

July 1999

MILITARY TRAINING

Management and Oversight of Joint Combined Exchange Training



G A O

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United States General Accounting Office
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**National Security and
International Affairs Division**

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The Honorable James M. Inhofe
Chairman, Subcommittee on Military Readiness
Committee on Armed Services
United States Senate

The Honorable Pat Roberts
Chairman, Subcommittee on Emerging
Threats and Capabilities
Committee on Armed Services
United States Senate

The Honorable Benjamin A. Gilman
Chairman, Committee on International Relations
House of Representatives

The Honorable Tom Lantos
Ranking Minority Member
Subcommittee on Asia and the Pacific
Committee on International Relations
House of Representatives

The Honorable Howard L. Berman
House of Representatives

This report responds to your requests that we review the management and oversight of U.S. Special Operations Forces' overseas deployments to train with the armed forces and other security forces of friendly foreign countries. These deployments, called Joint Combined Exchange Training (JCET), raised concerns that U.S. forces may be training with foreign militaries without adequate civilian oversight and engaging in activities that are inconsistent with U.S. policy goals. Specifically, we addressed (1) whether the Department of Defense (DOD) has implemented JCETs in accordance with legislation, (2) whether DOD and the Department of State are providing civilian oversight to ensure that JCET activities are consistent with U.S. foreign policy objectives in countries that we included in our review, and (3) how DOD is implementing recent legislation that restricts it from training with foreign forces involved in human rights abuses.

We are sending copies of this report to other congressional committees; the Honorable Madeleine K. Albright, Secretary of State; and the Honorable William S. Cohen, Secretary of Defense. Copies will also be made available to other interested parties upon request.

If you have any questions regarding this report, please contact me at (202) 512-5140 or Donald Patton at (202) 512-2898. Key contacts and other contributors to this report are listed in appendix III.

A handwritten signature in black ink that reads "Mark E. Gebicke". The signature is written in a cursive style with a large, stylized "G" at the end.

Mark Gebicke
Director, National Security Preparedness Issues

Executive Summary

Purpose

Overseas activities of U.S. Special Operations Command forces, specifically Joint Combined Exchange Training (JCET), have raised concerns on the part of Members of Congress and others that U.S. forces may be training with foreign militaries without adequate civilian oversight and engaging in activities that are inconsistent with U.S. policy goals. Human rights advocates have also called attention to JCETs because of their concerns that the United States may be training foreign military personnel who have committed human rights abuses. In response to these concerns, the Chairman of the Subcommittee on Military Readiness, Senate Committee on Armed Services, the Chairman of the House Committee on International Relations, and the Ranking Minority Member of the Subcommittee on Asia and the Pacific, House Committee on International Relations, asked GAO to examine the management and oversight of JCET activities. Specifically, GAO determined (1) whether the Department of Defense (DOD) has implemented JCETs in accordance with legislation, (2) whether DOD and the Department of State are providing civilian oversight to ensure that JCET activities are consistent with U.S. foreign policy objectives in countries that GAO included in its review, and (3) how DOD is implementing recent legislation that restricts it from training with foreign forces involved in human rights abuses.

Background

Special operations forces are generally organized into small units for military action focused on strategic or operational goals. They are tasked with a variety of missions ranging from training, advising, and organizing foreign groups for unconventional warfare to training coalition forces for multinational military operations. These missions require skills such as the ability to speak foreign languages, to understand regional cultural and environmental characteristics, and to quickly deploy and operate unsupported in sometimes hostile or politically sensitive areas. The U.S. Special Operations Command believes that the best way its forces can train for these missions is to train with the people in the places where they may have to operate.

In 1991, the Congress clarified the authority of the U.S. Special Operations Command and other combatant commands to use operations and maintenance funds for overseas deployments in which special operations forces train and train with the armed forces and other security forces of friendly foreign countries. The legislation provided authority for DOD to pay training expenses for these activities, provided that the primary

purpose was to train the U.S. servicemembers.¹ The legislation also requires that the Secretary of Defense annually submit a report to the Congress listing numbers of JCETs conducted, their purpose, cost, and relationship to counterterrorism and counternarcotics activities. Since enactment of this legislation, such training has commonly been referred to as Joint Combined Exchange Training. Recent legislation restricts DOD from training with a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that a member of the unit has committed a gross violation of human rights, “unless all necessary corrective steps have been taken.”²

While the primary purpose of JCETs is to train U.S. forces, they also have an ancillary benefit in that they can be used by the geographic U.S. commanders in chief and ambassadors to fulfill regional and country engagement objectives. In fiscal year 1998, JCETs represented between 2 and 6 percent of the foreign military interactions of the commanders in chief. In that same year, JCETs accounted for about 8 percent of the time special operations forces were deployed overseas.

Results in Brief

GAO’s review of available JCET files, attendance at command training conferences, observations of pre-event meetings, and discussions with DOD officials confirmed that DOD has complied with the statutory requirement that JCETs’ primary purpose be the training of U.S. special operations forces. GAO found a direct link between the training special operations forces indicated they needed and the training conducted. However, DOD has not accurately reported to the Congress the number of JCETs that were conducted, their costs, or their relationship to counternarcotics and counterterrorism, as also required by statute. Inaccuracies in reporting have arisen because of confusion in the field regarding how to define a JCET, how to pay for and report costs incurred by host countries, and how to interpret the legislative requirement to report JCETs’ relationship to counternarcotics and counterterrorism. DOD’s recent changes in the JCET approval process and more explicit guidance, which it plans to issue shortly, should improve the accuracy of the reports

¹10 U.S.C. § 2011 (1994).

²Department of Defense Appropriations Act of 1999, Pub. L. 105-262, § 8130, 112 Stat. 2279, 2335 (Oct. 17, 1998).

to the Congress. GAO is recommending further ways for DOD to improve its reporting to the Congress.

Regarding oversight of JCET activities in the six countries GAO visited—Bolivia, Colombia, Ecuador, Indonesia, the Philippines, and Thailand—DOD conducted JCETs with the knowledge and support of U.S. ambassadors who believed that these activities were consistent with U.S. foreign policy objectives in each country. While embassy officials were involved prior to November 1998, neither Department of State nor DOD headquarters' officials were routinely involved in overseeing JCETs. Neither DOD personnel overseas nor U.S. ambassadors believed that any problems occurred because of the lack of headquarters oversight. Even so, DOD's new JCET approval procedures, which require Secretary of Defense approval and Department of State notification, will provide greater headquarters oversight and assurance that all factors are weighed in determining whether a JCET should proceed.

The Departments of State and Defense have each issued guidance for implementing October 1998 legislation that restricts the use of DOD funds to train with members of foreign security force units who have been credibly alleged to have committed a gross violation of human rights unless all "necessary corrective steps have been taken."³ In the same six countries GAO visited, State Department and DOD personnel have instituted procedures to implement the new legislation. For example, the embassy in Colombia investigates each individual scheduled for training for allegations of human rights abuses. These procedures are based on their understanding of the Department of State and DOD guidance and the unique foreign policy goals and challenges they face in the countries where they conduct activities. However, a number of issues in implementing the law still remain. As a result, State and DOD personnel overseas were concerned that they might not be meeting the full intent of the legislation. GAO is recommending that the Secretary of State, after consultation with the Secretary of Defense, provide more specific guidance to U.S. embassies.

³Pub. L. 105-262, § 8130, 112 Stat. 2279, 2335 (Oct. 17, 1998).

Principal Findings

JCETs Are Used Primarily to Train U.S. Forces, but Reporting on These Activities Has Been Inaccurate

As required by 10 U.S.C. 2011, the primary purpose of the JCETs GAO reviewed for fiscal years 1997 and 1998 was to train U.S. special operations forces. While commanders in chief and ambassadors played a large part in determining where JCETs occurred, individual special operations forces units determined what mission-essential tasks were trained to during these events. Special operations personnel GAO interviewed believed that JCETs were critical to maintain proficiency in their mission-essential tasks. JCETs also provided other benefits that were invaluable to special operations forces, including language training, cultural immersion, and knowledge of the local terrain and weather. Files that GAO reviewed at the Pacific Command, the Southern Command, and various special operations forces units, which included programs of instruction and after-action reports, illustrate that JCETs provided special operations personnel with opportunities to meet their mission-essential tasks. For example, in Thailand, the 1st Special Forces Group trained for military freefall parachuting, and in Bolivia, special forces National Guard units trained in light infantry tactics.

DOD has not accurately reported to the Congress the numbers of JCETs that were conducted, their costs, or their relationship to counternarcotics and counterterrorism. For example, while DOD reported that it conducted 231 JCETs costing about \$15 million in fiscal year 1997, even this basic information is incorrect. According to the Special Operations Command, data were inaccurate because no one person managed the reporting process and because field personnel lacked guidance on how to report JCETs. For example, for fiscal years 1997 and 1998, GAO was not able to determine how many JCETs occurred primarily due to different interpretations of what was and what was not a JCET. Similarly, the reported cost of JCETs was in error because (1) some activities appear to have been erroneously charged as JCETs when they should have been charged to other purposes such as the delivery of humanitarian activities and (2) the full cost to the United States of foreign nations' participation had not been captured. Errors in the reporting of U.S. costs arose because DOD had not issued guidance on how to report JCET activities. Errors in the reporting of host nation costs occurred because DOD had used multiple appropriation accounts to pay for foreign nations' participation without reporting each of them. Finally, because of different interpretations of the legislative requirement to report JCETs' relationship to counternarcotics

and counterterrorism, reporting has been inaccurate. For example, DOD did not report some activities as related to counterterrorism when file reviews indicated that the tasks and units involved in the training were related to counterterrorism.

In response to recent concerns about the extent of JCET activity, DOD changed its JCET approval process and is providing more specific guidance on JCET activities. These changes, which include providing a definition of a JCET and a standard format for reporting, should improve the accuracy of DOD's reports to the Congress. However, DOD's new guidance does not address how to determine the relationship of JCETs to counterterrorism and counternarcotics activities. Neither does it fully clarify how incremental costs for host nation participation should be funded and accounted for.

More Headquarters Oversight Should Increase Assurances That JCETs Are Consistent With U.S. Foreign Policy

To improve oversight and respond to legislation that mandated Secretary of Defense approval for each JCET, DOD, in November 1998, implemented procedures to ensure Secretary of Defense approval and State Department notification of JCETs. This increase in civilian oversight will promote departmental headquarters visibility over JCETs and help to ensure that all foreign policy issues are considered in the JCET approval process. Previously, neither State nor DOD headquarters officials were routinely involved in approving JCET activities. Notwithstanding the lack of headquarters oversight in the past, in Bolivia, Colombia, Ecuador, Indonesia, the Philippines, and Thailand, U.S. ambassadors stated that JCETs—just as other military activities in country—have taken place with their support and knowledge. GAO found that embassies used one or more of the following activities to oversee U.S. military activities: (1) the country clearance approval process, through which U.S. government employees engaging in official travel must request and receive permission from the ambassador to enter the country; (2) regular country team meetings including the ambassador, the deputy chief of mission, and heads of each resident U.S. agency; (3) annual mission planning sessions; (4) DOD briefings to the ambassador and other State personnel; and (5) engagement plans and training calendars.

Given these procedures, ambassadors believed that the JCETs that took place were consistent with the specific U.S. goals and objectives in each country that GAO visited. In some cases, JCETs were used as a strategy to achieve a specific country goal; in other cases, the relationship was more indirect. For example, in Bolivia, JCETs were used to help prepare the

Bolivian military to assume peacekeeping operations, a stated U.S. goal. In Indonesia, JCETs were seen as one of a number of military-to-military activities used to maintain access to and develop greater influence in Indonesian military affairs to promote the development of a democratic government and reduce the involvement of the military in internal affairs.

Uncertainties Remain in Implementing the Law Restricting Training With Human Rights Abusers

All JCETs are covered by the recent legislation restricting DOD from using its funds to train with a foreign security force that has been credibly alleged to have committed a gross violation of human rights unless all necessary corrective steps have been taken. To date, DOD and the Department of State have developed separate sets of guidance for military components and embassies to implement the legislation. However, a number of practical concerns in implementing the legislation have not been resolved, and some U.S. ambassadors were concerned that they might not be meeting the intent of the legislation.

DOD has issued interim guidance implementing the legislative restriction from training with foreign forces involved in human rights abuses. Specifically, the guidance states that in cases in which the State Department advises DOD that it possesses information on gross human rights violations that it concludes is credible, the “proposed activity may be able to meet the requirements of the law because necessary corrective steps have been taken, e.g., through adjustments of the planned activity and/or adjustments to the host nation participants.” The guidance states further that if such adjustments are made and are judged adequate by the ambassador, the training may be approved. Thus, the DOD guidance has defined what “unless all necessary corrective steps have been taken” means.

However, while DOD’s guidance states that the corrective action must be judged adequate by the ambassador, GAO’s review shows that some ambassadors are unclear about the criteria to be used in making this assessment. Specifically, some embassy officials are concerned that the intent of “all necessary corrective steps” has not been clearly defined and that DOD’s guidance runs counter to the human rights policy governing foreign assistance. Under foreign assistance legislation, if State finds credible evidence of human rights abuses, assistance may proceed only after the embassy is assured that the recipient government is taking

“effective measures to bring the responsible members of the security forces to justice.”⁴ While the respective statutes are written differently, some embassy officials believe that DOD and the Department of State should employ the same standard for addressing situations where State has found credible evidence of human rights abuses. The Department of State has told embassies to refer all cases in which credible evidence of human rights violations has been uncovered to State Department headquarters and unified commands for resolution.

Other unresolved implementation issues include determining (1) whether every individual in a unit needs to be screened or whether screening the collective human rights record of a unit is sufficient, (2) what DOD-funded activities require human rights screening, (3) how far back in time embassies must screen for human rights abuses, and (4) the extent to which embassies must screen for human rights violations in countries with no history of such abuse. Because of these unresolved issues, the legislation has been implemented differently in the six countries GAO visited, and some officials were concerned that they might not be meeting the intent of the Congress. For example, in the Philippines, the embassy does not screen every individual. In Colombia, on the other hand, where there are serious human rights concerns, the embassy investigates each individual scheduled for training, to include a review of whether the individual has been the subject of judicial proceedings. However, each embassy has questioned whether its approach is sufficient, for example, whether participants in other military-to-military activities, such as seminars between U.S. and Colombian officers, must receive the same scrutiny as required for JCETs.

Recommendations

To improve the accuracy of annual reports to the Congress and the financial management of JCETs, GAO recommends that the Secretary of Defense take the following actions and set milestones for completing them.

- Issue guidance that provides criteria to use in determining whether JCETs are related to counterterrorism or counternarcotics and therefore need to be reported as such.
- Issue guidance on how to pay for and report each JCET expense. (A more detailed recommendation appears in ch. 2.)

⁴Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Pub. L. 105-277, § 568, 112 Stat. 2681-194-195 (Oct. 21, 1998).

To clarify legislative requirements for human rights screening for all DOD-funded training programs with foreign security forces and to address the concern of overseas State Department officials that they lack complete policy guidance from headquarters, GAO recommends that the Secretary of State, after consultation with the Secretary of Defense, clarify (1) whether every individual in a unit needs to be screened or whether screening the collective human rights record of a unit is sufficient, (2) what DOD-funded activities require human rights screening, (3) how far back in time embassies must screen for human rights abuses, and (4) the extent to which embassies must screen for human rights violations in countries with no history of such abuse.

Agency Comments

DOD and the Department of State provided written comments on a draft of this report (see apps. I and II). DOD agreed with the observations and recommendations contained in the report. DOD reiterated its belief that the JCET program is a critical tool that enables special operations forces to maintain proficiency in mission-essential tasks. In response to GAO's specific recommendations, DOD responded that it will provide guidance to determine whether a JCET is related to counterterrorism or counternarcotics. DOD said that it has issued interim and will issue final guidance no later than December 31, 1999, regarding the proper appropriation to charge for each JCET. Finally, DOD said that it concurred with GAO's recommendation that the Secretary of State, after consultation with the Secretary of Defense, clarify the issues GAO raised regarding screening foreign forces for gross violations of human rights abuses.

In its response, State disagreed with GAO's recommendation regarding human rights screening of foreign troops scheduled to participate in training with U.S. forces. State believes that the guidance it previously issued sufficiently addresses the concerns raised in this recommendation. State responded that vetting of every individual in a unit would be warranted if information received merited a further review of the unit in question and that it is continuing to work with embassies to clarify implementation of new guidelines and address procedural questions, such as time period and extent of screening for human rights violations, as they arise.

GAO continues to believe that State's policy guidance does not provide sufficient direction to embassies on how to implement the October 1998 legislation requiring human rights screening for host nation participants in military training. As pointed out in the report, State has not resolved which

types of U.S. military training activities overseas require human rights screening before they proceed, how far back in time the embassy must go in investigating these abuses, and the extent to which countries must screen for human rights abuses in countries with no history of such abuse. The State Department intends to decide these issues on a case-by-case basis. Such flexibility does not negate the need to provide embassies with a framework and specific policy guidance on State's interpretation of the legislation. GAO continues to believe that current ambiguities in the guidance cause implementation problems for embassy personnel. Moreover, the absence of a uniform policy inhibits the ability of the Congress to conduct oversight of JCET activities relating to human rights policy. Therefore, GAO continues to believe that its recommendation has merit.

Contents

| | | |
|---|--|----|
| Executive Summary | | 4 |
| Chapter 1 | Organization of U.S. Special Operations Forces | 16 |
| Introduction | Unique Missions of Special Operations Forces | 18 |
| | JCETs Are Used to Meet Unique Training Requirements | 19 |
| | Geographic Commanders in Chief Use JCETs to Support Their Plans | 19 |
| | JCETs Account for a Small Percentage of Special Operations Forces' Overseas Activities | 23 |
| | Objectives, Scope, and Methodology | 24 |
| Chapter 2 | JCETs Have Complied With Legislation Requiring That Their Primary Purpose Be to Train U.S. Forces | 27 |
| JCETs Have Been Used Primarily to Train U.S. Forces, but Reporting on These Activities Has Been Inaccurate | DOD Reports to the Congress on JCET Activities and Costs Are Inaccurate | 32 |
| | Proposed Changes to Guidance and Approval Process Are Designed to Improve Future Reports | 39 |
| | Conclusions | 40 |
| | Recommendations | 40 |
| | Agency Comments and Our Evaluation | 40 |
| Chapter 3 | New Procedures Should Enhance Headquarters Oversight and Knowledge of JCET Activities | 42 |
| More Headquarters Oversight Should Increase Assurances That JCETs Are Consistent With U.S. Foreign Policy | U.S. Ambassadors Provided Extensive Civilian Oversight of JCET Activities | 45 |
| | Ambassadors Believed That JCETs Were Consistent With U.S. Objectives for Their Specific Countries | 47 |
| | Conclusions | 49 |
| Chapter 4 | Legislation Restricts Conducting JCETs With Forces Involved in Human Rights Violations | 51 |
| Uncertainties Remain in Implementing the Law Restricting Training With Human Rights Abusers | DOD Has Issued Interim Guidance, but Implementation Issues Remain | 52 |
| | Conclusions | 62 |
| | Recommendations | 62 |
| | Agency Comments and Our Evaluation | 63 |

| | | |
|-------------------|--|----|
| Appendixes | Appendix I: Comments From the Department of Defense | 64 |
| | Appendix II: Comments From the Department of State | 66 |
| | Appendix III: GAO Staff Acknowledgments | 67 |
| Tables | Table 2.1: JCET Activities for Fiscal Years 1995-97 | 33 |
| | Table 2.2: Problems in DOD's Report to the Congress on Fiscal Year 1998 JCETs | 35 |
| | Table 2.3: JCET Costs for Fiscal Years 1995-97 | 36 |
| Figures | Figure 1.1: Organization of U.S. Special Operations Forces | 17 |
| | Figure 1.2: Areas of Responsibility Assigned to Geographic CINCs | 20 |
| | Figure 1.3: Time Special Operations Forces Spent Overseas by Activity in Fiscal Year 1998 | 24 |

Abbreviations

| | |
|----------|-----------------------------------|
| CINC | commander in chief |
| DOD | Department of Defense |
| GAO | General Accounting Office |
| JAD | JCET Authorization Document |
| JCET | Joint Combined Exchange Training |
| JMETL | joint mission-essential task list |
| METL | mission-essential task list |
| O&M | operations and maintenance |
| PACOM | Pacific Command |
| SEAL | Sea-Air-Land |
| SOF | special operations forces |
| SOCOM | Special Operations Command |
| SOUTHCOM | Southern Command |

Introduction

Special operations forces (SOF) are generally organized into small units for military action focused on strategic or operational goals. They are tasked with a variety of missions ranging from training, advising, and organizing foreign groups for unconventional warfare to training coalition forces for multinational military operations. These missions require special skills that conventional forces do not have, such as the ability to speak foreign languages, understand regional cultural and environmental characteristics, and quickly deploy and operate unsupported in sometimes hostile or politically sensitive areas. The U.S. Special Operations Command (SOCOM) believes that the best way its forces can train for these types of missions is to train with the people in the places where they may have to operate.

In 1991, the Congress clarified the Department of Defense's (DOD) authority to spend training funds in connection with SOF training overseas with friendly foreign forces, as long as the primary purpose was to train U.S. forces.¹ Since the enactment of this legislation, such training has commonly been referred to as Joint Combined Exchange Training (JCET). The primary purpose of JCETs is to provide U.S. SOF training events to develop and maintain their skills. While advancement of the geographic commanders in chief (CINC) engagement strategies and incidental training benefits to friendly forces are expected, these results must always be secondary to the primary purpose of training U.S. SOF.

Organization of U.S. Special Operations Forces

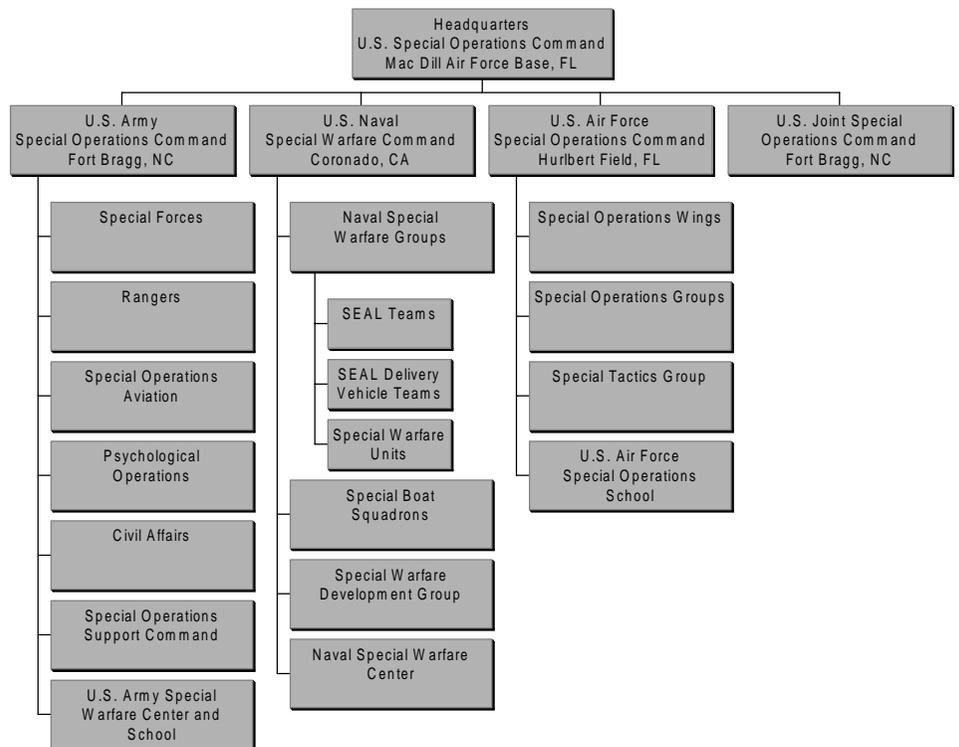
U.S. SOF are under the combatant command of SOCOM. The Congress mandated the creation of SOCOM in the National Defense Authorization Act for Fiscal Year 1987, and in April 1987, the Secretary of Defense established the Command to prepare special operations forces to carry out assigned missions and other tasks directed by the President or the Secretary of Defense.² SOCOM has its own budget within DOD for operations and maintenance, military construction, military pay and research, development, and procurement of items unique to special operations. SOCOM receives about \$3 billion in annual appropriations, or about 1.3 percent of the DOD budget.

¹10 U.S.C. § 2011 (1994).

²10 U.S.C. § 167 (1994).

SOCOM manages a force of about 46,000 active duty, reserve, National Guard, and civilian personnel. SOCOM is organized into a headquarters; Army, Navy, and Air Force service component commands; and a joint command (see fig. 1.1).

Figure 1.1: Organization of U.S. Special Operations Forces



Source: U.S. Special Operations Command.

The Army Special Operations Command comprises special forces, psychological operations, civil affairs, Ranger, and aviation units, as well as a support command. The Naval Special Warfare Command comprises two naval special warfare groups, one naval special warfare development group, and two special boat squadrons. Each special warfare group includes three Sea-Air-Land (SEAL) teams, one SEAL delivery vehicle team, and forward-deployed special warfare units. The Air Force Special Operations Command comprises one Special Operations Wing, two forward-deployed Special Operations Groups, and one Special Tactics

Group in its active force and two Special Operations Wings in its Air Force Reserve and Air National Guard force. All three services have special operations centers and schools for leadership development, education, and training. The Joint Special Operations Command is a joint headquarters designed to study special operations requirements and techniques, ensure interoperability and equipment standardization, plan and conduct special operations exercises and training, and develop joint special operations tactics. The Joint Special Operations Command does not conduct JCETs.

Unique Missions of Special Operations Forces

Special operations forces are charged with nine principal missions and, on the basis of their unique capabilities, conduct a variety of other activities. The principal missions are (1) to train and otherwise assist foreign militaries to combat insurgency and other threats to stability (foreign internal defense); (2) to train, advise, and otherwise assist local forces for guerilla warfare (unconventional warfare); (3) to protect against and prevent the spread of nuclear, chemical, and biological weapons (counterproliferation); (4) to use offensive and defensive measures to prevent or resolve terrorist incidents (combating terrorism); (5) to obtain information concerning capabilities and activities of actual or potential adversaries (special reconnaissance); (6) to inflict damage on an adversary or recover personnel or material (direct action); (7) to target an adversary's information system while defending U.S. systems (information operations); (8) to establish, maintain, or strengthen relations between U.S. and allied governments to facilitate military operations (civil affairs); and (9) to influence attitudes of foreign audiences (psychological operations).

Because of the unique capabilities derived from their principal missions, special operations forces are also tasked with participation in other activities. These collateral activities may change in response to the international environment. For example, special operations forces are involved in training foreign counterdrug forces and law enforcement agencies in skills needed to detect, monitor, and interdict drug production and trafficking. Special operations forces also participate in peacekeeping operations and provide training to multinational coalition partners on tactics and communications, and they provide training in support of legislated security assistance programs that provide U.S. defense articles and other defense-related services to foreign militaries. SOF also train foreign nations in humanitarian demining operations. During wartime or contingency operations, special operations forces may conduct personnel recovery deep within hostile territory, under adverse conditions.

JCETs Are Used to Meet Unique Training Requirements

To develop and maintain the mission-essential skills SOF need to perform their principal and collateral missions, the U.S. special operations command believes that its forces must train overseas with foreign military forces. Training overseas with foreign forces enables special operations forces to practice their needed skills such as providing military instruction in a foreign language and maintaining language proficiency and familiarity with local geography and cultures, which are essential to foreign internal defense and unconventional warfare missions.

SOCOM, like the military services, is authorized to use its training funds to train its own forces. However, because special operations training overseas involves the training of and training with foreign forces, SOCOM believed it needed clarified legislative authority to use its funds for these kinds of overseas training deployments. Special operations forces' training with foreign militaries, funded with SOCOM's operations and maintenance monies, resembled security assistance activities except that security assistance training's primary purpose was to promote national security and foreign policy through training the host nation forces. Such host nation training was provided for in foreign assistance legislation. In the National Defense Authorization Act for Fiscal Years 1992 and 1993, the Congress, in response to a DOD request, included a provision explicitly granting DOD authority to use its funds for SOF to train with friendly foreign forces as long as the primary purpose was to train U.S. SOF.³ Training under this authority became commonly referred to as JCETs.

Geographic Commanders in Chief Use JCETs to Support Their Plans

The five geographic CINCs—the U.S. Atlantic Command, the U.S. Central Command, the U.S. European Command, the U.S. Pacific Command (PACOM), and the U.S. Southern Command (SOUTHCOM)—use JCETs to help achieve foreign engagement objectives of the national security strategy in their designated areas of responsibility. Under the strategy, engagement in the international community is the preferred approach to addressing the new threats and challenges of today's security environment. Each geographic CINC has its own special operations joint subordinate command to plan and control the employment of special operations forces in the region for training exercises and military operations. Figure 1.2 shows the designated areas of responsibility for each geographic CINC.

³10 U.S.C. § 2011 (1994).

**Chapter 1
Introduction**

Figure 1.2: Areas of Responsibility Assigned to Geographic CINCs



Source: Office of the Assistant Secretary of Defense (Public Affairs).

On the basis of the national security strategy and other documents, each of the five geographic CINCs prepares a regional strategy that provides the foundation for contingency planning and peacetime engagement. To support the engagement portion of their strategy, CINCs annually develop a Theater Engagement Plan that defines the type and scope of foreign military engagement, including exercises, continuing operations, and foreign military interaction for their area of responsibility. Foreign military interaction includes JCETs and a number of separate activities outside of operations and exercises that are conducted with foreign military forces.

CINCs Have Other Congressionally Authorized Options to Support Foreign Military Interaction

In addition to JCETs, CINCs can use a variety of statutory authorities to conduct programs and activities to support the foreign military interaction portion of their theater engagement plans. These activities include bilateral and multilateral cooperation programs, educational exchanges, and humanitarian and security assistance programs. SOF participate in those foreign military interaction activities described below.

- **CINC Initiative Fund.** These funds, which may be provided to CINCs based upon statutory priorities, can be used to conduct activities such as force protection, force training, contingencies, selected operations, military education and training to military and related civilian personnel of foreign countries, and expenses of defense personnel for bilateral and multilateral cooperation programs.⁴
- **Military-to-military contacts.** CINCs can also fund military-to-military contacts with foreign nations for such activities as seminars, conferences, and educational exchanges of civilian and military personnel.⁵ These are often called traditional CINC activities.
- **Humanitarian and Civic Assistance.** DOD is authorized to provide humanitarian and civic assistance in conjunction with military operations in a CINC's area.⁶ These activities must be designed to promote the security interests and the operational readiness skills of the U.S. and host country servicemembers. They must also serve the basic economic and social needs of the people of the country concerned, including activities such as medical care in rural areas, well-drilling, and

⁴10 U.S.C. § 166a (1994).

⁵10 U.S.C. § 168 (1994).

⁶10 U.S.C. § 401 (1994).

basic sanitation facilities construction. They may also include training the host nation cadre on land mine detection and clearance.

- Cooperative Threat Reduction activities. These DOD-funded programs are designed to encourage military reductions and reforms and reduce nuclear proliferation threats in the former Soviet Union.⁷ They include expanded military-to-military and defense contacts, demilitarization of defense industries, and prevention of the proliferation of weapons technology and expertise.
- Security assistance. A range of assistance programs support U.S. objectives by providing aid to other nations to defend and preserve their national security. The Foreign Assistance Act of 1961 authorizes International Military Education and Training, which provides training to foreign military forces and related civilian personnel of foreign countries.⁸ The Arms Export Control Act (formerly Foreign Military Sales Act) authorizes two assistance programs: (1) the Foreign Military Sales Program, which allows countries to purchase defense articles and training from the United States and (2) the Foreign Military Financing Program, which provides grants and loans to foreign governments to purchase U.S. defense goods and services, including training.⁹ Security assistance programs and funding levels are determined through consultation between the Department of State and the Congress and are implemented by DOD but funded by and subject to the overall policy supervision of the Department of State. Unlike JCETs, the primary beneficiary of any military training provided under these programs is the recipient nation.

JCETs Are a Small Portion of the CINCs' Foreign Military Interaction and All Special Operations' Overseas Deployments

According to CINC engagement plan information, JCETs do not represent a large part of the geographic CINCs' overall foreign military interaction activity. As discussed later in this report, the CINCs' data on JCETs and foreign military interactions are not entirely accurate. However, the data provide an overall perspective of JCETs' relationship to these other engagement activities. In fiscal year 1998, JCETs represented between 2 and 6 percent of all foreign military interactions for the four geographic CINCs that had JCET deployments in their areas. According to the CINCs, JCETs in PACOM, the European Command, and SOUTHCOM in fiscal year

⁷22 U.S.C. § 5951-5958 (1994); Pub. L. 105-261, Div. A, Title XIII, 112 Stat. 1920, 2161-2167 (Oct. 17, 1998).

⁸Pub. L. 87-195, 75 Stat. 424 (codified as amended in scattered sections of 22 U.S.C.).

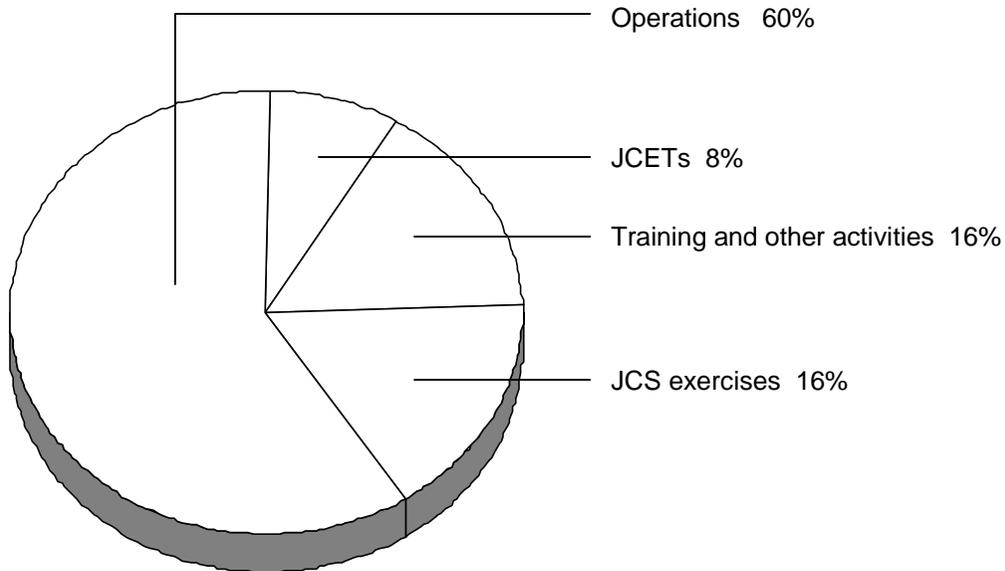
⁹Pub. L. 90-629, 82 Stat. 1320 (codified as amended in scattered sections 22 U.S.C.).

1998 represented less than 3 percent of all foreign military interaction events. In PACOM and the European Command, military contacts such as personnel and unit exchanges and regional conferences accounted for most of the foreign military interaction activity. In SOUTHCOM, combined education events such as foreign defense personnel's attendance at U.S. schools accounted for most of the foreign military interaction activity. According to the U.S. Central Command, JCETs represented less than 6 percent of foreign military engagement activities in fiscal year 1998. Military contacts accounted for most of the foreign military interactivity in this theater. The U.S. Atlantic Command did not conduct JCETs in fiscal year 1998.

JCETs Account for a Small Percentage of Special Operations Forces' Overseas Activities

Available data from SOCOM indicates that JCETs do not make up a large part of the total time all special operations forces are deployed overseas (see fig. 1.3). In fiscal year 1998, JCETs accounted for only about 8 percent of the time special operations forces spent on overseas deployments (see fig. 1.3).

Figure 1.3: Time Special Operations Forces Spent Overseas by Activity in Fiscal Year 1998



Source: U.S. Special Operations Command.

About 60 percent of the time special operations forces spent overseas was for military operations such as counterdrug operations and peacekeeping missions. About 16 percent of special operations forces' time overseas was spent doing joint exercises, during which they prepare with other U.S. and foreign forces for military operations. Another 16 percent of special operations forces' time overseas was spent conducting non-JCET training and other activities such as conferences, school courses, and command visits.

Objectives, Scope, and Methodology

In April 1998, the Chairman of the Subcommittee on Military Readiness, Senate Committee on Armed Services, the Chairman of the House Committee on International Relations, and the Ranking Member of the Subcommittee on Asia and the Pacific, House Committee on International Relations, asked us to examine JCETs. In March 1999, the Chairman of the Subcommittee on Emerging Threats and Capabilities, Senate Committee on Armed Services, also requested that we undertake this work. Specifically, we sought to determine (1) whether DOD has implemented JCETs in

accordance with legislation, (2) whether DOD and the Department of State are providing civilian oversight to ensure that JCET activities are consistent with U.S. foreign policy objectives in countries that we included in our review, and (3) how DOD is implementing recent legislation that restricts it from training with foreign forces involved in human rights abuses.

To determine whether DOD has implemented JCETs in accordance with the authorizing legislation, we examined the law and the legislative history and met with congressional committee staff members who were instrumental in developing the authorizing legislation. Because the statute states that the primary purpose of the training must be to train U.S. SOF, we evaluated the JCET approval process and its consideration of special operations forces' mission training requirements. To accomplish this objective, we reviewed JCET files for fiscal years 1997 and 1998 at various special operations units, the Pacific Command, and the Southern Command's subordinate theater special operations commands. During this file review, we examined available documentation of the training objectives, the planned programs of instruction, and the after-action reports that summarized the entire training event, including the mission-essential tasks that were planned and actually conducted. We also interviewed officials at SOCOM, the Army and the Air Force Special Operations Commands, the Naval Special Warfare Command, the Pacific Command and the Southern Command, and these commands' subordinate theater special operations commands. We attended semiannual JCET and training planning conferences for SOCOM, the Southern Command, and the Central Command. We also observed pre-JCET conferences between U.S. special operations and host nation forces from the Philippines and Thailand and observed a JCET event conducted by U.S. and Philippine Air Force pararescue units in the Philippines. To verify the accuracy of DOD's reports to Congress on JCETs, we compared annual reports for fiscal years 1997 and 1998 to JCET files in various locations in SOUTHCOM and PACOM. This verification included attempts to confirm how many JCETs took place in these two commands, how U.S. and host nation incremental costs were recorded, and how DOD reported JCETs' relationship to counterterrorism and counternarcotics.

To determine whether DOD and the Department of State have provided civilian oversight to ensure that JCET events were consistent with U.S. foreign policy objectives, we met with officials in the offices of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, the Joint Staff, SOCOM, and the Department of State's Regional

and Political Military Bureaus and country desk officers. To obtain information on how ambassadors and their country teams approve JCETs and ensure that they are consistent with U.S. foreign policy objectives, we visited three countries in the Pacific Command and three in the Southern Command. We chose to visit Colombia and Indonesia because of congressional interest in military activities and human rights issues in these two countries, and we chose to visit Bolivia, Ecuador, and Thailand because large numbers of JCETs were conducted in these countries in fiscal years 1997 and 1998. We chose to visit the Philippines because JCETs have been used as the primary military contact since the status of forces agreement expired in 1996. To identify the major foreign policy objectives in each country we included in our study, we reviewed the Department of State's mission performance plans. To identify the level of JCET oversight at each embassy and determine how JCETs have supported the embassies' objectives, we spoke with ambassadors, deputy chiefs of mission, and other embassy staff at the U.S. embassies in Bolivia, Colombia, Ecuador, Indonesia, the Philippines, and Thailand.

To determine how DOD and the Department of State have implemented legislation restricting DOD from training with human rights abusers, we first reviewed DOD's interim guidance and State Department cables setting out guidance for overseas embassies. We interviewed officials from the Joint Staff and the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict. We also interviewed officials from the Department of State's political military and regional bureaus involved in issuing guidance to embassies regarding DOD's human rights statute. We also met with officials at U.S. embassies in Bolivia, Colombia, Ecuador, Indonesia, the Philippines, and Thailand to discuss the impact of the new law and the adequacy of the guidance provided to the embassies by the Department of State's headquarters offices. We also obtained information on the verification procedures used at the embassies both before and after the new requirements became effective and the nature of the information available in those countries for human rights verification.

While our review was in progress, DOD, in response to congressional concerns about JCETs, implemented a new JCET approval process in November 1998 to ensure greater oversight by senior personnel in the Departments of Defense and State. We revisited the relevant officials in the two departments to identify the impact of the new approval process.

We conducted our work from June 1998 to May 1999 in accordance with generally accepted government auditing standards.

JCETs Have Been Used Primarily to Train U.S. Forces, but Reporting on These Activities Has Been Inaccurate

DOD has complied with the statutory requirement that JCET activities have as their primary purpose the training of U.S. special operations forces. However, DOD has not accurately reported to the Congress the numbers of JCETs that were conducted, their costs, or their relationship to counternarcotics and counterterrorism, as required by statute. Inaccuracies in annual reports have arisen because of confusion in the field regarding how to define a JCET, how to report the incremental costs incurred by the host countries, and how to interpret the legislative requirement to report JCETs' relationship to counternarcotics and counterterrorism. Recent and proposed changes in DOD's guidance and processes are designed to improve DOD's ability to provide the Congress with more accurate and complete reports.

JCETs Have Complied With Legislation Requiring That Their Primary Purpose Be to Train U.S. Forces

Our review of how JCETs have been developed and conducted indicates that their primary purpose has been to train U.S. special operations forces. JCETs provided opportunities for SOF personnel to remain proficient. For JCETs conducted in fiscal years 1997 and 1998, we found a direct link between the training special operations forces units indicated they needed and the training conducted. In general, the special operations community determines what training is appropriate during a JCET to help maintain their proficiencies in meeting missions. Because JCETs may also simultaneously meet the engagement goals of the CINCs and the ambassadors in the countries where they take place, these individuals, after negotiations with the special operations community, largely determine where the JCET occurs. Our review of JCET files and our attendance at pre-JCET meetings confirmed that these activities retained their primary purpose of training U.S. forces.

Legislation Authorizes Special Operations Forces to Train Overseas With Friendly Foreign Forces

Under 10 U.S.C. 2011, the commander of SOCOM or the commander of any other unified or specified combatant command may use command funds to pay for special operations forces training with the armed forces and other security forces of a friendly foreign country, provided that the primary purpose of the training is to train the U.S. special operations forces. Section 2011(a)(3) also authorizes the payment of certain incremental expenses of friendly developing countries. All expenses incurred in conducting training of special operations forces under this authority, including incremental expenses of friendly developing countries paid by DOD, must be included in annual reports to the Congress, as provided for in section 2011(e).

SOCOM Components
Determine Training Needs
and Initiate JCETs

The link between JCETs and SOF training needs is first demonstrated by the process used to design JCETs. While the process of developing JCETs varies by service, it essentially begins with the special operations community's preparation of a list of mission-essential tasks required for individual units. For example, the Naval Special Warfare Command empowers each platoon to develop a Plan of Operations and Management to serve as a 2-year training plan. The plan designates which mission-essential task lists are to be considered "core," or required for all forces, and which are to be considered "focused," or unique to the theater the unit is deploying to. For example, core mission-essential tasks for a member of a SEAL platoon might include close combat search and rescue, close quarters combat, and helicopter insertion and extraction. Its focused mission-essential tasks might include naval gunfire support, military free-fall insertion, or riverine infiltration and exfiltration.

The Army Special Operations Command has a similar process for developing tasks to be completed on its JCETs. First, the command assigns each operations team, generally made up of 12 persons, primary and secondary countries of concentration and primary, secondary, and tertiary missions. An Army special forces team, for example, might have El Salvador as its primary country of assignment and Paraguay as its secondary country. Its primary mission might be foreign internal defense, with direct short-term military action as a secondary mission. For each assigned mission, the Army has a corresponding list of mission-essential tasks. For example, foreign internal defense involves organizing, training, advising, and assisting host country militaries to protect their societies from subversion, lawlessness, and insurgency. Essential tasks include, among others, analyzing the needs of the foreign forces, training and advising these forces in counterinsurgency operations, and evaluating their ultimate performance. Each team must be certified in its assigned skills once every 18 months. Certification in assigned skills involves the completion of certain designated tasks at stated intervals. Because each team specializes in different countries and missions, team leaders tailor their programs of instruction.

Overall, special operations personnel we interviewed believed that JCETs were critical to their teams' abilities to remain proficient in their mission-essential tasks. In some cases, JCETs provide an opportunity for special operations forces to train in mission-essential skills that the host nation restricts or prohibits at U.S. bases in their countries. For example, Air Force special operations forces based in Okinawa, Japan, are restricted from low-level night flying. JCETs conducted in Thailand and Malaysia give

Chapter 2
JCETs Have Been Used Primarily to Train
U.S. Forces, but Reporting on These
Activities Has Been Inaccurate

these units access to areas where they can train in this core mission skill. Navy SEALs and Army special forces based in the Pacific use JCETs in Singapore, Australia, and Sri Lanka to gain access to training areas to practice skills such as close quarters combat and advanced demolitions, which are prohibited at their forward base in Guam and Okinawa. Because of environmental restrictions and controls in the United States, Navy special boat units are able to train to certain mission-essential tasks only in countries available to them through the JCET program.

Finally, JCETs provide other benefits that are invaluable to special operations forces. These benefits include language training, cultural immersion, an understanding of the environment and host nation forces' capabilities, exposure to non-U.S. equipment and techniques, and teaching experience. JCETs give special operations forces opportunities to acquire information on the local terrain, geography, and weather, while fostering positive professional relationships with host nation military forces.

Geographic Commands
Determine Location of
JCETs but Do Not Change
Essential Training Goals

At least once a year, each service component compiles an annual training plan that will satisfy requirements to train for its mission-essential tasks. These training plans are melded with lists of the engagement requirements of the various ambassadors and CINCs at planning conferences held by the CINCs. Essentially, special operations personnel determine what training takes place, and the CINCs and ambassadors determine where the training occurs.

While each command operates differently, all commands develop their final lists of JCETs after holding a conference. For example, at the U.S. SOUTHCOM conference, special operations personnel present briefings of their missions and capabilities to military group representatives from the embassies. Representatives from the theater Special Operations Command then provide military group representatives with a list of the JCETs each service proposes for the year. Service representatives discuss these proposals and their timing with military group representatives. During the conference, the special operations, embassy, and CINC representatives work out the details of the agreed-upon training. Other commands operate similarly. In addition, once a year, SOCOM holds a JCET conference to plan activities for the entire special operations community.

Pre-JCET Meetings Also Indicate That Special Operations Forces Maintain Focus on U.S. Training Needs

Our attendance at pre-JCET meetings, which are held in the host nation just before a JCET takes place, also confirmed that JCETs retain their primary purpose of training U.S. forces. During one such conference, the U.S. special operations unit worked with Philippine host nation representatives to ensure that mission-essential skills training was the focus of the event. Specifically, the Philippine representatives were asked to ensure that their JCET participants had no medical training, thereby allowing the U.S. special forces the opportunity to teach basic medical skills and evaluate their own teaching progress. In another conference, also in the Philippines, the U.S. unit explained that during the upcoming JCET, the U.S. special forces participants would prefer to conduct their airborne operations at dusk, which was something they were not allowed to do at their home base in Okinawa. In both cases, we witnessed negotiations between U.S. special operations units and host nation representatives that illustrated that the JCET benefited both the U.S. and host nation participants but that the focus was primarily to train U.S. special forces in their mission-essential tasks.

JCET Files Reveal Primary Purpose

Files for JCETs conducted in fiscal years 1997 and 1998 that we reviewed at the unified commands, the subordinate service commands, the geographic CINCs, individual special operations units, and U.S. embassies provide a direct link between the training special operations forces said they needed and the training conducted. For example, these files contain documents that include descriptions of the concept of operations for each JCET and outline what mission-essential tasks will be included in the training. In some cases, the files also contain lesson plans, or programs of instruction, used by the special operations instructors to teach the mission-essential tasks. These files also contain after-action reports detailing what the special operations teams did and how well they accomplished their missions. Our review of available after-action reports suggests that SOF did in fact train to their mission-essential tasks as planned.

To illustrate, files indicated that JCETs conducted during fiscal years 1997 and 1998 provide special operations personnel with opportunities to meet their mission-essential task requirements in the following ways:

- Counterterrorism is a fundamental mission of special operations forces attached to SOUTHCOM. They need to be skilled in such tasks as reconnaissance, marksmanship, and close quarters combat. To train for its mission, these forces conducted JCETs with counterterrorism units in host countries throughout the region. We viewed the lesson plans for

one of these JCETs, which consisted of 380 hours of training. The training included pistol and rifle firing, shooting while moving, engaging multiple targets, clearing hallways, and medical training. This JCET ended with a 5-day live-fire scenario.

- The 20th U.S. Army Special Forces Group, which is a National Guard unit, conducted JCETs that routinely served as their annual 2-week training requirement. For each of these JCETs, an active-duty special forces member served as a training evaluator and prepared a detailed report on how well the unit trained for its mission-essential tasks. Seven of these JCETs for the 20th Group took place in fiscal year 1998, in Bolivia, Honduras, Suriname, and Venezuela. Mission-essential tasks for these JCETs included light infantry tactics, small unit tactics, combat lifesaving, marksmanship, grenade training, and patrolling.
- The 1st Special Forces Group trained for many different mission-essential tasks by conducting JCETs in various countries within PACOM's area of responsibility. Specifically, this group trained in small unit tactics, military freefall parachuting, close quarters battle, and maritime operations in Thailand. In the Philippines, it trained in airmobile and tracking/countertracking skills, and in Sri Lanka, it trained in leadership and mission planning. This group believed that its critical warfighting skills would suffer without access to the multitude of countries covered by the JCET program.
- In May 1998, the 7th Special Forces Group was able to immediately apply the skills they had practiced during a JCET in Bolivia. The JCET, which lasted from April 27 to May 22, involved training with 80 host nation personnel in light infantry skills needed for peacekeeping operations. On May 22, training was curtailed when an earthquake struck a province in Bolivia. The U.S. forces deployed with the Bolivian unit they had just trained with to assist in rescue and recovery operations. The forces removed rubble, searched for survivors, disseminated information, organized a chain of command, delivered supplies, assisted with the wounded, and buried the dead.
- In July and August 1997, Army, Navy, and Air Force special operations forces participated in a large JCET in multiple locations in Thailand. With a combined total of 300 individuals, the JCET included training for the foreign internal defense mission, military parachuting, and conducting medical and engineering and civic action projects. During the medical portion of the JCET, a total of 2,492 medical patients were seen, 549 dental patients were treated, and 847 teeth were extracted.

DOD Reports to the Congress on JCET Activities and Costs Are Inaccurate

The legislation authorizing SOF to train overseas with friendly forces also requires that the Secretary of Defense annually submit a report to the Congress specifying the following:

- all countries in which the training was conducted;
- the type of training conducted, including whether the training was related to counternarcotics or counterterrorism, the duration of the training, the number of members of the armed forces involved, and expenses paid;
- the extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and the physical and financial contribution of each host nation to the training effort; and
- the relationship of the training to other overseas training programs conducted by the armed forces, such as military exercise programs sponsored by the Joint Chiefs of Staff, military exercise programs sponsored by a combatant command, and military training activities sponsored by a military department (including deployments for training, short duration exercises, and other similar unit training events).¹

To satisfy these requirements, DOD has provided annual data to the Congress on JCETs conducted in each fiscal year beginning with fiscal year 1992. According to SOCOM, however, these data have been inaccurate. Our review confirmed this. In fact, we could not (1) arrive at a definitive number of JCETs that occurred in PACOM or SOUTHCOM in fiscal years 1997 and 1998, (2) determine which of these events were related to counternarcotics or counterterrorism, or (3) determine how much was actually spent on JCETs. Primarily, the data were inaccurate because there were different interpretations of what was and what was not a JCET, because units were uncertain how to determine whether a JCET was related to counternarcotics or counterterrorism, and because host nation costs were paid for from different appropriations.

¹10 U.S.C. § 2011 (e) (1994). Another reporting requirement was added to 10 U.S.C. § 2011(e) by Pub. L. 105-261, § 1062, 112 Stat. 1920, 2129-30 (Oct. 17, 1998). This added requirement is discussed at the end of this chapter.

Confusion About the Definition of JCETs Makes It Difficult to Determine How Many JCETs Took Place

Table 2.1 shows the numbers of JCETs listed in annual reports to the Congress for fiscal years 1995-97. SOCOM reviewed this data for accuracy and found that for the entire period, the number of JCETs earlier reported had been overstated by about 21 percent. SOCOM's revised figures on the numbers of JCETs performed are also shown in table 2.1. For example, SOCOM's revision shows that it conducted 223 JCETs, rather than 231 JCETs, in fiscal year 1997, or 8 fewer than earlier reported.

Table 2.1: JCET Activities for Fiscal Years 1995-97

| Number of JCETs | Fiscal year | | | |
|------------------------------|-------------|------|------|-------|
| | 1995 | 1996 | 1997 | Total |
| As reported in annual report | 200 | 279 | 231 | 710 |
| As revised by SOCOM | 166 | 200 | 223 | 589 |

According to SOCOM officials, data were inaccurate because no one person managed the reporting process and because field personnel lacked guidance on how to report JCETs. Service components were uncertain about even the definition of a JCET. For example, annual reports of JCETs included activities that were not JCETs, such as counterdrug deployments and exercises involving special operations forces. These activities have their own funding sources and statutory authorities that are different from those for JCETs.

We attempted to verify the revised data SOCOM provided us. In doing so, we examined JCET files in several locations in PACOM and SOUTHCOM for fiscal year 1997. We found that SOCOM's revised data were overstated. For example, DOD's annual report to the Congress indicated that 65 JCETs took place in PACOM in fiscal year 1997. SOCOM said there were 69, adding that the JCETs were conducted in 22 countries. Our review of all JCET-related files maintained in PACOM indicated that for fiscal year 1997, PACOM conducted 40 JCETs in 18 countries—29 fewer JCETs, or 42 percent fewer than the 69 reported by SOCOM. We found that the annual report contained several events that were not JCETs, including one civil affairs event and one Joint Chiefs of Staff exercise. In addition, several JCETs had been double- or triple-counted, and the annual report contained several training events that had been canceled. In SOUTHCOM, the annual report indicated that 70 JCETs took place in fiscal year 1997. SOCOM revised this number to 71. Though we believe both numbers are overstated, we are not confident that our revised count of 62 JCETs in

Chapter 2
JCETs Have Been Used Primarily to Train
U.S. Forces, but Reporting on These
Activities Has Been Inaccurate

20 countries is accurate because SOUTHCOM did not have complete records.

PACOM's files indicated that 39 JCETs took place in 21 countries in fiscal year 1998. We attempted to verify this number of JCETs, and after reviewing all available JCET files, we determined that 37 JCETs were held in 19 countries in fiscal year 1998. PACOM officials confirmed our determination as correct. As in fiscal year 1997, the JCET branch had miscategorized two events as JCETs when they had actually paid for these activities with funds budgeted for Cooperative Threat Reduction activity.

For fiscal year 1998 JCETs in SOUTHCOM, we compared files at four locations and determined that 52 JCETs occurred in 21 countries. However, because of discrepancies among files at different locations about whether one JCET had been canceled and whether an additional nine training activities were JCETs or some other type of event, such as humanitarian civic actions or counterdrug training, we are not confident about our count.

After we completed our review of files, DOD issued its fiscal year 1998 report on JCETs to the Congress. We evaluated this report in light of past reporting problems to determine whether SOCOM's provisional guidance to the commands on reporting had resulted in improvements. DOD's fiscal year 1998 JCET report indicates that in many ways the information reported to the Congress had improved. For example, DOD gave much greater detail on what types of training were provided during JCETs. Also, better information on the numbers of U.S. and host nation participants in JCET events was provided. Prior to 1998, for example, many reported JCETs did not include information on host nation participation.

Using information on fiscal year 1998 JCET activities obtained at SOUTHCOM and PACOM, we compared our data with that reported to the Congress. This comparison demonstrated that problems similar to those in past reports continue. For example, some JCETs were double- or triple-counted in the 1998 report. Also, completed JCET events were not included in the report. Table 2.2 illustrates the types of problems we saw in the report's listing of JCETs.

Chapter 2
JCETs Have Been Used Primarily to Train
U.S. Forces, but Reporting on These
Activities Has Been Inaccurate

Table 2.2: Problems in DOD's Report to the Congress on Fiscal Year 1998 JCETs

| Problem | Command | |
|--|----------|-------|
| | SOUTHCOM | PACOM |
| Number of JCETs double- or triple-counted | 2 | 7 |
| Number of events counted as JCETs that were not JCETs | 2 | 0 |
| Number of JCETs listed for which we found no files | 7 | 0 |
| Number of JCETs not included in the annual report for which we saw files | 12 | 10 |

Different Interpretations of
What Must Be Reported on
JCETs' Relationship to
Counternarcotics and
Counterterrorism

Under 10 U.S.C. 2011(e), DOD must report whether JCET training is related to counternarcotics or counterterrorism. There are no instructions on what this requirement means, however. As a result, officials within the Office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict had different interpretations of what information should be included. One official said that this requirement was to report JCETs' funding source and that because JCETs funding source is different from that for counternarcotics and counterterrorism events, JCETs will never be related to counternarcotics or counterterrorism. On the other hand, another official said that JCETs are related to counternarcotics or counterterrorism when they involve host nation participants that are involved in counterdrug or counterterrorism activities and should be reported as such.

During our review of the fiscal year 1997 annual report to the Congress on JCETs, we found that neither PACOM nor SOUTHCOM had reported that any JCET was related to counternarcotics. PACOM reported one JCET that was related to counterterrorism, and SOUTHCOM also reported one. Both the JCETs reported as related to counterterrorism involved what were described to us as counterterrorism JCETs, performed by U.S. special operations units with a counterterrorism mission. However, there were other similar counterterrorism JCETs that were not identified as related to counterterrorism in the annual report. For example, in fiscal year 1997, PACOM had 8 other counterterrorism JCETs, and SOUTHCOM had 11. None of these 19 events were reported as related to counterterrorism.

In the annual report to the Congress for fiscal year 1998, several JCETs were conducted by the same SOF units with a counterterrorism mission, but the JCETs were again not noted as related to counterterrorism. These JCETs included training in mission-essential tasks relating to the

Chapter 2
JCETs Have Been Used Primarily to Train
U.S. Forces, but Reporting on These
Activities Has Been Inaccurate

counterterrorism mission, including close-quarters battle, sniper training, room/building clearing, and breaching. DOD's proposed new guidance does not address how to determine when a JCET is related to counterterrorism or counternarcotics.

Inaccurate Reporting of the
Cost of JCETs

Our review of JCET activities revealed that JCET costs were not accurately captured in annual reports to the Congress. Table 2.3 shows the costs of JCETs that were initially reported to the Congress and SOCOM's revised list of costs. However, while the SOCOM revisions might have more closely identified costs associated with the program, our review showed that these revised costs are also inaccurate.

Table 2.3: JCET Costs for Fiscal Years 1995-97

| JCET expenses | Fiscal year | | | Total |
|--|--------------|--------------|--------------|---------------------|
| | 1995 | 1996 | 1997 | |
| U.S. expenses as reported in annual report | \$23,625,000 | \$18,409,000 | \$15,003,000 | \$57,037,000 |
| U.S. expenses as revised by SOCOM | 12,022,000 | 13,753,000 | 14,295,000 | \$40,070,000 |
| Difference in reported and revised U.S. expenses | 11,603,000 | 4,656,000 | 708,000 | \$16,967,000 |
| Host country expenses as reported in annual report | 1,126,000 | 135,000 | 220,000 | \$1,481,000 |
| Host country expenses as revised by SOCOM | 621,000 | 594,000 | 300,000 | \$1,515,000 |
| Difference in reported and revised host country expenses | 505,000 | (459,000) | (80,000) | (\$34,000) |

SOCOM's revised cost figures indicate that U.S. expenses reported for fiscal years 1995-97 have been overestimated by about \$17 million, or about 42 percent. SOCOM officials explained that this difference resulted from the removal of a number of JCETs from the report that it identified as being non-JCETs. This confusion was due to the absence of a standard definition of a JCET.

Chapter 2
JCETs Have Been Used Primarily to Train
U.S. Forces, but Reporting on These
Activities Has Been Inaccurate

Because DOD did not capture all appropriated funds used to pay foreign country incremental expenses in its annual reports to the Congress, DOD also understated the cost of host nation participation during this same period. DOD's annual reports to the Congress stated that \$1,481,000 was spent worldwide during fiscal years 1995-97 to pay for certain incremental expenses of host nations. After reexamining the data, SOCOM raised this amount slightly to \$1,515,000, or about 2 percent (see table 2.3). We selected PACOM to do a more in-depth look at how JCET-related expenses of host nations were funded by DOD in fiscal year 1997. Our work disclosed that DOD's support for host country incidental expenses was significantly understated. Specifically, we found that, while DOD reported that it had spent \$220,000 on host country incidental expenses for all commands in fiscal year 1997, PACOM alone spent \$256,247 for JCET host nation expenses.

Incremental Expenses May
Be Underreported Because
of Lack of Guidance on Use
of Appropriated Funds

Section 2011(a)(3) authorizes the payment of the incremental expenses incurred by a host nation as a direct result of participating in JCETs. However, our review indicates that the amount of such costs reported to the Congress may be underreported because DOD reported only costs paid by SOCOM, which uses a Defense-wide appropriation, while it appears that other appropriations were used as well to pay these costs. During the period covered by our review, these incremental expenses have been paid from four separate and distinct operation and maintenance (O&M) appropriations: Army, Navy, Air Force, and Defense-wide. According to a DOD official, approximately 50 percent of the expense authorized to be paid under 10 U.S.C. 2011(a)(3)—incremental expenses—are paid by SOCOM from its O&M budget, which is funded from the Defense-wide O&M appropriation. The remaining 50 percent of these expenses are paid by the regional combatant commands from their O&M budgets, which are funded from either the Army's O&M appropriation (in the case of European Command and the Southern Command), the Navy's O&M appropriation (in the case of Atlantic Command and the Pacific Command), or the Air Force's O&M appropriation (in the case of Central Command). DOD explained that some JCETs are fully funded by SOCOM; some are fully funded by the regional combatant commands; and some are funded jointly by SOCOM and the regional combatant commands, usually with SOCOM paying the expenses of special operations forces and the regional commands paying the incremental expenses of the participating host country.

Chapter 2
JCETs Have Been Used Primarily to Train
U.S. Forces, but Reporting on These
Activities Has Been Inaccurate

Where two or more lump-sum appropriations (such as the various O&M appropriations here) are broad enough to cover costs of an activity (such as JCETs), agencies must determine which appropriation it will charge, document its determination, and charge the appropriation consistent with its determination throughout the particular fiscal year.² In the circumstances described here, DOD should have issued written guidance or instructions articulating the criteria for selecting the proper appropriation to charge for each JCET expense. DOD informed us that to date, it has issued no guidance or instruction setting forth criteria to determine which appropriation should be charged for which JCET expense but that it plans to do so in the future. However, DOD officials have informed us that in the interim, DOD has included language in the message authorizing May 1999 JCETs that indicates that incremental expenses incurred by the friendly developing country as the direct result of training with U.S. special operations forces must be paid for using SOCOM's O&M funds. Moreover, it stipulates that other funding sources, such as those used to conduct exercises, should not be used for JCETs and that the Joint Staff will not provide funding. DOD officials have informed us that they intend to include this language in all future monthly JCET approval documents until permanent guidance is issued.

In response to deficiencies described above, DOD has been actively considering permanent guidance requiring that each JCET deployment be funded entirely from the same appropriation. This guidance would require that SOCOM fund all JCETs that it initiates and runs entirely from SOCOM O&M monies (i.e., Defense-wide O&M) and would require the regional combatant command CINCs to fund the activities authorized under section 2011 that they initiate and run entirely from CINC O&M monies (i.e., Army, Navy, or Air Force O&M appropriations). We believe that such guidance, if properly implemented and consistently applied, would meet DOD's responsibility for funds control described previously.

²See Funding for Army Repair Projects (B-272191, Nov. 4, 1997) and Unsubstantiated DOE Travel Payments (GAO/RCED-96-58R, Dec. 28, 1995).

Proposed Changes to Guidance and Approval Process Are Designed to Improve Future Reports

SOCOM and their component officials believed that because of the minimal management attention on annual JCET reports, the data were not challenged as they moved from the service components to SOCOM headquarters. Mistakes made at lower levels were passed forward. We agree that this, along with the absence of a clear definition of a JCET and SOCOM guidance on how to report on JCET activities, is the source of the reporting problem. In the near future, SOCOM plans to issue a directive that will provide guidance on the planning, execution, and reporting of JCETs. This proposed guidance will include a definition of a JCET that provides in part that a JCET is primarily funded by SOCOM and uses no security assistance funds. Also, the proposed guidance will recognize that the commanders of the combatant commands may pay section 2011-authorized expenses, including incremental expenses incurred by friendly developing nations. SOCOM officials believed that this new directive should improve post-fiscal year 1997 reports to the Congress on JCET activities.

SOCOM and its components have three other initiatives aimed at improving JCET reporting. First, SOCOM plans to issue a directive that will provide the services with a standard reporting format to promote consistency and completeness. Second, in fiscal year 1999, SOCOM began to assign a unique code to each scheduled JCET. Assignment of one code to be used by all services participating in a JCET should eliminate the double- and triple-counting of JCETs that has occurred in past reporting. Third, the component commands are initiating improvements in their accounting systems to better capture JCET costs. For example, the Air Force Special Operations Command now assigns extraordinary and special program codes to individual JCETs. Any costs incurred for a particular JCET will be entered into this accounting system under that unique code. The Army Special Operations Command and the Naval Special Warfare Command have initiated similar accounting systems to track JCET expenditures.

In addition to SOCOM-developed improvements, on October 17, 1998, the Congress amended section 2011 to improve the level of reporting and require that any related training receive the prior approval of the Secretary of Defense.³ The amendment to 2011(e) requires that the reports now include “a discussion of the unique military training benefit to United States special operations forces derived from the training activities for which

³Pub. L. 105-261, § 1062, 112 Stat. 1920, 2129-30 (1998).

expenses were paid under this section.” DOD’s new approval process for JCETs has been designed to collect this required information.

Conclusions

Our discussions with DOD officials and our review of files, including planning documents and after-action reports, reveal that the JCETs we reviewed met the primary purpose requirement of 10 U.S.C. section 2011(b) in that their primary purpose was to train U.S. special operations forces. Notwithstanding that JCETs we reviewed complied with this provision, little attention was paid to accurately reporting these activities to the Congress as required by 10 U.S.C. section 2011(e). As a result, the Congress received a lot of erroneous information on such basic information as how many JCETs were conducted. We believe that the changes DOD and SOCOM’s components have proposed to their guidance and have made to the JCET approval process should improve the accuracy of their reporting to the Congress in this area. In two areas, however, contemplated changes may be insufficient. First, field personnel do not have the criteria needed for determining when a JCET is related to counternarcotics or counterterrorism. Second, it is unclear to field personnel how to report and account for host nations’ incremental expenses incurred during JCETs.

Recommendations

To improve annual reporting to the Congress on JCETs, we recommend that the Secretary of Defense issue guidance that provides criteria to use in determining whether JCETs are related to counterterrorism or counternarcotics and therefore need to be reported as such. To improve financial management and the accuracy of the reporting of JCET costs, we recommend that the Secretary of Defense issue guidance (1) articulating the criteria for selecting the proper appropriation to charge for each JCET expense, (2) specifying that any such selection must be documented, and (3) clarifying that the selection must be consistently applied throughout the applicable fiscal year. Finally, we recommend that the Secretary of Defense set a milestone for the issuance of final guidance on these issues.

Agency Comments and Our Evaluation

In official comments on our draft report, DOD concurred with these recommendations. It plans to issue guidance in a forthcoming instruction defining criteria to be used to determine whether a JCET is related to counterterrorism or counternarcotics. In already issued interim guidance, DOD has defined the proper appropriation to charge for JCETs. This

Chapter 2
JCETs Have Been Used Primarily to Train
U.S. Forces, but Reporting on These
Activities Has Been Inaccurate

guidance will be repeated in the monthly JCET approval documents until DOD's instruction containing final guidance is issued. DOD expects to issue this final instruction no later than December 31, 1999.

More Headquarters Oversight Should Increase Assurances That JCETS Are Consistent With U.S. Foreign Policy

U.S. embassy State Department officials in the six countries we visited exercised extensive oversight of JCET activities and believed that these activities were consistent with U.S. policy objectives in each country. This was the case despite the fact that prior to November 1998, neither Department of State nor DOD headquarters' officials were routinely involved in overseeing JCETs. While neither DOD personnel overseas nor U.S. ambassadors believed that any problems occurred because of the lack of headquarters oversight, new JCET approval procedures, which require the Secretary of Defense's approval and the Secretary of State's notification, will provide greater assurances that all foreign policy factors are considered before determining whether a JCET should proceed.

New Procedures Should Enhance Headquarters Oversight and Knowledge of JCET Activities

Before 1998, DOD civilian headquarters personnel were not routinely involved in approving or overseeing JCETs. Approval and oversight were assigned to the geographic CINCs and SOCOM components and units, consistent with other DOD training activities. Similarly, State Department headquarters officials rarely learned of JCET activities. New legislation and procedures will ensure that civilian headquarters personnel are significantly involved.¹

DOD Headquarters Was Not Routinely Involved in Managing JCETs

In August 1992, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict provided guidance on how to implement the legislation enabling special operations forces to train overseas with foreign security forces.² The guidance states that, while the Assistant Secretary of Defense is responsible for policy guidance, the CINCs of the unified geographic or specified commands are responsible for the operation of JCETs. The decision to delegate operational responsibility for managing JCETs to service component and unified commands is consistent with the approach used for other DOD training activities, where the parent unit must ensure that troops are obtaining the training they need to meet their mission. In the case of special operations forces, SOCOM is

¹Pub. L. 105-261, § 1062, 112 Stat. 1920, 2129-30 (Oct. 17, 1998).

²Memorandum for the Chairman, Joint Chiefs of Staff, from the Assistant Secretary of Defense, Special Operations and Low-Intensity Conflict, "DOD Implementation of the Provisions in the Defense Authorization Act for Fiscal Years 1992 and 1993, Relating to the Training of Special Operations Forces With Friendly Foreign Forces," August 6, 1992.

Chapter 3
More Headquarters Oversight Should
Increase Assurances That JCETS Are
Consistent With U.S. Foreign Policy

responsible by statute for their training;³ the service components are responsible for individual service training needs; and the CINCs of the geographic commands are responsible for all the training requirements of special operations forces assigned to that command.⁴

As a result of this delegation of authority, senior DOD officials became routinely involved in the JCET approval process only when the geographic commands requested deployment orders from the Joint Chiefs of Staff.⁵ In those cases, the Joint Staff learned of JCET activities as they signed deployment orders for the JCET participants. However, only SOUTHCOM routinely requested deployment orders to ensure that it had operational control over forces in its theater. As a result, DOD estimates that the Secretary of Defense had visibility over 30 percent of all JCETs.

State Department
Headquarters Did Not Have
an Oversight Role

In the past, Department of State headquarters personnel were not routinely apprised of planned JCET activities. State headquarters officials said that the only time they would have been notified of upcoming JCETs was when commands requested approval to use funds budgeted for the Developing Country Combined Exercise Program to pay the incremental costs of host country JCET participants.⁶ Such a request triggered consultation with State headquarters under the program's authorizing statute. The focus of State's review, however, was on the host country funding, not the JCET activities. This decentralized approach is consistent with the overall absence of State's involvement in approving military training deployments other than JCETs. For example, the State Department does not always review the approximately 175 Chairman, Joint Chiefs of Staff, exercises that take place each year. Rather, State headquarters is consulted only when the exercises are large and involve both U.S. and foreign forces, have particular political significance, will occur in politically sensitive areas, or are likely to receive prominent media attention. This process is consistent

³10 U.S.C. § 167 (e)(2)(D)(1994).

⁴10 U.S.C. § 164 (1994).

⁵SOUTHCOM was the only unified command that routinely requested deployment orders. It did so because it wanted operational control of the SOF who were stationed in the continental United States and entering the SOUTHCOM region to participate in a JCET.

⁶The Developing Country Combined Exercise Program (10 U.S.C. § 2010) allows the Secretary of Defense, after consultation with the Secretary of State, to pay the incremental expenses that are incurred by a developing country while participating in a combined exercise under certain circumstances. (See ch. 2 for a discussion of the incremental costs of host nation participation in JCETs.)

with Presidential Decision Directive 33, "Significant Military Exercises and Operations."

Legislation and Approval
Procedures Now Ensure
That the Secretary of
Defense and the
Department of State Have
an Oversight Role

In April 1998, DOD initiated a plan to improve JCET reporting and increase oversight of JCET activities. Although DOD believed that civilian oversight of JCETs was appropriate and adequate, it decided to make this oversight "more robust" because of media allegations and congressional concerns that JCETs did not have appropriate civilian oversight and in some instances may have contravened stated U.S. foreign policy goals. DOD's plan entailed collecting and disseminating more accurate information on JCETs and requiring that the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict review planned JCETs quarterly. The legislation enacted in October 1998, however, amended the JCET authority to require even more stringent approval and reporting requirements.⁷ When coupled with the legislation restricting training with foreign personnel alleged to have committed human rights abuses (discussed more in depth in ch. 4 of this report), DOD determined it needed to develop a comprehensive process to manage and report JCET deployments.

To effectively implement the new approval and reporting requirements, in November 1998, DOD implemented a monthly JCET Authorization Document (JAD) process, which is used to approve JCETs and to collect and provide information. The JAD does not change how JCET opportunities are developed; service components still identify training needs, coordinate them with the geographic commands, and obtain approval from individual country ambassadors before a JCET may proceed. The JAD ensures that the Secretary of Defense has sufficient information to decide whether to approve a JCET, that the Department of State is notified of all JCET events, and that DOD can provide the Congress the information it requires.

Under the JAD process, each geographic CINC provides SOCOM with information on each planned JCET. Included is information on the training to be performed, U.S. and host country units, dates, location, skills to be trained, relationship to other exercises, and cost. To address human rights issues, the JAD documents that the embassy has investigated for human rights violations and who in the embassy determined that there was no

⁷Pub. L. 105-261, § 1062, 112 Stat. 1920, 2129-30 (Oct. 17, 1998).

credible information that any individual had committed gross violations of human rights. Finally, the JAD shows who in the embassy approved the deployment.

Each month, SOCOM consolidates the information on JCETs scheduled to occur at least 45 days later and provides it to the Joint Chiefs of Staff. This schedule allows the Joint Staff time to review each deployment and forward the information to the Office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, who coordinates the Office of the Secretary of Defense review. Once the Under Secretary for Policy concurs, the Joint Staff then forwards the documents to the Secretary of Defense, who personally reviews the documentation for approval.

Under the current JAD process, the State Department will be notified up to four times of an impending JCET: (1) after JCET conferences, when lists of upcoming JCETs are compiled; (2) when country clearances are requested; (3) around 45 days prior to the event; and (4) around 15 days before the event, as final approval is being granted by the Secretary of Defense. At any one of these points, State could notify DOD that the proposed JCET would be inconsistent with U.S. foreign policy objectives.

U.S. Ambassadors Provided Extensive Civilian Oversight of JCET Activities

Each U.S. ambassador is responsible for ensuring that all activities conducted by U.S. agencies abroad support U.S. goals and objectives.⁸ Ambassadors in each of the six countries we visited believed that they exercised extensive oversight over JCETs. The ambassador and country team members in each country believed that no special operations forces trained in country without their knowledge and concurrence. Embassies used a variety of methods to oversee JCET activities in the six countries we visited.

Country Clearance Approval Process

U.S. government employees must request clearance to enter a country and conduct a specific activity at a given time. The ambassador approves or disapproves the request through an official embassy cable. In the countries we visited, ambassadors and other State officials informed us that no DOD member could conduct official business without country clearance.

⁸See 22 U.S.C. § 2321i (e) and 2382 (1994).

Through file reviews, we found evidence that DOD's JCET participants entered the country with country clearance. This process ensures that at a minimum, the ambassador is aware that a military deployment is planned and when it is to occur.

DOD Engagement Plans and Annual Training Programs

DOD representatives in the embassy may prepare engagement plans and calendars that detail what activities they plan to initiate, what U.S. goals they will support, and with whom and when the training is expected to take place. For example, in Ecuador, DOD personnel prepared a 5-year engagement plan and an annual exercise and training calendar. The plan provided a long-term perspective on goals and objectives and what types of activities, such as JCETs, would be used to meet them. The calendar showed by quarter for each fiscal year how planned activities for the year supported U.S. goals and the dates, duration, type of training, and composition of each activity. We noted that the Ambassador in Ecuador personally approved the fiscal year 1998 plan in August 1997. Similarly, in Thailand, the military group develops a yearly training program, which is sent to the U.S. Ambassador for approval.

Annual Mission Planning Sessions

Each embassy reviews DOD's planned activities in preparation of the mission's annual performance plan. This plan details the embassy's strategic goals, objectives, and strategy to achieve them and discusses how activities of assigned U.S. agencies support specific objectives. To illustrate, the plan for Bolivia discusses how DOD activities such as JCETs and Traditional CINC Activities support U.S. goals and identifies increasing the number of JCET opportunities as an embassy strategy.

Country Team Meetings

Country teams generally comprise the ambassador, deputy chief of mission, and heads of each resident U.S. agency such as the Department of Defense, U.S. Agency for International Development, and Drug Enforcement Agency. Country team meetings are used to discuss and coordinate agency activities and discuss important embassy issues. In each of the countries we visited, we were informed that the ambassadors discussed JCETs at country team meetings. In Bolivia, for example, the Ambassador held meetings with the heads of agencies four times a week and felt confident that through this process she was fully informed of DOD's JCET activities.

DOD Briefings to the
Ambassador and Other
State Personnel

Special operations forces may brief embassy officials during the planning and execution phases of JCETs and other deployments. Our review of files and discussions with JCET participants and embassy officials indicate that teams brief embassy officials before and after deployments. For example, embassy officials in the Philippines stated that special operations unit commanders continuously try to brief embassy staff before and after JCET activities, and the Ambassador in Ecuador stated he often received three briefings per deployment.

Ambassadors Believed
That JCETs Were
Consistent With U.S.
Objectives for Their
Specific Countries

Although the principal objective of JCETs is to train U.S. special operations forces, JCETs also have an ancillary benefit in that they can be used to support U.S. foreign policy objectives. In the six countries we visited, ambassadors believed that the activities of the JCETs that occurred were consistent with U.S. foreign policy objectives. In some countries, the ambassador's country plan and JCET activities were directly linked; in others, the relationship was more indirect. In all cases, officials could not point to any JCET activity that ran counter to U.S. objectives. The relationship of JCET activities to foreign policy objectives in the countries is discussed for each country we visited.

Bolivia

A principal embassy goal is to promote Bolivian participation in international U.N. peacekeeping operations. To meet this goal, the embassy approved the deployments of National Guard special forces who needed to train themselves to teach basic military skills. For example, these JCETs involved training the Bolivian military to improve their basic military skills so they could participate in U.N. peacekeeping operations. In one JCET that took place in Bolivia in fiscal year 1998, U.S. National Guard special forces trained themselves on how to conduct light infantry training while the Bolivians learned basic military skills such as patrolling and marksmanship. Additionally, the counterterrorism-focused JCETs supported the U.S. objectives of improving the capabilities of the Bolivian counterterrorism police unit. Increasing the number of JCET opportunities in country is a strategy the embassy employs to achieve its objectives.

Colombia

A principal U.S. goal in Colombia is to reduce the flow of narcotics into the United States. This goal has been addressed through counternarcotics assistance on a large scale. The embassy believes that the few JCETs that have occurred were consistent with foreign policy objectives in country,

but because only one or two took place each year, they did not have a major impact on the achievement of U.S. goals. Nevertheless, these JCETs, as well as meeting SOF training requirements, addressed the U.S. counterterrorism objective of protecting U.S. personnel and assets by training with Colombian counterterrorism forces in breaching, integrated assaults, and helicopter operations, for example.

Ecuador

Principal U.S. objectives in Ecuador have been to secure a comprehensive peace agreement between Ecuador and Peru and to persuade the Ecuadorian military to retarget its scarce resources to address the looming drug problem. To achieve these goals, the U.S. embassy sought to preserve its influence within the Ecuadorian military through an extensive program of joint exercises and military-to-military contacts. The 12 JCETs that occurred in fiscal year 1997 and the 2 that we believe occurred in fiscal year 1998 not only helped U.S. special operations forces train in their mission-essential tasks, such as combat lifesaver training and tactical decision-making, but also, embassy officials believed, helped demonstrate U.S. support for the Ecuadorian military. Embassy officials believed such support encouraged the Ecuadorian military to accept a peace agreement with Peru. Additionally, embassy officials believed that JCETs helped to provide skills the Ecuadorian military would need to address the threat posed by Colombian criminal and terrorist elements that have infiltrated the border region.

Indonesia

A principal U.S. goal in Indonesia has been to encourage the development of a democratic government and reduce the involvement of the military in internal affairs. The Ambassador stated that the embassy has used JCETs to maintain access and develop greater influence in Indonesian military affairs to achieve these goals because of severe restrictions placed on other forms of military interaction, such as International Military Education and Training. However, officials said that the nature of the military engagement was less important than the engagement itself; in fact, other types of military engagements were used to achieve U.S. goals. In fiscal year 1998, for example, PACOM documents indicate that the United States engaged in 8 military exercises and conducted 13 subject matter expert exchanges. The five JCETs that occurred, while targeted at meeting SOF skills such as ground/air communication and outdoor survival, supported the embassy's military engagement strategy. Given the current political instability, the embassy is assessing whether, and if so how, to engage with the Indonesian military.

The Philippines

The embassy believes that maintaining a strong military relationship with the Philippines is important because the Philippines is a defense treaty ally, although it views economic and trade issues with the Philippines as more important. JCETs have been the major source of military training activity with the Philippines since 1996, when the Status of Forces Agreement expired. That agreement had provided a legal framework for U.S. forces visiting the country. Through an agreement with the Philippine government, legal protection is accorded to deployments consisting of fewer than 20 persons, which includes JCETs. Moreover, while U.S. SOF train in skills such as small unit tactics and demolition, embassy officials believed that through JCETs, relationships could be established with potential leaders in the Filipino military. Embassy officials informed us that if a visiting forces agreement is ratified by the Filipino legislature, JCETs will become one part of a larger military engagement strategy.

Thailand

Thailand is one of five U.S. security treaty allies in Asia and, according to the State Department, one of the closest U.S. military partners in the region. One U.S. objective is to develop and maintain a Thai military committed to respecting and fostering democratic principles and capable of participating in international peacekeeping operations. As such, DOD has had a large military engagement program, and the embassy identified its continuance as an objective. For example, in one JCET alone 39 SOF personnel from the Army, the Navy, and the Air Force trained with nearly 250 Thai military in activities such as small unit tactics, maritime beach reconnaissance/landing, and psychological operations. The embassy viewed JCETs as a small, but cost-effective part of its total engagement strategy to maintain contacts and facilitate interoperability.

Conclusions

Our review of oversight procedures in the six countries we visited suggests that DOD performed JCETs with the knowledge and support of the ambassadors and country teams and that such activities were consistent with U.S. foreign policy in those specific countries. Moreover, the ambassadors did not believe that any problems had occurred because of the lack of headquarters oversight. It is not possible to determine whether the number, location, or activities of JCETs would have changed if DOD and State headquarters had been involved in the approval process; nor is it possible to know whether a DOD or Department of State headquarters perspective might have changed a planned event. We agree with DOD, however, that civilian oversight will become “more robust” under its new

Chapter 3
More Headquarters Oversight Should
Increase Assurances That JCETS Are
Consistent With U.S. Foreign Policy

JCET approval process. The additional oversight should provide greater assurances that all factors are weighed in determining whether a JCET should proceed. Moreover, it is clear that the lack of headquarters oversight, when coupled with the general confusion and inaccurate reporting on JCET activity discussed earlier in this report, contributed to the dissemination of inaccurate information to the Congress. The new process should, at the minimum, reduce the amount of contradictory and erroneous information issued in the future.

Uncertainties Remain in Implementing the Law Restricting Training With Human Rights Abusers

Recent legislation restricts DOD from using its funds to train with a unit of a foreign security force that has been credibly alleged to have committed a gross violation of human rights unless all necessary corrective steps have been taken.¹ DOD has issued interim guidance to implement the legislation. The Department of State has also issued procedures to its embassies on their role in human rights screening. However, embassies overseas have encountered a number of implementation problems that the guidance has not yet resolved.

Legislation Restricts Conducting JCETs With Forces Involved in Human Rights Violations

In past years, DOD has stated that it would not train with foreign security forces if those forces were known to be involved in human rights violations. Until October 1998, however, DOD was not legislatively prohibited from doing so. Until that time, the closest legislation resembling such a prohibition was in foreign operations appropriations legislation.² This legislation specifies that no foreign operations funds (such as funds for International Military Education and Training Assistance or Foreign Military Financing to purchase equipment) are to be provided to units of security forces of a foreign country if there is credible evidence that units have committed gross violations of human rights unless the Secretary of State determines and reports to the Congress that the government of the country is taking “effective measures to bring the responsible members of the security forces unit to justice.” The process through which State Department investigates for potential human rights abusers is generally called vetting.

Section 8130 of the Defense Appropriations Act for Fiscal Year 1999 (Oct. 17, 1998) restricts DOD from using its funds to train with a unit of the security forces of a foreign country if the Secretary of Defense has credible information that a member of those forces has committed a gross violation of human rights.³ Specifically, the section

- prohibits DOD from training with a unit of the security forces of a foreign country if the Secretary of Defense has received credible

¹Department of Defense Appropriations Act of 1999, Pub. L. 105-262, § 8130, 112 Stat. 2279, 2335 (Oct. 17, 1998).

²Omnibus Consolidated Appropriations Act of 1997, Pub. L. 104-208, 110 Stat. 3009-133 (1996), reenacted in somewhat different form in Pub. L. 105-118, § 570, 111 Stat. 2429 (1997), reenacted again in Pub. L. 105-277, § 568, 112 Stat. 2681, 2681-194-195 (1998).

³Pub. L. 105-262, § 8130, 112 Stat. 2279, 2335 (Oct. 17, 1998).

information from the Department of State that a member of the unit has committed a gross violation of human rights, “unless all necessary corrective steps have been taken”;

- requires the Secretary of Defense, in consultation with the Secretary of State within 90 days of the enactment of the law, to establish procedures to ensure that prior to a decision to conduct any DOD-funded training program, full consideration is given to all information available to the Department of State relating to human rights violations by foreign security forces; and
- authorizes the Secretary of Defense, after consultation with the Secretary of State, to waive the prohibition under extraordinary circumstances and report the waiver to the Congress within 15 days describing the extraordinary circumstances and providing related information.

DOD Has Issued Interim Guidance, but Implementation Issues Remain

Pursuant to legislation, in November 1998, the Joint Chiefs of Staff and the Under Secretary of Defense for Policy issued interim guidance on how to implement section 8130 of Public Law 105-262. The guidance provides general procedures for ensuring that DOD-funded training activities do not take place with human rights abusers. Specifically, it states what DOD training activities are included and excluded and that State Department—not DOD—personnel are responsible for determining whether credible evidence shows that a unit or a member within that unit is involved in a gross human rights violation. The guidance defines “gross” human rights violations and essentially relies on the ambassador or other non-DOD member of the country team to assure the Joint Staff that the Department of State possesses no credible information on gross human rights violations by the security units or their members with whom DOD plans to train. If the Department of State concludes that there is credible evidence of a gross violation of human rights, DOD guidance provides that the “proposed activity may be able to meet the requirements of the law because necessary corrective steps have been taken, e.g., through adjustments of the planned activity and/or adjustments to the host nation participants.” The guidance further states that “[i]f such adjustments can be accomplished with the host nation, or if other necessary corrective action has been taken, and are judged adequate by the Ambassador,” the training may be approved. Thus, the DOD guidance has defined the legislative language “unless all necessary corrective steps have been taken.” Information on corrective actions taken must be provided to the Office of the Secretary of Defense with the JCET request. If the State Department determines that it has no credible evidence of abuses, DOD will continue with the JCET as planned.

Though not required to by legislation, the Department of State also issued guidance to its embassies because of its role in overseeing all official U.S. activities overseas in general and in particular for screening foreign troops for human rights abuses. Embassies overseas highlighted a number of problems that have arisen since they have begun implementing the legislation but that have not yet been addressed by the State Department.

The Definition of a Unit

Section 8130 of the 1999 Defense Appropriations Act states that DOD cannot train with a unit of the security forces of a foreign country if there is credible information that a member of the unit has committed a gross violation of human rights.⁴ Defining “unit” is important from two standpoints. First, the definition of the unit determines the number of people State must investigate if the embassy screens all individuals in a unit associated with a JCET. During our visit, State and DOD personnel in Colombia questioned whether the embassy would have to investigate an entire brigade for possible human rights abuses if the U.S. special operations forces were planning to train with only one platoon from the brigade. Second, the definition of a unit determines the extent to which abuses committed by the unit’s leaders affect lower-level personnel. Specifically, if a unit is defined as a brigade, the abuses of the top official would adversely affect the ability of hundreds of lower-level personnel to train with the U.S. military. Defining a unit as the group actually doing the training, for example, a platoon, lowers the universe affected to only a few people.

The State Department believes that the issue of the definition of a unit has been resolved. After consultation with DOD, in a May 8, 1999, cable to all overseas embassies, the State Department defined the unit to be trained as the unit to be vetted. Thus, for individual training, the individual will be vetted. For unit-level training, the unit itself will be vetted. For example, if the training is targeted at a platoon, only the platoon will be vetted, not the parent unit.

The Screening of Individuals

The May 8 cable does not clarify whether embassies must investigate every individual in the unit for human rights abuses or whether it is sufficient to determine whether there are allegations against the unit as a whole. In this cable, State provided guidance stating that “the vetting procedures should

⁴See *id.*

ascertain that no one against whom there are credible allegations of gross violations of human rights is currently assigned to the units in question.” However, State officials believe that this guidance does not require screening every individual assigned to the unit in question. We believe that State’s written guidance and oral interpretation could be viewed as contradictory. Specifically, the written guidance appears to require individual vetting, while oral interpretation of this guidance suggested that individual vetting is not required. It is, therefore, not clear how embassies are to ascertain that there are no credible allegations of human rights abuses. Of the six countries we visited, only Colombia screens every individual scheduled to participate in a JCET. The embassy in Indonesia has determined that if it resumes JCETs in the future, it will also screen every individual scheduled to participate.

The Definition of Training

The definition of training is important as it establishes what DOD activities must undergo human rights screening. In its guidance, DOD defines training as the “instruction of foreign security force personnel with the specific purpose of improving the capabilities of foreign security forces.”⁵ It includes JCETs as “training,” even though their primary purpose is to train U.S. forces, but does not consider training to be military exercises and individual and collective interface activities (such as subject matter expert exchanges and seminars) during which the primary focus is interoperability or mutually beneficial exchanges and not training of foreign forces. With this definition of training, a broad array of military-to-military activities are not required to undergo human rights screening. Some State Department officials in Colombia, however, believe that all military-to-military activities should be included and have asked for clarification on the issue. These officials in Colombia believe it equally important to screen high-ranking Colombian officers selected to participate in a seminar as it is to screen lower-level officials scheduled to participate in a JCET.

The Clearance of a Unit With Past Human Rights Abuses

Embassies do not have any guidance on how far back in time they must go to investigate human rights abuses. Also at issue is whether the passage of time since unresolved human rights abuses occurred is sufficient to permit training, and if so, how much time is necessary. For example, embassy

⁵See Joint Staff message dated Nov. 14, 1998, “Human Rights Verification for DOD-Funded Training Programs With Foreign Personnel.”

officials in Colombia questioned whether an unresolved human rights allegation in the early 1990s would preclude DOD from training with the affected unit.

The Implementation of “All Necessary Corrective Steps”

DOD’s guidance states that DOD may propose corrective action to address situations where there is credible information of gross human rights violations by a member of a unit by adjusting the planned activity or participants. The guidance states further that the corrective action must be “judged adequate” by the ambassador. Thus, DOD has defined this legislative provision.

However, embassy officials have identified different understandings of what “all necessary corrective steps” entails as a major implementation problem. We found that some ambassadors do not clearly understand what criteria are to be used in making such an assessment. Some embassy officials believe that the requirement that no training may proceed “unless all necessary corrective steps have been taken” should be consistent with the foreign operations legislation requiring that the host country initiate judicial proceedings against the suspect before training can begin. DOD’s guidance, on the other hand, reflects its belief that removing the offending individual from the unit to be trained with before the training begins or changing the unit with which U.S. forces will train meets the intent of the legislation and permits the training. Moreover, DOD believes it is appropriate to have different human rights standards for foreign assistance and U.S. training activities and that DOD was never expected to hold training activities to the same standards set for foreign assistance funds because the purposes of the foreign assistance activities are so different. The Secretary of Defense believes it is inappropriate to apply foreign assistance human rights standards for U.S. training activities because in training activities, U.S. forces are the primary beneficiary and many important U.S. programs, such as humanitarian demining and counterdrug support, are furthered in many of these training events.

In State’s November 1998 instruction to overseas embassies, it advised that until this provision of the law was more clearly defined, overseas posts should refer any questions on a particular deployment to both State and DOD headquarters. We met with embassy officials who believe it important that “all necessary corrective steps” be interpreted to mean that the host country is taking effective measures to bring the responsible parties to justice. Such an interpretation would ensure that there was one human rights standard for all military engagements, regardless of the

funding source or purpose of the activity, including the training of U.S. forces. For example, State officials in Colombia noted that if the embassy discovered that some of the potential recipients of counternarcotics assistance appeared to have committed human rights abuses, the embassy can provide the aid only after the embassy is assured that the host government is taking effective measures to bring to justice the charged individuals. The U.S. Ambassador in Colombia believes that this same standard should be applied to U.S. military training activities. Embassies in Colombia and Thailand have requested more instructions on this issue.

The May 8, 1999, guidance from the Secretary of State did not resolve the issue of how ambassadors should assess whether all necessary corrective steps have been taken, but it relieved the embassies of having to make final decisions on approving or disapproving military training. State Department officials told us that ambassadors are expected to assess the situation if screening reveals human rights abuses. Nevertheless, the guidance instructed all U.S. embassies that if screening reveals human rights abuses, embassies should forward their evaluation of whether the evidence is credible to the Department of State and unified commands for resolution and further guidance. Further, State Department officials told us they do not view the lack of a clear definition of all necessary corrective steps as a problem. Rather, their belief is that State generally will not allow any training to proceed if embassies discover any credible evidence of gross human rights abuse.

The Universe of Countries in Which Screening Is Required

The legislation requiring human rights screening for all DOD training neither names nor excludes countries in which such screening must take place. However, some State and DOD officials with whom we met questioned whether human rights screening needs to be done in countries where there is no record of human rights abuse. For example, officials question whether it is necessary to conduct a screening exercise before training with military units in NATO countries.

The Effect of Information and Resource Constraints

Embassy and DOD officials identified the lack of reliable information on human rights abuses from which to make decisions regarding the appropriateness of training with an individual or a unit and limited staff to conduct investigations as two problems in implementing the legislation. For example, U.S. embassy officials in the Philippines, Thailand, and Indonesia noted that the host government does not have a centralized database on human rights abuses, and U.S. officials in Indonesia believed

that background checks conducted by the host nation police were unreliable. Of the six countries we visited, only the government of Colombia had a database that the embassy could use to determine whether charges had been brought against individuals. Colombia had this database only because they were required to develop one in an agreement they signed with United States to receive counternarcotics assistance. Moreover, we were informed that the limited number of State Department personnel overseas prohibits them from conducting active investigations of host nation personnel for each DOD training activity. Such a constraint is particularly problematic if embassies are required to conduct investigations of every individual in a unit scheduled to participate in a JCET.

Difficulties in Complying With DOD's JCET Approval Time Frames

Another problem area officials highlighted is the difficulty of conducting human rights screening within the time constraints DOD has imposed in its new approval process, especially if the embassies must screen individuals rather than units. Specifically, no later than 45 days before the event is scheduled to occur, DOD requires that the geographic CINCs provide to the Joint Staff verification that embassies have not uncovered human rights abuses. However, according to DOD officials overseas, host nation militaries have often not determined who will actually participate in the training until just before the activity starts. For example, the Thai military provides the names of its JCET participants about 1 month prior to the event. The embassy is attempting to obtain confirmation of Thai participants 2 months in advance to meet JCET approval time frames.

Human Rights Screening Varies by Country

Embassies in the six countries we visited have developed policies and instituted procedures to implement section 8130 of Public Law 105-262 based on their understanding of what is required, U.S. goals in the country, and constraints each embassy faces.⁶ Each embassy has taken steps to ensure it will not be associated with human rights abusers and to abide by its understanding of the legislation. However, some embassy officials were concerned that their best efforts might not be consistent with what the Congress intended. They believed that more guidance is needed, particularly in those countries where human rights are an issue. The following summaries describe how the six embassies have implemented the legislation and what concerns they have raised.

⁶Pub. L. 105-262, § 8130, 112 Stat. 2279, 2335 (Oct. 17, 1998).

Bolivia

According to U.S. embassy officials, human rights violations are not a big problem in Bolivia. Nevertheless, the embassy takes a conservative approach in screening JCET participants for derogatory information: it screens each police officer regardless of rank and military officers at the rank of major and above. Enlisted personnel are not screened because most are conscripts serving only a year and have had limited opportunities to engage in such abuse.

DOD's military group manages the vetting process and provides embassy officials, including the political officer and human rights officer and heads of the narcotics affairs section and Drug Enforcement Agency, the names, dates of birth, and ranks of scheduled officer participants. Each embassy official is expected to search files for any derogatory information. For example, the Defense Attaché maintains a database on persons known to have committed human rights abuses or to have engaged in narcotics activities. The embassy does not contact the host nation to obtain information on human rights violations. To date, there have been few allegations of any human rights abuses committed by the military. The embassy had excluded only one Bolivian military unit because of human rights concerns.

Colombia

Ongoing U.S. programs in Colombia to reduce the flow of cocaine, heroin, and other drugs into the United States and to promote the protection of human rights govern how the embassy manages the screening of prospective JCET participants. Because numerous human rights allegations against the Colombian military have been documented, the embassy has instituted a formal procedure to screen for abuses before counternarcotics or other military training activities proceed. The embassy has elected to use this same procedure to vet unit leaders and individual Colombian troops scheduled to participate in JCETs.

Because human rights is an embassy priority, all screening is managed and led by the Deputy Chief of Mission. Initially, the Deputy must approve or disapprove a unit scheduled to participate in training. If a unit is approved, the Colombian Ministry of Defense is asked to determine whether any criminal or administrative investigations (such as those conducted by the Inspector General) have been initiated against any of the individuals scheduled for training. The government of Colombia must then conduct local background checks and certify that they have not yielded any unsatisfactory information. As a further check, embassy personnel, including the human rights officer, regional security officer, and heads of

the Drug Enforcement Agency, screen each individual on the basis of information available to them. For example, the human rights officer maintains files on abuses committed by military units and individuals. Upon receipt of this information, the country team, led by the Deputy Chief of Mission, determines whether the unit is eligible for training. Only the Ambassador can grant final approval of any deployment. As a result of these procedures, DOD discontinued JCETs with a unit charged with counterterrorism responsibilities because the screening process revealed that the head of the unit might have committed human rights abuses.

Although DOD guidance excludes other military-to-military activities such as seminars between U.S. and Colombian military officers, embassy officials believe that these activities should undergo the same human rights scrutiny. The embassy wants assurance from the Department of State that its position requiring human rights screening for all military-to-military activities is consistent with the intent of the legislation.

Ecuador

According to U.S. embassy officials, the Ecuadorian military is one of the most respected and trustworthy institutions in the country and has a good human rights record. As such, the embassy has determined it is sufficient to conduct an in-house review of available information on the human rights records of the parent unit of the scheduled JCET participants. It does not consult with the host country to obtain information. This evaluation has generally been conducted at either the battalion or brigade level. The embassy does not believe it necessary to screen lower-level units such as the platoon actually conducting the JCET, individual unit commanders, or actual JCET participants. Moreover, DOD officials stated that such screening would not be cost-effective and that they would not have the resources to screen at that level unless they reduced the number of deployments.

The U.S. military group manages the process by providing embassy officials a list of all units with whom they plan to conduct JCETs for the year. Each embassy unit, such as the Defense Attaché, political section, and information section, is expected to review this list and determine whether they have credible evidence of human rights abuses. To date, no training events have been canceled because of allegations of human rights abuses.

Indonesia

Embassy officials stated that human rights have always been an embassy priority and are a major component of the U.S. and Indonesian policy

dialogue. Moreover, in 1995, the embassy established a human rights committee. The embassy said it has tried and will continue to try to ensure that the United States does not train with human rights violators and that it incorporates a greater respect for human rights as a major U.S. policy objective in Indonesia.

The Secretary of Defense canceled all JCETs in Indonesia in April 1998 in response to information gathered at that time that the Indonesian military was involved in human rights violations. According to U.S. embassy officials, before that time, they did not have any credible evidence that host nation JCET participants were involved in human rights abuses. Under the prior Indonesian administration, public criticism of military activities was not tolerated. Because little information was available on the conduct of military members, the embassy applied a blanket policy not to train with Indonesian troops stationed in locations where abuses allegedly occurred. Nevertheless, embassy staff said that they still face constraints in obtaining credible evidence of abuse.

The embassy does not support reinitiating JCETs until Indonesia has made greater progress in democratic reforms to include successful free elections, inauguration of the elected officials, and reforms within the military, including a reduction in its responsibility for internal security. Embassy officials said that if JCETs were to resume, the screening of participants for human rights abuses would be the same as the screening of Indonesian participants in other military-to-military activities. The human rights screening process is managed by the embassy human rights committee. This committee is made up of the Ambassador, the Deputy Chief of Mission, and heads of major U.S. agencies in the embassy and State Department sections such as the political section. To initiate the investigation, the embassy requires candidates for training to provide complete biographic data to include assignments, dates and places of assignments, and positions held. The military group and human rights committee determine whether any of the candidates served in units when the unit allegedly committed human rights violations. Internal embassy records are also reviewed for any derogatory information. Throughout each step, members of the committee may decide whether further investigation is required. For example, staff may conduct further checks with local human rights organizations or other embassies. If the candidate was not a member of an offending unit and no other derogatory information was obtained, the candidate is approved for training.

The Philippines

According to embassy officials, the Philippine military has a generally positive human rights record. Because of resource and time constraints, the embassy screens parent units as a whole and only the unit commander as an individual before JCETs can proceed.

The embassy's Labor Attaché manages the screening process. Initially, the embassy checks with the Filipino Human Rights Commission to determine whether it has any credible allegations of human rights abuses against the unit commander. If there are no allegations against the commander, the embassy assumes that the rest of the unit shares the commander's professionalism and respect for the rights of others, and the screening process does not continue. If allegations against the commander surface, the embassy checks further with private human rights groups.

To date, the embassy has uncovered credible evidence of gross human rights abuses committed by eight Filipino special forces officers, which makes them—and any members of their units on the dates of the human rights violations—ineligible for training with U.S. SOF. The embassy does not believe it is possible to vet every individual participating in a JCET because the Filipino military does not determine who will actually participate in the training until just before the event. Moreover, even if these names were available, there is not an extensive database within any of the human rights organizations to conduct a search on all prospective participants. Officials are unsure, however, whether this process meets State Department headquarters requirements and are awaiting further guidance.

Thailand

According to the State Department, Thailand is an important U.S. military and economic partner in Asia and has an open and democratic society that does not have a systemic problem with human rights in the military. Embassy officials suspect that some low-level human rights problems have occurred with units operating at Thailand's border with Burma. DOD avoids dealing with these units in general because of this suspicion. Given this environment, embassy officials determined that it was most appropriate to vet only the leadership of the parent unit of the potential JCET participants by checking embassy sources for any derogatory information.

At the beginning of the fiscal year, the military group provides the embassy political section a list of the leaders of the Thai units that plan to participate in JCETs. The political section reviews its internal sources, which include

human rights data from different sections within the embassy. The embassy stated it does not seek outside sources of information because it does not have the staff or the time to do so. Moreover, embassy officials noted that the embassy uses the same procedures to screen for JCET activities as it does for other military-to-military activities and to prepare its annual country report on human rights practices. According to embassy staff, at the time of our review the embassy had vetted personnel scheduled for one JCET and had not found any human rights allegations.

Nevertheless, embassy staff stated that they needed further guidance from State headquarters and have requested it in two separate cables. Embassy officials noted that they wanted to develop a human rights committee and reorganize their human rights section to best meet the needs of the vetting and annual human rights report requirements but wanted assurances that their approach met the law's intent. They said they needed further guidance defining what is meant by a unit and how far back to look at a unit's history.

Conclusions

In the six countries we visited, U.S. State Department and DOD personnel have taken steps to implement the legislation restricting training with persons believed to have committed human rights abuses. Each embassy has adopted policy and procedures that it believes address U.S. goals and take into consideration its resource and information constraints. Nevertheless, we found concern in the field regarding what the legislation requires and how it should be implemented. Given such concern, State and DOD personnel overseas clearly would benefit from more explicit instructions on the appropriate implementation of the law and guidance on whether the policy and procedures each embassy has adopted are acceptable to State and DOD officials in Washington. Such guidance would provide greater assurances not only to each embassy but also to the Congress that JCET activities are consistent with the law relating to human rights policies.

Recommendations

To clarify the implementation of legislative requirements for human rights screening for all DOD-funded training programs with foreign security forces and to address the concern of overseas State Department officials that they lack complete policy guidance from headquarters, we recommend that the Secretary of State, after consultation with the Secretary of Defense, clarify (1) whether every individual in a unit needs to be screened

or whether screening the collective human rights record of a unit is sufficient, (2) what DOD-funded activities require human rights screening, (3) how far back in time embassies must screen for human rights abuses, and (4) the extent to which embassies must screen for human rights violations in countries with no history of such abuse.

Agency Comments and Our Evaluation

DOD and State provided written comments on a draft of our report (see apps. I and II). DOD concurred with our recommendation. The Department of State, however, disagreed, believing that its previously issued guidance sufficiently addresses the concerns raised in this report. In regard to the specific points in our recommendation, State responded that vetting every individual in a unit would be warranted if information received merited a further review of the unit in question and that it is continuing to work with embassies to clarify implementation of new guidelines and address procedural questions, such as time period and extent of screening for human rights violations, as they arise.

As we stated throughout this chapter, we do not believe that State's policy guidance provides sufficient direction to embassies on how to implement this legislation, and State has not provided any additional information to change our opinion. State has not resolved which types of U.S. military training activities overseas require human rights screening before they proceed, how far back in time the embassy must go in investigating these abuses, and the extent to which countries must screen for human rights abuses in countries with no history of such abuse. The State Department intends to decide these issues on a case-by-case basis. Such flexibility does not negate the need to provide embassies with a framework and specific policy guidance on State's implementation of the legislation. We continue to believe that current ambiguities in the guidance cause implementation problems for embassy personnel. Moreover, the absence of a uniform policy inhibits the ability of the Congress to conduct oversight of JCET activities relating to human rights policy. We, therefore, continue to believe that our recommendation has merit.

Comments From the Department of Defense



SPECIAL OPERATIONS/
LOW-INTENSITY CONFLICT

THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-2500

JUN 29 1999

Mr. Mark E. Gebicke
Director, National Security and Preparedness Issues
National Security and International Affairs Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Gebicke:

This is the Department of Defense (DoD) response to the General Accounting Office (GAO) draft report, "MILITARY TRAINING: Management and Oversight of Joint Combined Exchange Training," dated May 28, 1999 (GAO Code 703251/OSD Case 1833).

The Department concurs with overall comments and the recommendations in the report. The report reinforces the fact that the primary purpose of the Joint Combined Exchange Training (JCET) program is to train U.S. special operations forces (SOF). The JCET program is a critical tool that enables SOF to maintain proficiency in mission-essential tasks. In response to congressional concerns about the JCET program, the Department has developed a new approval process to ensure increased oversight and visibility of all JCET events by senior personnel in the Department of Defense and the Department of State. A new DoD Instruction will be issued to provide additional guidance that will address the recommendations in the report.

Additional technical and factual comments have been provided directly to the GAO staff for incorporation into the report. The specific responses to the recommendations are enclosed. The Department appreciates the opportunity to comment on the draft report.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian E. Sheridan", with a long horizontal flourish extending to the right.

Brian E. Sheridan

Enclosure:
As stated

GAO DRAFT REPORT – GAO CODE 703251/OSD CASE 1833

“MILITARY TRAINING: Management and Oversight of
“Joint Combined Exchange Training”

DEPARTMENT OF DEFENSE COMMENTS

Now on pp. 10 and 40.

RECOMMENDATION 1: To improve annual reporting to the Congress on JCETs, the GAO recommended that the Secretary of Defense issue guidance that provides criteria to use in determining whether JCETs are related to counterterrorism or counternarcotics and therefore need to be reported as such. (p. 8, pp. 40-41/GAO Draft Report)

DOD RESPONSE: DoD concurs with this recommendation. Specific guidance providing the criteria to be used to determine whether a JCET is related to counterterrorism or counternarcotics will be provided in a forthcoming DoD Instruction.

Now on pp. 10 and 40.

RECOMMENDATION 2: To improve the financial management and the accuracy of the reporting of JCET costs, the GAO recommended that the Secretary of Defense issue guidance (1) that articulates the criteria for selecting the proper appropriation to charge for each JCET expense, (2) specifying that any such selection must be documented, and (3) clarifying that the selection must be consistently applied throughout the applicable fiscal year. (p. 8, p.41/GAO Draft Report)

DOD RESPONSE: DoD concurs with this recommendation. The Department has issued specific interim guidance regarding the proper appropriation to charge for JCETs. This guidance will be repeated in the monthly JCET approval documents until the DoD Instruction containing final guidance is issued.

Now on pp. 10 and 40.

RECOMMENDATION 3: The GAO recommended that the Secretary of Defense set a milestone for the issuance of final guidance on these issues. (p. 8, p. 41/GAO Report)

DOD RESPONSE: DoD concurs with this recommendation. The Department expects to issue a DoD Instruction containing final guidance not later than December 31, 1999.

Now on pp. 11 and 62-63.

RECOMMENDATION 4: To clarify legislative requirements for human rights screening for all DoD-funded training programs with foreign security forces and to address the concern of overseas State Department officials that they lack complete policy guidance from headquarters, the GAO recommended that the Secretary of State, after consultation with the Secretary of Defense, clarify (1) whether every individual in a unit needs to be screened or whether screening the collective human rights record of a unit is sufficient, (2) what DoD-funded activities require human rights screening, (3) how far back in time embassies must screen for human rights abuses, and (4) the extent to which embassies must screen for human rights violations in countries with no history of such abuse. (p. 8, pp. 67-68/GAO Draft Report)

DOD RESPONSE: DoD concurs with this recommendation.

Comments From the Department of State



United States Department of State

Chief Financial Officer

Washington, D.C. 20520-7427

JUN 28 1999

Dear Mr. Hinton:

We appreciate the opportunity to review your draft report, "MILITARY TRAINING: Management and Oversight of Joint Combined Exchange Training," GAO/NSIAD-99-173, GAO Job Code 703251.

The Department of State notes the recommendations by GAO concerning implementation issues regarding Section 8130 of the FY 1999 DoD Appropriations Act. Based on DoD's interpretation of its legislative requirements for implementing Section 8130, the Department of State revised its guidance to posts. We believe that this revised guidance will sufficiently address concerns expressed by our embassies and the GAO report recommendations. The revised guidance provides that the human rights review should focus on the particular component identified by DoD to be trained. Vetting of every individual in a unit would be warranted if information received would merit a further review of the unit in question. The Department of State is continuing to work with embassies to clarify implementation of new guidelines and address procedural questions, such as time period and extent of screening for human rights violations, as they arise.

If you have any questions concerning this response or the technical changes provided directly to your staff, please contact Ms. Yanti Kapoyos, Bureau of Political Military Affairs, Office of International Security Operations (PM/ISO) at (202) 736-7337.

Sincerely,

A handwritten signature in cursive script that reads "Bert Edwards".

Bert T. Edwards

cc:
GAO/NSIAD – Mr. Gebicke
State/PM/ISO – Ms. Kapoyos

Mr. Henry L. Hinton, Jr.,
Assistant Comptroller General,
National Security and International Affairs,
U.S. General Accounting Office.

GAO Staff Acknowledgments

Acknowledgments

Carol Schuster, Colin Chambers, Herbert Dunn, Beverly Schladt, and Joan Slowitsky made key contributions to this report.

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