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Intelligence

INTERNATIONAL INTELLIGENCE AGREEMENTS

This regulation establishes the policy, responsibilities, and procedures for negotiating and concluding military-to-military international intelligence agreements (IIA) with foreign governments and international organizations. It directs measures for requesting authority to negotiate and conclude new agreements, as well as to change or terminate existing agreements. It also outlines procedures for: the negotiation process; legal, fiscal, and functional review; coordination; record keeping and status reporting of agreements.

This regulation implements Defense Intelligence Agency (DIA) Regulation 60-28. It applies US Air Force-wide to non-signals intelligence (SIGINT) foreign intelligence activities. This regulation does not apply to counterintelligence activities under the Air Force Office of Special Investigations (AFOSI).

1. Applicable References:

- a. Director of Central Intelligence (DCI) Security Classification Guidance on Liaison Relationships with Foreign Intelligence Organizations and Foreign Security Services, 14 December 1982.
- b. Department of Defense (DOD) Directive 2050.1, 6 July 1977. Delegated Approval Authority to Negotiate and Conclude International Agreements.
- c. DOD Directive 3310.1, 22 October 1982. International Intelligence Agreements.
- d. DOD Directive 5530.3, 6 December 1979, International Agreements.
- e. DIAR 60-23, 6 April 1982. SR (S/NF).
- f. DIAR 60-28, 10 June 1983, International Intelligence Agreements.
- g. AFR 11-21, 9 January 1981, Negotiating, Concluding, Reporting, and Maintaining International Agreements.
- h. AFR 200-9, 14 September 1981, Disclosure of Classified Military Information to Foreign Governments and International Organizations.

NOTE: If the above publications are not available, users of this publication may obtain copies from HQ USAF/IN YX.

2. Terms Explained:

a. **International Intelligence Agreements (IIA).** Any agreement entered into by a US Department of Defense (DOD) component with a foreign government or international organization with the primary objective (whether or not explicitly stated) of collecting, processing, producing, disseminating, or sharing foreign intelligence. This definition includes agreements entered into:

- (1) Orally or in writing.
- (2) For a one-time or repetitive application.
- (3) Whether or not they signify the intention of the parties to be bound by international law.

(4) By foreign government agencies, instrumentalities, or political subdivisions.

(5) By civilian or military officers or employees of any DOD organizational element or other US Government agency.

(6) With the denomination as an international agreement, memorandum of understanding, exchange of notes or letters, technical arrangements, protocol, note verbale, aide-memoire, agreed minute, plan, contract arrangement, or other name having a similar legal consequence.

(7) With the exception of leases, contracts, foreign military sales, and administrative procedures addressed in reference 1d.

NOTES:

1. Any questions as to whether a document or oral arrangement constitutes an IIA will be resolved affirmatively.
2. Implementing agreements and arrangements under umbrella or underlying agreements are also subject to this regulation.
3. The term International Intelligence Agreement (IIA) used in this regulation refers only to non-SIGINT agreements under the jurisdiction of references 1c and 1f.

b. **Primary Agent.** A US Air Force element at any echelon that:

(1) Exercises primary interest in negotiating and concluding a new International Intelligence Agreement (IIA) after 10 June 1983, changing or terminating an existing IIA, and requesting approval to execute these actions.

(2) Records and stores IIAs, their negotiating histories and inventories, and reports on the current status of IIAs for which the agent exercises primary interest.

3. IIA Policy:

a. US Air Force intelligence components enter into IIAs only when agreements clearly:

(1) Support US national security interests and foreign policy objectives.

(2) Complement rather than conflict with or unnecessarily duplicate other IIAs concluded by the US Government.

(3) Comply with international law and Executive Order 12333, United States Intelligence Activities.

(4) Limit the risk of US failure to fulfill commitments due to political, military, or economic constraints.

b. Existing IIAs are not used to justify requests for additional DOD funding when well defined and validated operational requirements for intelligence are not available.

c. In weighing the decision to pursue an IIA action, primary agents should consider whether the intended action will:

(1) Provide for true quid pro quo mutual support.

(2) Lead to closer intelligence-to-intelligence and overall military-to-military relations (for example, providing needed access for US collection operations, or promoting a common perception of the threat).

(3) Provide intelligence otherwise denied to the US, rather than simply confirm US intelligence.

(4) Be conducted with a foreign government that has a favorable orientation toward the United States, a well-developed and secure intelligence service, and stable domestic environment and military unity.

(5) Be supportable by US national disclosure and security policy, fiscal means, and legal guidelines.

4. Assigned Responsibilities:

a. The Director, DIA, exercises approval authority for DOD to negotiate and conclude non-SIGINT IIAs. This authority may not be delegated. The Foreign Relationships and Exchanges Branch (DIA/DI-4C), of the Foreign Liaison Division, Directorate for Intelligence and External Affairs, is the DIA office of primary responsibility (OPR) for non-SIGINT IIA and executes responsibilities delineated in reference 1f.

b. The Directorate of Intelligence Plans and Systems, Planning Division, (HQ USAF/INYX) provides functional oversight, coordination, and policy review for the US Air Force regarding Air Force negotiation, conclusion, maintenance, and reporting of IIAs performed under the authority of references 1c, 1d and 1f.

c. The Directorate of Intelligence Plans and Systems, Systems Division, (HQ USAF/INYS) provides functional oversight, coordination, and policy review for the US Air Force regarding Air Force negotiation, conclusion, maintenance, and reporting of agreements performed under the authority of reference 1e.

d. US Air Force personnel acting as primary agents for IIA matters will:

(1) Thoroughly review all paragraph 1 references before undertaking IIA actions.

(2) Comply with paragraphs 3 and 5 of this regulation.

5. IIA Procedures:

a. HQ USAF/INYX:

(1) Reviews intended primary agent actions and ensures:

(a) Policy and procedural compliance with this regulation.

(b) Legal review and coordination with The Judge Advocate General, (HQ USAF/JA) and the Secretary of the Air Force General Counsel (SAF/GC).

(c) International agreement policy review by the Deputy Directorate for Regional Plans & Policy, International Relations Division, (HQ USAF/XOXXI), according to reference 1g.

(d) Foreign disclosure policy review and coordination by the Disclosure Policy Branch of the International Affairs Division, Assistant Vice Chief of Staff, (HQ USAF/CVAIP), according to reference 1h.

(e) Functional and fiscal review and coordination with Air Staff, and other US Air Force, DOD, and US elements responsible for planning and programming intelligence resources that could be obligated by IIA action.

(2) Provides the US Air Force position to DIA regarding IIA actions (for example, concurrence or nonconcurrence in a proposed Air Force IIA).

(3) Maintains a central repository of all US Air Force IIAs, negotiation histories, and status reports using copies of original documentation provided by primary agents to DIA.

b. US Air Force primary agents will follow reference 1f and this regulation when:

(1) Requesting approval for and negotiating and concluding new IIAs, and changing or terminating existing agreements. Actions must comply with reference 1f on IIA format, essential elements, text language, fiscal and legal memoranda, classification, and foreign disclosure policy.

(2) Maintaining files of all IIA and their negotiating histories to which the agent exercises primary interest.

(3) Providing inventories and status reports for IIA. Actions include interim status updates to HQ USAF and DIA on request.

(4) Meeting action suspenses as follows (all actions with originals to DIA/DI-4C and copy to HQ USAF/INYX):

(a) Notify DIA within 15 days of the receipt of any official or unofficial overture or request by a foreign government or international organization for an IIA action.

(b) Send requests for approval to negotiate and conclude new IIAs or change existing agreements to reach DIA at least 30 days before the desired date to begin negotiations, or 60 days before the desired date of concluding the agreement.

(c) Provide status reports on negotiation progress every 30 days until the agreement is concluded or effort terminated.

(d) Send an original copy of the IIA to reach DIA within 15 days after the agreement enters into force.

(e) Notify DIA at least 60 days before the desired date to terminate an IIA.

(f) Send command status reports on all IIA to reach DIA within 30 days after the end of the fiscal year; interim reporting is required to address significant developments in the status of an IIA.

(5) Limiting IIA to intelligence matters only and following guidance in references 1b and 1g for non-intelligence matters (for example, maps and charts and communications security (COMSEC)).

(6) Simultaneously providing an original copy of IIAs and related documents (for example, negotiating histories, requests for action approval, and status reports) to DIA/DI-4C

and a copy of same to HQ USAF/IN YX. The primary agent retains a certified true copy of each IIA within central files.

(7) Coordinating intended IIA actions with:

(a) HQ USAF/IN YX.

(b) OPRs within the primary agent's organization for paragraph 1 references, legal counsel (for example, JAG), and

resource planning and program offices (for example, HQ USAF/AC/MO/SI/XP).

(c) Other US DOD elements and US Government agencies that may have functional interest in the IIA subject matter, or whose plans and programs or existing agreements may be affected by the proposed action.

BY ORDER OF THE SECRETARY OF THE AIR FORCE

OFFICIAL

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