Annex A - General Conditions

5. FILES: Folders/files should be established as appropriate for:

a. Correspondence - letters, messages, briefings
b. Events Log (chronological)
c. Action Items numbered to correspond to action item number (See para 6)
   (1) Sec A - Active
   (2) Sec B - Completed Items
d. Suspense File (chronological)
e. Completed Actions (chronological)

6. STATUS CHART: A status chart will be maintained for all action items whether assigned by the Team Chief or "self generated." The following information will be tracked:

a. Action Item Number
b. CSS Action Item Number, if appropriate
c. Subject
d. Date/time completed

7. SUBJECT OF INTEREST:

a. The following subjects are of interest for AF/PRI work/coordination/surveillance:

FMS
MAP
IMET
LEASES to foreign government/international organization
LOANS to foreign government/international organization

b. Leases/loans of foreign-owned equipment for US use are either AF/LE or AF/RDC assignments.

c. Particular attention must be accorded to actions which involve:

Diversions - From USG or from other SA countries/organizations
Adverse impacts on combat readiness of US forces
3rd Party Transfers
Buy Backs
Pay Backs
Sensitivity of Technology
Classification and Releasability
Transfer of Information
Policy Exceptions, i.e., transportation, etc.
Use of existing Blanket Order cases
Cancellations by USG

8. SCENERIO GUIDANCE (GAME PLAN): Depending on the situation or exercise, normal Security Assistance processes/procedures may be accelerated/suspended/waived. Obtain as soon a possible through the Team Chief/ JCS/DSAA/CSS/AF/PRIM the current operational guidance, e.g.:

Standard Requirements or waivers/suspensions of:

- Documents (LOA/Amendments/Notes) prior or after-the-fact
- Obligation Authority
- 1200 System Data Entries
- Countersignature
- Notices to Congress (Sales/3rd party transfers/Leases/etc.).

Ascertaining guidance on the above should be action item number one and established by the first duty officer. Maintain status record of basic guidance decisions for successor workers.

9. TRACKING: A manual log (or LRC computer log, if available) must be maintained for all transaction with full FMS, MAP, IMET, Lease, Loan data at the same level of detail normally maintained.

10. "EXECUTE" DIRECTIVES - (SPECIAL EMPHASIS): Establish with Team Chiefs of CSS and LRC that EXECUTE directives/messages regarding Security Assistance must be coordinated by AF/PRI representative prior to transmission.

11. Normally the AF/PRI representative acts in an advisory/coordinating capacity whereas AF/LE/XO representatives are the action officers. AF/PRI representation to the OSD Crisis Management System, Security Assistance Committee, should be kept informed of all key issues.

12. Remember you, as the AF/PRI duty officer, are making decisions on behalf of AF/PRI. You have a staff within AF/PRI of over 100 individuals for your use. If you need the AF/PRI Executive Officer's help, call him. If you feel you need the Director AF/PRI expertise, call him. During an exercise if an action can wait till normal duty hours, you will maintain many friends by using good judgement. During a contingency, do what has to be done. Do not attempt to discuss classified information over an unsecure line.