
WARTIME SUPPORT TO ALLIES

By

WILLIAM E. WITHROW

How the United States supports its friends and allies in times of crisis and war has received increased attention at all levels in the DOD in the last several years. This subject was addressed by the Defense Security Assistance Agency (DSAA) at the 1982 PACOM Security Assistance Conference in October 1982. Other discussions in the DOD have taken place almost continuously. Since the Air Force Logistics Command (AFLC) is the primary Air Force Foreign Military Sales (FMS) logistics support agency, we are vitally interested in this mission of providing wartime logistics support to our allies. The subject can be looked at from at least two perspectives. First, the United States sells defense articles to friendly countries ". . . solely for internal security, for legitimate self-defense and to permit the recipient country to participate in regional or collective arrangements or measures consistent with the charter of the United Nations. . . ."[1] So the United States looks at sales of defense articles from the perspective of the recipient country. The sales are intended to allow the recipient country to defend its sovereignty against aggression, either internal or external, and to allow the country to contribute to regional security and stability.

Second, the United States looks at the sale of defense articles from the perspective of its own foreign policy interests. This perspective is the more important one and really encompasses the first, since it is in the interest of the United States to promote the security and stability of its friends and allies. The limitations placed on the use of weapon systems transferred through FMS further define our effort to pursue our foreign policy interests through such transfers. One such limitation is that countries must agree not to transfer procured defense articles to third countries without prior US approval. The pursuit of foreign policy interest goes beyond the actual weapon system use and third country transfer by prohibiting sales to a country which harbors terrorists,[2] or "engages in a consistent pattern of gross violations of internationally recognized human rights." [3] From time to time weapon systems sales are suspended for countries which violate these provisos, because sales to such countries are detrimental to the foreign policy interests of the United States.

To understand further this foreign policy role of security assistance (SA) and how it relates to wartime support, one must understand the security assistance enabling legislation, the Arms Export Control Act of 1976 (AECA), as amended. Since US foreign policy stresses deterrence of aggression, peaceful resolution of conflict, political self-determination, and regional stability, it is no surprise that the AECA emphasizes these same goals for security assistance. As stated in Section 1 of the AECA,

As declared by the Congress in the Arms Control and Disarmament Act, an ultimate goal of the United States continues to be a world

which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. In furtherance of that goal, it remains the policy of the United States to encourage regional arms control and disarmament agreements and to discourage arms races.

As stated previously, the AECA places restrictions on the use of transferred arms by a recipient country. Other than these restrictions, it is silent on the rules of employment of these arms. Instead the AECA establishes the general US foreign policy context for peacetime arms transfers and prescribes the administrative guidelines for such transfers. The US response to the actual use of the transferred arms by a recipient country either in concert with US forces or independently is governed by bilateral or collective mutual defense treaties. These broader US security arrangements, while giving direction to security assistance programs, do not directly determine the size of the programs needed to foster US interests in the world nor the circumstances under which actual arms transfer agreements are consummated.

From the viewpoint of the recipient country, security assistance programs provide the means by which the country defends its own sovereignty and fulfills obligations incurred under any mutual defense treaties negotiated with the United States. Outside of sanctions on future arms sales, the United States has little leverage to assure transferred arms are employed within the restrictive clauses of the AECA or as envisioned in the mutual defense treaties. Even if a recipient country employs transferred arms for purposes sanctioned by the AECA, i.e., legitimate self defense, the AECA contains no provisions for immediate expanded support. Nor does it contain provisions for allowing for peacetime planning by the United States for possible expanded support during wartime. Essentially it can be said that FMS, as envisioned by the AECA, is a means to effect an orderly and well-structured peacetime transfer of arms to our friends in support of US foreign policy objectives.

Although the transfer process does not cease when hostilities commence unless directed by the National Command Authority, certain factors implicit to the process mitigate against FMS operating effectively in support of wartime requirements. The first factor, as discussed, is its role in support of US foreign policy. The weapon system transfers build a military capability with the hope that the very existence of the capability will necessitate against its use. This hope is consistent with US foreign policy. When transferred arms are employed in conflict by a recipient country for whatever purpose, the US must assess its position on additional transfers in light of its then existing foreign policy interests. These interests might call for a response not consistent with the existing SA program for the country at the time the contingency occurs. Some possible US options in response to a contingency can be managed easily within a country's SA program. The easiest, obviously, is to maintain the same level of support provided previously. A gradual increase in support levels also can be managed without too much difficulty. However, with a US response calling for an immediate and rapid acceleration of support to the beleaguered ally, standard peacetime procedures cannot sustain the effort. The very process is not designed to provide the surge capability needed in these circumstances. Many aspects of the process contribute to this situation, the most important of which are the following:

1. FMS Case Negotiation. I will discuss case negotiation primarily from a processing time viewpoint. All FMS business is transacted by FMS cases which are negotiated between the United States and a recipient country. All case negotiation, whether for Significant Combat Equipment (SCE) as defined in the International Traffic in Arms Regulation (ITAR), or for other FMS equipment or services, starts with a request from a country for the defense articles or services required. The requests, whether processed through the State Department or directly to the DOD, are eventually transmitted to the cognizant DOD component for preparation of Price and Availability (P&A) Data or a Letter of Offer and Acceptance (LOA). If P&A data is required, the cognizant DOD component has 60 days for its preparation. This data is presented to the country for its review and a decision as to whether or not to proceed with an LOA. Generally, the data is valid for 120 days, after which time it must be reaccomplished before an LOA can be prepared. If P&A data is not required the cognizant DOD component has 60 days to prepare the LOA. So, depending on the defense articles or services requested, the initial US response can take up to 60 days. If the response is an LOA, it is presented to the country by the Defense Security Assistance Agency (DSAA) for approval and funding. Each LOA presented to a country has an acceptance expiration date 85 days after its preparation date which allows 25 days for DSAA processing and 60 days for country acceptance. Imposed on this process is the Congressional review required by the AECA, Section 36B, for LOAs for sales of Major Defense Equipment of \$14M or more, and for sales of any defense articles or services for \$50M or more. This legislative review adds 30-60 days to the LOA preparation time in these circumstances. Since it is difficult to determine in advance of a specific contingency what defense articles and services can be provided on blanket order or defined order cases, and whether Congressional review of the LOAs is required, the time to negotiate an LOA can vary widely. Suffice it to say that the process is not responsive for immediate and rapid logistics support often required by the United States in providing wartime support to its allies.

2. Funding. For the United States to implement an accepted FMS case and provide the defense articles and services requested, the country must either fund its purchases from its national treasury or secure FMS credits or guaranteed loans from the United States. From the AFLC viewpoint it makes little difference which source is used as long as deposits are made to the country's trust fund at the Security Assistance Accounting Center (SAAC) which authorizes AFLC to fulfill the terms of the LOA. Except in specific cases authorized by the Director of DSAA, (i.e., payment upon delivery), or the President (i.e., payment 120 days after delivery), a country must pay cash in full at the time of acceptance of the LOA or enter into a dependable undertaking obligating it to make periodic payments to its trust fund to fund performance by the appropriate DOD component (i.e., delivery of the LOA's defense articles or services). The advance funding, from whatever source, is a basic requirement of each negotiated sale.

These funding requirements present a major obstacle to planning to support a country through FMS, because it prohibits the United States from procuring and stockpiling defense articles in anticipation of a sale. For this reason each country must anticipate its own wartime requirements. Given the lengthy negotiation process, if a country fails to procure in advance or lacks sufficient resources to fund both peacetime and wartime requirements, there is little the United States can do under the AECA to support its immediate and rapid increased demand. Even if FMS cases in

existence at the time a country goes to war contain adequate funding to support a surge in requirements, there is no guarantee that the needed defense articles will be available for immediate delivery from DOD stocks or procurement. This assumption raises the real possibility, given a US decision to provide the required support, of impacting US readiness by sourcing material from US operational commands. The inability of the United States to plan, and thereby prepare, for a surge in FMS demands can be attributed largely to the prohibition placed in the use of appropriated funds for this purpose. The Special Defense Acquisition Fund (SDAF), a revolving fund established by Section 51 of the AECA, while authorizing acquisition of defense articles and services by the DOD in anticipation of their transfer through FMS, is not intended to fund wartime requirements. As a revolving fund with the need to periodically liquidate its assets in order to procure additional assets, it would not function effectively in support of unknown future contingencies.

3. Transportation. Like the LOA negotiation process and funding, the FMS freight forwarder (FF) system has been designed for management of peacetime FMS requirements. Each country contracts with an freight forwarder to move defense articles from their source, whether a contractor facility or depot, to the point of embarkation and onward to the country. Ownership of procured defense articles passes to the country at the point of origin. Use of the Defense Transportation System (DTS) during peacetime is normally restricted to CONUS movement of classified items, munitions, and hazardous material. Stating this fact isn't to say that the DTS or Special Assignment Airlift Mission (SAAM) flights cannot be initiated to support a contingency, only that neither the mission of the Military Airlift Command (MAC) nor the mission of the other DOD DTS components includes this requirement and therefore no plans are in place to support an FMS surge. Any use of the existing DTS capability then inevitably reduces its availability to support the US military mission for which it is commissioned.

An alternative to providing immediate contingency support through FMS procedures is to provide it under Presidential direction authorized by the Foreign Assistance Act, Section 506. The Section 506 procedure was used in early 1982 to provide immediate contingency support to El Salvador under Project ELSA. The Air Force part of Project ELSA was implemented by establishment of grant aid Record Control Number (RCNs) for the transfer of three weapon systems -- the A-37 (6 each), the O-2 (4 each), and the C-123 (2 each) plus all associated logistics support and training. The aircraft and support were drawn from Air Force active duty and Reserve Forces and were delivered within three months of the Section 506 Presidential determination. Follow-on support for the aircraft has been provided through the FMS program utilizing grant aid and credit financing. Although the Section 506 procedures sufficed to provide quick response in this case, it did require drawdown of USAF assets, thus impacting operational capability. The Section 506 authority is a statutory measure utilized to fund contingency support in the absence of any other available funding authority.

There are other factors besides procedural limitation which influence the ability of the United States to plan for providing contingency logistics support to its friends and allies. All these factors, however, relate to the basic policies and procedures described above; policies and procedures intended to manage a peacetime FMS program. The fact that the United States has no wartime FMS procedures is intentional and in some ways makes sense. As a

world power, the United States is called upon to react to, or intervene directly or indirectly in, most world crisis situations. Our response to any given crisis often has a major influence on the actions of the countries involved and the eventual outcome of a contingency or war. Since we have mutual defense treaties with relatively few of the 60 or more countries with whom we have FMS programs, our response to a contingency involving an FMS customer is not preordained, but rather scenario-specific. Depending on the countries involved, the issues being contested, the US interests threatened, the potential for Soviet interference, or a myriad of other considerations, the US response can range from full support to complete cut off of a country's FMS program. Given the regional rivalries in the world, the possibility is very real that two FMS customers will be the countries at war, in which case the decision on which to support can be very complex. The point is that the US response and degree of involvement is determined as the situation unfolds and cannot be planned in advance. This places the Air Force at a distinct planning disadvantage and raises the possibility of impacting Air Force readiness if full support is proffered. Is there a way out of this dilemma? If there is, it will have to be based on a commitment of US resources not presently envisioned as a legitimate SA mission.

A question might be asked as to why. Why don't the FMS countries procure adequate war material to provide for surge and sustainability requirements? After all, the FMS program is a sales program to supply the defense material and services requested by these FMS countries. Some countries may do an adequate job in this area, but most probably do not. One fact is clear. The AFLC SA community has little knowledge of most FMS countries' capabilities to engage in and sustain combat. Not only do we lack knowledge of these countries' capability to engage in combat, we have little knowledge of the threats as seen through our customers' eyes, the operational plans in place to counter those threats, or the allies' force readiness available to carry out the operational plans.

While this lack of knowledge, and the legal restrictions on procurement in anticipation of a sale, hinder planning, such hindrance doesn't stop the United States from committing to support an FMS customer once a contingency develops. In these instances, the political or foreign policy interests of the United States dictates the level of commitment, and the US military services logistics systems bear the impact of providing the defense material and services needed to meet the commitment. Since the support is often provided in a crisis atmosphere, normal peaceful FMS transfer procedures are suspended or waived, and special procedures are used to expedite the transfers. These special procedures are generally of use only for the contingency being supported because of the scenario-specific response of the United States to each new crisis. Given the above circumstances, it is easy to understand why the United States can't plan in advance how to provide surge and sustaining logistics support through FMS.

An area which has been touched on briefly, but which needs further discussion is the impact on US forces of the decision to fully support a contingency involving an FMS country. This possibility seems to be the most important factor to consider from the US perspective. While of utmost importance, in most instances the impact on US force readiness is extremely difficult to measure. If the United States is engaged in joint operations in a contingency with an FMS country, then the combined operational effectiveness is critical to battlefield success. In this case, denying logistics support

because it is unavailable through standard FMS procedures may in fact weaken US force effectiveness. However, the FMS prohibition on in-theatre lateral support would do just that. In all likelihood, support to joint forces will be handled by a single logistics pipeline with the field commanders deciding which country's force receives critical assets needed to achieve operational objectives. At any rate, decisions as to who receives critical logistics assets are made at the time of need and not ahead of time through joint planning.

The contingency involving an FMS country, but in which the United States is not a participant, creates different but still potentially adverse impacts on US readiness. The US logistics readiness impact under these circumstances is determined by the degree of the US commitment, which in turn depends on the perception of the threat to US interests. The decisions on the logistics support to be provided over and above normal FMS support, again, are made in a crisis atmosphere without much regard for proper procedure or the possibility of temporarily impacting US military readiness. Although impact statements are required by US National Command Authority before defense articles procured for use by US forces are transferred to friendly nations, this requirement by no means lessens the potential impact. This potential US force readiness impact is, in the final analysis, only one factor among many considered by the National Command Authority in deciding the degree of logistics support to provide. At times foreign policy considerations other than military readiness impact dictate a greater degree of military support than considered prudent by our military leaders. This problem then is one which at best can only be minimized and not eliminated, if we are to provide wartime logistics support to our friends and allies.

In discussing our role in providing wartime logistics support to our allies, I have tried to show that we have purposely created a legal and procedural FMS system for the peacetime transfer of weapon systems and their support, and then assigned a wartime transfer role to it. In most contingency circumstances this system is too slow and cumbersome to respond to the contingency realities experienced, so it is modified in the extreme or abandoned altogether in favor of a more expeditious transfer arrangement. Since these measures aren't taken until the real and present danger is upon us, no planned resource allocation system governs the distribution of scarce critical assets. Each response by the United States is scenario-specific, and tailored to meet our perceived foreign policy interests at the time. To protect these interests we sometimes draw down articles from our operational forces, which can impact our own operational readiness.

Is there a better way to manage the transfer of weapon systems in a crisis or contingency situation? If so, it must originate in the recognition that the peacetime FMS weapons transfer system is inadequate to the task. Recognizing this fact would allow for the establishment of a crisis or contingency weapons transfer system more capable of handling such transfers. What would have to be considered in such a system? Peacetime planning for wartime transfers on a country-by-country basis is of primary importance. This peacetime planning is critical to smooth transition to wartime support posture. The planning should give both the United States and the FMS country visibility of what logistics support can be expected to be forthcoming in a contingency. Since the United States now reserves the right to terminate a country's FMS program in the US national interest, a guarantee of support in the absence of a mutual defense treaty is unlikely to happen. The planning then must begin with required actions prior to the commencement of hostilities. The United States can and should assist the FMS countries to

define these requirements. Even further than this assistance, the United States should consider funding these requirements through credit financing or loan guarantees. This process would allow the FMS countries to adequately prepare for contingencies while giving the United States visibility of each countries' state of readiness and the probability of impacting US readiness. The amount of financing would depend on a US assessment of the probable impact on US readiness to be expected if we are called upon to respond to surge and sustainability requirements. Although the US could assist FMS countries in building war readiness material programs without financing, the likelihood of lessening the impact on US readiness during a contingency is remote.

While the peacetime planning should minimize impact on US readiness during a contingency, there may be circumstances requiring the United States to respond quickly once a contingency occurs. Management of these crisis situations requires a specific set of FMS procedures to deal with case establishment, financing, transportation and other areas for which peacetime FMS procedures are currently inadequate.

As discussed at the 1982 PACOM Security Assistance Conference, a Crisis Management regulation is needed for management of the US response to contingencies involving FMS countries. Without such a regulation, each US contingency response is managed on an ad hoc basis using procedures developed for management of the peacetime FMS program. Without proper planning or procedures, the best we can do is hope that future crises can be contained and managed without major impact on US force readiness.

REFERENCES

1. Arms Export Control Act of 1976 (AECA), as amended, Section 4.
2. AECA, as amended, Section 3.
3. Foreign Assistance Act of 1961 (FAA), as amended, Section 502B.
4. AECA, as amended, Section 1.

Mr. Withrow is currently employed as Chief of the Pharaoh/Reed Group in the Directorate of Egyptian Programs at the Air Force Logistics Command International Logistics Center (AFLC-ILC) at Wright-Patterson Air Force Base. Other assignments since joining the ILC in 1977 include Chief of the Follow-on Support Division, Chief of the Plans Division, Chief of the Technical Policy Division and Country Manager in the old Activation Directorate. From 1974-77 he was a Program Control Officer at AFLC, managing ground communications programs. Previously Mr. Withrow was assigned as a management intern in the Directorate of Materiel Management at the Oklahoma City Air Logistics Center (ALC). Much of his time at the ALC was spent in the Engine Item Management (IM) and Resource Management Divisions. His previous Air Force experience before joining AFLC was as a communications officer stationed at Headquarters Ground Electronics Engineering Installation Agency (GEEIA), Griffiss AFB, New York.