

CRS Report for Congress

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Joint Combined Exchange Training (JCET) and Human Rights: Background and Issues for Congress

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ABSTRACT

The National Defense Authorization Act for Fiscal Years 1992 and 1993 allows U.S. special operations forces (SOF) to train under the Joint Combined Exchange Training (JCET) program in foreign countries, and does not prohibit training in nations where human rights violations have been reported. Such training includes instructing host government military units in lethal and nonlethal skills. Controversy has erupted over JCET missions in countries whose militaries are suspected or known to have committed human rights abuses. This report describes relevant legislation, SOF, JCET, alleged human rights abuses, and recent congressional initiatives and discusses further options and issues. Other CRS reports dealing with U.S. SOF or human rights include CRS report 93-72 S, Roles and Functions of U.S. Combat Forces; CRS report 98-677F, Indonesia: U.S. Relations With the Indonesian Military; and CRS report 98-152F, Columbia: The Problem of Illegal Narcotics and U.S. - Colombian Relations. This report may be updated as events warrant.

Joint Combined Exchange Training (JCET) and Human Rights: Background and Issues for Congress

Summary

Recent press articles describe U.S. special operations forces (SOF) training under the Joint Combined Exchange Training (JCET) program in countries where human rights abuses have allegedly or actually taken place. Joint Combined Exchange Training is carried out under provisions in 10 USC 2011. The law allows the regional commanders and the commander of the U.S. Special Operations Command to pay for deploying and training U.S. SOF teams as long as the primary purpose of the activity is to train the U.S. special operations forces. One of the primary unconventional warfare / foreign internal defense missions of U.S. SOF is to train other militaries. SOF uses JCET deployments to practice training foreign militaries. 10 USC 2011 requires the Secretary of Defense (SecDef) to submit an annual report to Congress covering various JCET details.

The press and Members of Congress have expressed concern because of the apparent contradiction between declared U.S. policy not to train foreign military forces implicated in human rights violations -- supported by actions of Congress to curtail military aid to such countries -- and the continued use of JCET deployments to those countries to train U.S. SOF. Under JCET, SOF teams have trained foreign units that subsequently were accused of being involved in human rights abuses. Three countries of particular concern are Indonesia, Colombia, and Rwanda. As long as the SOF received the primary benefit, the training was legal. Unlike other forms of foreign aid, military assistance, and military training, the funding for JCET comes from the Defense Department budget because JCET is a DOD training activity.

In addition, press reports and Members have complained about the perceived lack of civilian oversight in planning, approving, and monitoring these training operations. The Department of State, Department of Defense, U.S. ambassadors, Congress, and host nation governments are involved in JCET oversight. Whether existing (pre-FY99) mechanisms provided adequate oversight is in question.

Congress has taken steps to enact legislation to bring JCET more into alignment with policies and establish more stringent oversight. The Leahy Amendment to the Department of Defense FY1999 Appropriations Act (P.L. 105-262) prohibits the U.S. military from training with human rights abusers (unless waived by the Secretary of Defense). Two other bills in the 105th Congress, the Security Assistance Act of 1998 (S.2463) and the International Military Training and Accountability Act (H.R.3802), would have banned all forms of U.S. military training to countries ineligible for the international military education and training (IMET) program. One other bill, the International Military Training Transparency and Accountability Act (H.R.4874), would specifically ban JCETs for countries under IMET restrictions.

Several alternative courses of action and additional issues remain. Balancing national security issues and human rights policies may require difficult choices and uncertain trade-offs.

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Joint Combined Exchange Training (JCET) and Human Rights: Background and Issues for Congress

Introduction

Congress is concerned over special operations forces (SOF) training in countries with alleged human rights violations. One program, Joint Combined Exchange Training (JCET), has been the subject of particular scrutiny. Press reports allege U.S. SOF teams trained foreign units under the JCET program that either previously, or after receiving JCET training, committed human rights violations within their own borders or in neighboring countries.

Recent press articles focus on JCET intent and oversight. Some Members of Congress question the value of JCET deployments to the U.S. military, suggesting the actual benefits are somewhat “vague and evasive.”¹ One issue is whether or not the SOF units receive enough training to justify the expenditures. A related issue centers on the real intent of the JCET exercise deployments: are they for the benefit of U.S. special operations forces or actual training for the host military?

Some Members believe the DOD is disregarding Congress’s intent, and that the State Department should be more actively involved. To those Members, it appears that JCET functions as a military assistance program without proper foreign policy coordination, with little U.S. benefit, and with major foreign policy impact.² Allegations have surfaced that there is little effective oversight by the U.S. or host nation governments in the JCET planning and execution process.³ Furthermore, it is charged that the JCET program is not monitored well enough by senior foreign policy officials.⁴ Clearly there is confusion about JCET, its intent, and scope.

This report examines JCET background, reviews congressional concerns, addresses recent legislative and DOD initiatives to refine and realign JCET approval and reporting, and notes additional options and issues for congressional consideration.

¹Dana Priest, “Special Forces Training Review Sought,” *Washington Post*, July 15, 1998, p. A25.

²Security Assistance Act of 1998, Committee on Foreign Relations, Senate Report S.R. 105-333, p. 9.

³Peter Hakim, “US-Latin Military Exchanges: Don’t Forget Civilian Control,” *Christian Science Monitor*, July 23, 1998, p. 11.

⁴Priest, *Washington Post*, July 15, 1998, p. A25.

Background

Special Operations Forces

U.S. special operations forces (SOF) are structured and organized as a unified command, the U.S. Special Operations Command (USSOCOM), headquartered at MacDill Air Force Base, Florida. Each theater commander in chief (CINC) has his own special operations command (SOC) for planning, scheduling, and coordinating special operations within his theater. Usually, the SOC has operational control of theater SOF. Executive oversight of SOF policy and resources is vested in an Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SO/LIC).

Special operations forces include forces from the Army, Navy, and Air Force. Although the Marine Corps possesses units tasked and capable of performing special operations, no Marine units are dedicated solely to 10 USC 2011 activities and therefore do not conduct any training under JCET guidelines.⁵ SOF tasks demand a spectrum of qualifications, ranging from rigorous physical conditioning and combat skills to language proficiency and instructor abilities. SOF teams often work in small groups, behind enemy lines, or in the midst of a foreign population, requiring language proficiency. They tend to be self sufficient and flexible in countries where indigenous groups may have a hostile reaction to a large visible U.S. conventional presence, or in nations in which a larger presence might create controversy back home in the United States.⁶

Special operations forces are designated by the Secretary of Defense and specifically organized, trained and equipped to conduct and support special operations.⁷ Characteristically, SOF operations are low-cost and low-visibility, with potentially high-payoff returns. SOFs apply their unique skills to attain political, economic, military, or psychological objectives in peace or war.⁸ Special operations are designed to “achieve military, political, economic, or informational objectives by unconventional military means in hostile, denied, or politically sensitive areas. These operations are conducted across the full range of military operations, independently or in coordination with operations of conventional, non-special operations forces. Political-military considerations frequently shape special operations, requiring clandestine, covert, or low visibility techniques and oversight at the national level. Special operations differ from conventional operations in degree of physical and political risk, operational techniques, mode of employment, independence from friendly support, and dependence on detailed operational intelligence and indigenous

⁵USSOCOM Public Affairs Plans and Operations.

⁶Dana Priest, "Free of Oversight, US Military Trains Foreign Troops," *Washington Post*, July 12, 1998, p.A01.

⁷Joint Pub 1-02, Department of Defense Dictionary of Military and Associated Terms, 23 March 1994, as amended through 10 June 1998, p.404.

⁸John Collins, "Roles and Functions of US Combat Forces: Past, Present, and Prospects," CRS Report 93-72 S, January 21, 1993, p. 45.

assets.”⁹ Their work with indigenous forces is a unique hallmark of SOF; if they can successfully organize and train indigenous forces to fight a common enemy, SOF effectively open a second front and reduce or preclude use of U.S. conventional forces.

The SOF principal missions and collateral activities listed below demonstrate the wide range of skills needed by SOF and the requirement for diverse training conditions.¹⁰ Practice and proficiency in these numerous missions place a premium on realistic training opportunities. JCETs can provide opportunities to train in different skills including practice teaching among indigenous, foreign forces.

SOF principal missions:

- Counter-proliferation
- Combating terrorism
- Foreign internal defense (training host nation to counter insurgency, lawlessness, and subversion)
- Strategic reconnaissance (assessing capability, intent, geography, and battle damage)
- Direct action (including hostage rescue)
- Psychological operations
- Civil affairs
- Unconventional warfare
- Information operations

SOF collateral activities include:

- Coalition support
- Combat search and rescue
- Counterdrug activities
- Humanitarian demining activities
- Humanitarian assistance
- Peace operations
- Security assistance
- Special activities (as directed by higher authority)¹¹

⁹Joint Pub 1-02, p.404.

¹⁰Previously, SOF mission statements included "nation building" to preclude U.S. involvement. That term is no longer used, but the intent to preclude U.S. involvement is inherent in the overall SOF mission. The current African Crisis Response Initiative (ACRI) is one example. (Source: USSOCOM Public Affairs) By teaching local militaries and agencies to deal with problems and crises, the U.S. hopes to avoid a larger commitment of personnel and resources.

¹¹United States Special Operations Forces Posture Statement 1998, pp. 3-4. See also *Annual Report to the President and the Congress*, William S. Cohen, Secretary of Defense, 1998, U.S. Government Printing Office, Chapter 4. [<http://www.dtic.mil/execsec/adr98/chap4.html>]

Joint Combined Exchange Training (JCET)

Joint U.S. exercises provide limited opportunity for SOF teams to obtain the training they need. Exercise scenarios, participants and environments do not adequately simulate an undeveloped host nation, its government, military, or infrastructure. The Joint Combined Exchange Training (JCET) program was specifically designed to meet U.S. special operations forces training needs. The JCET program enables U.S. SOF to practice one of their essential missions: training other militaries to conduct operations. SOF teams train foreign units in both military and non-military skills, commensurate with the list of missions delineated above. But conditions vary widely from country to country, with only the barest resources in some countries, or a poorly organized military in another. These variations mean the SOF teams need to have practice adapting their methods of instruction in less than ideal situations and environments. They are training themselves to train other units in a variety of conditions.

The primary reason JCET exists is to train our own forces to be better instructors; it also provides them opportunities to practice their foreign language skills and become familiar with cultural differences between the United States and the participating countries. Although JCETs are not a designated intelligence collection operation, the SOF teams do gather information and learn the local terrain, climate, and unique geography while building a regional perspective and orientation. More importantly, SOF teams learn the way specific foreign militaries organize and operate. They learn who the leadership is and how to work with that military's command and control structure.¹²

U.S. SOF teams conduct JCET missions in over 100 countries. They are an important part of the U.S. post-Cold War policy of engagement. According to DOD, JCETs help advance national interests by fostering respect for human rights and by preparing U.S. forces to perform emergency evacuations. For example, after the May 1997 coup and military takeover of Sierra Leone, the successful evacuation of 2,500 civilians was assisted by SOF that previously conducted JCETs there and in the region. They were familiar with unique problems and challenges on the ground.¹³

Authority

The authority for JCET exercises derives from U.S. Code, Title 10. Section 2011 gives the commander of USSOCOM and the regional CINCs the authority to spend money and send SOF teams overseas to train with foreign military units if the primary purpose of the deployment is to train U.S. SOF. The law also allows for some defrayment of expenses for the host nation government.

Pertinent Senate committee discussion recognized the need for SOF to practice training, because training other militaries encompasses so much of what they do.

¹²M2 Presswire-16 July 1998-U.S. DOD: DOD news briefing (C) 1994-98 M2 Communications Ltd. RDATE:140798 2:10 PM.

¹³Ibid.

SOF practice training in internal defense and unconventional warfare in countries where they may have to fight or train local units again in a contingency. The provision recognized JCET training would benefit the local militaries, and that consequence was labeled "indirect" and "unavoidable."¹⁴ The primary purpose of using USSOCOM and other combatant commands' operations and maintenance funds for JCET training was to ensure U.S. SOF received this type of training.

When Congress mandated the JCET program, it exempted participating special operations forces training overseas from restraints imposed on conventional military forces that exercised with foreign militaries.¹⁵ Funding for JCET comes from DOD accounts, and therefore is not subjected to legislative restrictions imposed by foreign aid appropriations acts. Prior to FY1999, JCETs were not legally subject to the human rights restrictions placed on other U.S. programs. JCET teams trained in countries denied other U.S. military exchanges.¹⁶ From the annual *Report on Training of Special Operations Forces, April 1, 1997, for the Period Ending September 30, 1997*, it appears that most JCET deployments complied with congressional intent, did not contradict other U.S. policies, and served to benefit U.S. special operation forces. Other JCETs reportedly have exceeded U.S. SOF training requirements, by focusing on the recipient host nation military needs, training them in areas such as counternarcotics and counterinsurgency techniques, in exchange for access to top foreign officials¹⁷ and to boost U.S. influence in that nation and region.¹⁸

The total cost for JCET in FY1997 was \$15.2 million. This funding was approved as part of the USSOCOM operations and maintenance budget. Unlike IMET or other programs that are approved as line items individually by country, JCET funding is taken out of the larger USSOCOM budget as required. Without congressional approval of funding for JCETs on a line item or country basis, some critics see a lack of civilian oversight. Journalists' reports suggest training arrangements are made between U.S. SOF and foreign militaries, without host nation governments or ambassadors input into the JCET event.¹⁹ As a result, reports further allege, under JCET, SOF teams have trained in countries with human rights problems or that are engaged in active conflicts, such as Indonesia and Colombia.²⁰ Consequently, JCET has been characterized by some as "not well monitored" and as "out of step with the broader foreign policy" of support for human rights.²¹

¹⁴National Defense Authorization Act for Fiscal Years 1992 and 1993 Report (S.1507), Committee on Armed Services, United States Senate, S.R. 102-113, p. 297.

¹⁵Hakim, *CSM*, July 23, 1998, p. 11.

¹⁶Ibid.

¹⁷Priest, *Washington Post*, July 12, 1998, p. A01.

¹⁸Hakim, *CSM*, 23 Jul, 1998 p. 11.

¹⁹Ibid.

²⁰Priest, *Washington Post*, July 15, 1998, p. A25

²¹Ibid.

Benefits

In addition to practicing teaching skills, SOF teams accrue other benefits from JCET deployments. The military asserts it gains familiarity with nations in which SOF teams may have to evacuate U.S. citizens and embassy personnel, give emergency humanitarian assistance, or engage in combat. These forces pass on their human rights values, respect for civilian leadership, and their professionalism--all key ingredients to engaging militaries abroad.

According to DOD, JCET opportunities are critical to U.S. SOF. ASD SO/LIC is the primary Department of Defense point of contact for counter terrorism.²² Important benefits claimed include language practice; exposure to diverse cultures, topography, and weather; and host military organization, readiness and capability. Also, for operations such as counter terrorism, it is important to have established contacts; known map accuracy; and routes in and out of contentious areas. JCETs forge abilities to work harmoniously with foreign groups that give special operations forces a marked edge over conventional forces when circumstances demand "regional orientation and political and cultural sensitivity."²³ "We consider JCET an important program because it allows us to train in different areas of the world and to learn how other militaries operate," said Pentagon spokesman Kenneth H. Bacon. Forces learn, teach, and practice important skills. One of those skills is hostage rescue.²⁴

Secretary of Defense William Cohen has also stressed JCET importance: "JCETs are the backbone of training for Special Operations Forces, preparing them to operate throughout the world... In those areas where our forces conduct JCETs, they encourage democratic values and regional stability. In the future, we can expect our forces to confront threats posed by an increasingly diverse set of actors, placing a premium on the skills or forces developed in JCETS."²⁵

DOD maintains that JCETs benefit U.S. SOF in another way. Some units are stationed in countries where they cannot train in some missions. Certain types of training that are too sensitive in one country can, as a JCET, be moved to another country. Parachuting may be moved from Japan to Thailand due to restricted airspace and noise sensitive areas, controversial urban warfare exercises may be moved from the United States to Singapore, Lithuania, or India. SOFs have the opportunity for jungle tracking in Malaysia; and noisy night low altitude flying is moved from England to mountainous and sparsely populated Morocco.²⁶ By planning them as a JCET to

²²John M. Collins, *Special Operations Forces: An Assessment*, Washington D. C., National Defense University Press, April 1994, p. 27.

²³*Annual Report to the President and the Congress*, William S. Cohen, Secretary of Defense, 1998, U.S. Government Printing Office, p. 51.
[<http://www.dtic.mil/execsec/adr98/chap4.html>]

²⁴"Colombia - Troops Receive Training From US," *Periscope Daily Defense News Capsules*, May 26, 1998.

²⁵Priest, *Washington Post*, July 12, 1998, p. A01.

²⁶*Ibid.*

train the local forces in some skill, the U.S. SOF teams appear to gain access to training areas that they otherwise would not have.

Disadvantages

JCET builds contacts with foreign military leaders and encourages respect for human rights by host militaries; but a SOF team has no control over the foreign unit's behavior after it leaves. JCET training doesn't necessarily change a host military's behavior.²⁷ Therefore, Members of Congress have raised questions about the benefits claimed by U.S. SOF, especially when compared to the abuses ascribed to some of the foreign militaries that have received JCETs.²⁸

Another disadvantage is that JCETs sometimes appear to be part of a larger policy framework for the countries in which they are conducted. This appearance can confuse and cast doubt that the primary JCET purpose is to train U.S. SOF. Advocates of JCET have clouded the issue further, raising congressional concerns. H. Allen Holmes, Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (ASD SO/LIC), called SOF a "force multiplier and a diplomacy multiplier."²⁹ Senior U.S. military officers have been cited as referring to JCETs as: a way to shape the environment for CINCs as well as train U.S. troops; a "political card;" "a direct instrument of U.S. foreign policy;" "the most direct and most involved, tangible, physical part of U.S. foreign policy in certain countries;" and a "leading force" exerting U.S. influence overseas.³⁰ While these statements may have been intended to emphasize how JCETs support U.S. policy, such statements have been interpreted to mean that the benefits of SOF presence transcend training and represent an independent tool of policy making. These statements make it appear that JCETs are not clearly defined or the military is in fact forging policy. "For this reason, the [Senate Committee on Foreign Relations] has included the requirement for a one-time report by the Secretary of State detailing the steps taken to ensure that all U.S. foreign military education and training activities are being conducted in accordance with the foreign policy objectives of the United States."³¹

Other U.S. Military Assistance Programs

The House International Relations and the Senate Foreign Relations Committees authorize many overseas programs and activities. The committees authorize funding for foreign aid, arms sales, deployment of mobile training teams, and training of

²⁷Lynne Duke, "Africans Use Training in Unexpected Ways," *Washington Post*, July 14, 1998, p. A01.

²⁸Priest, *Washington Post*, July 15, 1998, p. A25. For example, Rep. Christopher H. Smith, Chairman, House Subcommittee on International Operations and Human Rights, reportedly said the benefits of JCET to the U.S. military were vague and evasive enough "as to be embarrassing."

²⁹Priest, *Washington Post*, July 12, 1998, p.A01.

³⁰Ibid.

³¹Senate Report 105-333, [to accompany S.2463], 105th Congress, 2d Sess., p. 9.

foreign military officers in the U.S. The committees monitor the conduct of foreign policy and restrict or relax aid to countries, including military cooperation, economic sanctions for human rights abuses, support of terrorism, or proliferation of weapons of mass destruction (WMD).³²

The most familiar U.S. military assistance programs are the international military education and training (IMET) program, foreign internal defense (FID),³³ and foreign military sales (FMS). IMET consists of funding for instruction to foreign military students, units, or forces as a non-reimbursable grant by the U.S. armed services or its contractors. IMET content may include correspondence courses, technical or educational publications, and other media. Expanded IMET (E-IMET), consists largely of classroom training for civilian officials and senior military leaders on controlling budgets and running a defense establishment. FID focuses on the civilian and military agencies of a government. FID helps train these agencies and assists them in establishing programs that are designed to free and protect the society from subversion, lawlessness, and insurgency. IMET and FID are paid for by the United States. FMS, on the other hand, is part of the Foreign Assistance Act of 1961, as amended, and the Arms Export Control Act of 1976, as amended. FMS requires the recipients to reimburse the United States for all defense supplies and training they receive. In all three programs--IMET, FID, and FMS--the receiving nation's needs are important factors in determining the content of the program.

Three differences set JCET apart from the U.S. military assistance programs above. In contrast to IMET, E-IMET, FID, or FMS, the JCET program: 1) primarily concerns U.S. SOF; 2) uses a different funding source controlled by DOD; and 3) is intended primarily to train and benefit U.S. SOF not the foreign military forces. Of note, elements of FID are in high demand as JCET training. This may be a cause of concern because FID supports domestic agendas of host governments, and normally implies some level of internal threat or active insurgency.³⁴ An active counterinsurgency program would require congressional approval to train and support.

Approval Process and Civilian Oversight

JCETs begin with a request by a SOF unit (to meet a mission essential task list training requirement), a combatant CINC, or a host nation military or government. A U.S. ambassador may also request a JCET. USSOCOM and the theater CINC's determine feasibility, SOF unit availability, and the need for the specific proposed or requested training. The theater special operations commands obtain concurrence from the appropriate embassies and request from them any known human rights abuse

³²Priest, *Washington Post*, July 12, 1998, p. A01.

³³Foreign internal defense is not a specific program and does not have a budget unless it has been identified for a particular nation. FID is a SOF mission. FID is normally executed as part of a larger security assistance program whose purpose is foreign internal defense. Source: Assistant for Foreign Internal Defense Policy, within the Office of ASD SO/LIC, 8 Jan 98.

³⁴Priest, *Washington Post*, July 12, 1998, p. A01.

information regarding the participating foreign units before the JCET request is forwarded to USSOCOM. USSOCOM conducts an annual JCET planning conference for programming and budget purposes, and also tracks the monthly JCET review process. USSOCOM collates and passes all of the theater commanders' requests to the Pentagon Joint Staff for SecDef approval. All JCET requests are required to have a human rights review prior to submission to the Joint Staff. The Joint Staff passes the JCET request to ASD SO/LIC for regional and legal coordination. Prior to the SecDef signature, the Deputy ASD SO/LIC, the Assistant SecDef for Strategy and Threat Reduction, the Assistant SecDef for International Security Affairs, and the DOD General Counsel all review the JCET list. ASD SO/LIC sends a memo to the Under Secretary of Defense for Policy USD(P), who reviews and sends the request back to the Joint Staff J-3 Operations Directorate, Special Operations Division. The request is forwarded to the Chairman, Joint Chiefs of Staff (CJCS), and then to SecDef or his deputy for signature.³⁵ Secretary of Defense Cohen or Deputy Secretary of Defense Hamre perform senior civilian oversight, and they are the only two people who can approve and sign the monthly JCET list.³⁶

When USD(P) Slocum forwards the request to J-3, ASD SO/LIC faxes a copy to the Deputy Secretary of State, Bureau of Political-Military Affairs, Robert Beecroft. The Pol-Mil Bureau gets the fax at least 15 days before the first JCET on the request is scheduled to begin. The embassies have already completed a human rights review. The fax includes the attachment summaries for the month coming up, including DOD verification from the embassies. State also receives an information copy of the JCET acknowledgment message from the Joint Staff to USSOCOM. DOD references the message in its fax to the Pol-Mil Bureau. This provides another chance for State to examine human rights.³⁷

DOD sees the focus of human rights at the State Department, as the State Department has a bureau that monitors human rights and DOD does not. DOD assumes State and the embassies coordinate and exchange information on human rights violations.³⁸

Allegations that JCETs take place without civilian knowledge are not completely accurate. DOD and Department of State officials agree that JCETs are in fact planned with the U.S. Ambassador and the embassy staff country team's knowledge.³⁹ All JCET missions must be approved by the local Ambassador or his representative. In addition, the USSOCOM CINC, the theater CINC, and now the Secretary of Defense are responsible for reviewing and approving JCETs. DOD's approval process compliments the State Department's human rights message guidelines in

³⁵Director for Special Operations (Policy), within ASD SO/LIC, 8 January 1999.

³⁶H.R. 3616, Section 1062, P.L. 105-261. Signed by the President 17 October 1998.

³⁷Director for Special Operations (Policy), 8 January 1999.

³⁸Ibid.

³⁹M2 Presswire-16 July 1998-US DOD: DOD news briefing (C) 1994-98 M2 Communications Ltd. RDATE:140798 2:10 PM.

designing JCET events, selecting units to participate, and determining the curriculum.⁴⁰ In addition, the JCET SOF team is briefed when it arrives in country, and it debriefs the ambassador or his representative before it departs the country. Recently, the Secretary of Defense added ASD SO/LIC to the review process to establish a knowledgeable point of contact in Washington, D.C. SecDef conducts a monthly review of all JCETs for the next month. DOD's intent is to adhere to legislation concerning human rights and JCET activities, and also to ensure SOF maintain mission readiness. DOD and State have implemented interim procedures to comply with the FY99 appropriations act. Further guidance is forthcoming in both departments.

Civilian oversight occurs at the ambassador level, SecDef, and at the congressional level. As required by 10 USC 2011, all JCET activities are reported to Congress every year not later than 1 April. The annual report by the Secretary of Defense is required under public law.⁴¹ DOD implementation of 10 USC 2011 requires ASD SO/LIC to collect and collate JCET and foreign military training information from the regional commands. ASD SO/LIC files this report each year on behalf of the Secretary of Defense. The report is submitted to the Armed Services and Foreign Relations Committees of the Senate and the Armed Services (National Security) and International Relations Committees of the House of Representatives.⁴² According to DOD, there is nothing secret about the JCET program; it is "very public."⁴³

There seem to be conflicting ways of accounting for JCET training. Not all SOF training in a given country may be classified as JCET, that is, for the SOF units' primary benefit. Operations and maintenance money is set aside to train SOF, but not all O&M money will be used as 10 USC 2011 funds. Newspaper articles have suggested the O&M money, training objectives, and units are not consistently accounted for in the annual report.⁴⁴ The inconsistencies appear to support claims that the JCET objectives are changed to suit the decision makers as to what is or is not called a JCET exercise.⁴⁵ It appears that some of the JCET accounting inconsistencies arise from the fact that several one or two person trips have been classified as JCETs. These trips may have been for embassy staff training or planning

⁴⁰Message, from Secretary of State to all Diplomatic and Consular Posts, O P 100202Z Nov 98, Subject: New Legislation Regarding Human Rights Review of DOD-Funded Military Training Activities, 98 State 209156. See also Undersecretary of Defense, Policy, Memorandum for Director, Joint Staff, Subject: Amended Version: Joint Combined Exchange Training (JCET) Advance Approval Requirement and Human Rights Verification for DoD-funded Training Programs--Action Memorandum, Nov 13, 1998.

⁴¹P.L. 102-190, Sec. 1052; and 10 USC 2011(e).

⁴²Memorandum, Office of the Comptroller of the Department of Defense to the Director of the Joint Staff, May 7, 1993; attachment, p. 5.

⁴³M2 Presswire-27 May 1998-US DOD: DOD news briefing (C) 1994-98 M2 Communications Ltd. RDATE:260598.

⁴⁴"Colombia - Troops Receive Training From US," Periscope Daily Defense News Capsules, May 26, 1998.

⁴⁵Priest, *Washington Post*, July 12, 1998, p. A01.

and site surveys.⁴⁶ Also, several JCET conferences have been reported as JCET exercises, because SOF units funded the trips under JCET authority, but they were not actual JCET missions.⁴⁷

Though Congress receives an after-the-fact annual report under 2011, congressional oversight is generally absent in the planning and execution phases of JCET. While JCET and SOF training ultimately fall under the House and Senate defense committees, they operate without the same restrictions the foreign affairs committees place on other programs. JCETs are subject to different appropriations and authorizations channels. Hence, in the past, military commanders and ambassadors had a wide degree of latitude and discretion in directing and approving SOF training even in countries under sanctions.⁴⁸

Congressional Concerns

Human rights are a major U.S. policy concern. Human rights issues are reflected in JCET oversight, vetting of foreign units, and more pointedly, what units the SOF teams train and what actions those units and personnel are involved in after the JCET.

Some Members of Congress consider SOF a leading force of U.S. influence abroad.⁴⁹ As such, JCET instructors should be conducting training and not establishing policy in foreign nations. The biggest problem may not be the actual JCET training, but rather the appearance that it is being carried out without reference to any larger policy framework.⁵⁰ JCETs may be viewed by some as directly undermining U.S. efforts to promote democracy, demilitarization, and respect for human rights.

Foreign units that have participated in JCETs have been implicated in human rights abuses either before or after they were trained. Questions have been raised on procedures and responsibilities for vetting--the process of identifying units and individuals accused of human rights abuses and denying them U.S. training. DOD has been accused of not properly vetting units for human rights abusers. Journalists have labeled the "training to train" justification for JCET in some countries as a "nifty bit

⁴⁶*Report on Training of Special Operations Forces, April 1, 1997, for the Period Ending September 30, 1997*, and Director for Special Operations (Policy), within ASD SO/LIC, 8 January 1999.

⁴⁷The General Accounting Office has been tasked by the House International Relations and the Senate Armed Services Committees to audit JCET. The report is scheduled to be released in Summer 1999.

⁴⁸Priest, *Washington Post*, July 12, 1998, p. A01.

⁴⁹Senate Report 105-333, [to accompany S.2463], 105th Congress, 2d Sess., p. 9.

⁵⁰Douglas Farah, "A Tutor to Every Army in Latin America, U.S. Expands Latin American Training Role," *Washington Post*, July 13, 1998, p. A01.

of circular reasoning.”⁵¹ The implication is that DOD is willing to knowingly train human rights abusers. However, ambassadors have a say--and the power to veto or deny country clearance-- in the approval process, and likely are attuned to both the U.S. policies and the problem units in the host nation. Pentagon spokesman Kenneth Bacon asserts that Ambassador approval "...gives a degree of diplomatic oversight and monitoring that the State Department takes very seriously and we [in DOD] take very seriously as well. We have not carried out proposed missions in cases where the State Department has raised objections. One example that occurred recently was Nigeria, where the State Department raised objections to a planned mission and it did not take place.”⁵² Countries that raised cause for concern after JCET exercises took place are Indonesia, Colombia, and Rwanda.

Specific JCET and Human Rights Issues in Selected Nations

Recent press accounts have highlighted JCET deployments in Indonesia, Colombia, and Rwanda. Training in these countries has been controversial and contentious due to their human rights records and involvement of their armed forces in suppressing opposition.

Indonesia. Congress terminated IMET money for Indonesia to punish the Suharto government after the 1991 massacre of 270 protesters by Indonesian troops in East Timor.⁵³ This 1992 congressional training ban prevented Indonesian military officers from receiving further training⁵⁴ until 1996, when expanded IMET was granted.⁵⁵ The E-IMET reportedly focused on human rights training and classroom instruction.⁵⁶

After the 1992 IMET ban, DOD continued training SOF in Indonesia under JCET. For example, Army special forces "Green Berets" instructed the Kopassus, an elite Indonesian unit, in skills that included urban warfare, advanced sniper techniques, air drop operations, close-quarters combat, and psychological operations.⁵⁷ Some Kopassus units were linked to massacres of civilians in East

⁵¹"Training Abusive Militaries," *New York Times*, August 31, 1998, p. 18.

⁵²M2 Presswire-16 July 1998-US DOD: DOD news briefing (C) 1994-98 M2 Communications Ltd. RDATE:140798 2:10 PM.

⁵³Jim Mann, "National Perspective: US Risking Ties to Indonesian Military," *Los Angeles Times*, April 1, 1998, p. 5.

⁵⁴H.R. 5368, Section 599H, P.L. 102-391. Signed by the President 6 October 1992.

⁵⁵Section 541 of the Foreign Assistance Act of 1961, as amended by H.R. 1868, Title III, International Military Education and Training, P.L. 104-107, signed by the President 12 February 1996.

⁵⁶"Lowey Bill Would Restrict Military Training," *Defense Week*, April 13, 1998. See also H.R. 3802, May 6, 1998.

⁵⁷Mann, *Los Angeles Times*, April 1, 1998, p.5.

Timor.⁵⁸ Other Kopassus units were linked to abductions, disappearances, and torture of antigovernment activists.⁵⁹ Still, the avowed intent of each JCET was to benefit U.S. SOF through practice training of other militaries. The Ambassador or his representative had to approve each JCET.

JCET SOF training in Indonesia appeared to many to be in conflict with U.S. human rights policy. In April 1998, Rep. Lane Evans and several other Members voiced concern in a letter to Defense Secretary Cohen. Evans stressed the 1992 IMET ban was "meant to send a strong signal to the Suharto regime that the United States would not tolerate human rights violations" and that he and the other Members were "deeply concerned" that "our military has continued training Indonesian forces under a different program," and they viewed the training as "an effort to circumvent congressional intent."⁶⁰ Unlike E-IMET, some JCETs taught lethal tactics. The recipient for most JCETs was the Kopassus.

The JCET training Indonesia received was designed to repel a potential external enemy. The training will also prove useful if Indonesian forces participate in an international peacekeeping effort. Relevant to the human rights issue, the JCETs did not specifically teach Indonesian forces to fight or suppress their own people. According to U.S. embassy personnel in Indonesia, none of the urban warfare curriculum taught crowd control. Furthermore, the exercises fit E-IMET guidelines.⁶¹

Prior to the JCET suspension on May 8, 1998,⁶² all JCETs in Indonesia were approved by the ambassador or his country team.⁶³ As the Indonesian crisis unfolded earlier this year, Members of Congress spoke out harshly against DOD's use of JCETs in that country to train SOF. Rep. Evans reportedly termed JCETs "another way the Pentagon can assist...Suharto and his soldiers in suppressing their opposition."⁶⁴ Rep. Evans acknowledged JCETs were legal and the congressional ban applied only to IMET.⁶⁵ Press reports cited Rep. Christopher Smith, chairman of the House International Relations Subcommittee on International Operations and Human Rights, calling JCETs an "end run" around rules Congress "carefully prescribed" for military

⁵⁸"Training Abusive Militaries," *New York Times*, August 31, 1998, p. 18.

⁵⁹Allen Nairn, Indonesia's Disappeared, *The Nation*, June 8, 1998, Vol 266, No 21, p.4.

⁶⁰Letter, Rep. Evans (et. al.) to Secretary Cohen, April 16, 1998.

⁶¹Allen Nairn, Indonesia's Killers, *The Nation*, March 30, 1998, Vol 266, No 11, p. 6.

⁶²DOD made an internal decision to suspend the JCETs in Indonesia. See also "USA Orders Review of Military Activity with Indonesia," in *Jane's Defence Weekly*, May 20, 1998, Vol 29, No 20, p. 3.

⁶³Source: Office of International Security and Peacekeeping Operations, Bureau of Political-Military Affairs, Department of State; and Office of ASD SO/LIC.

⁶⁴Mann, *Los Angeles Times*, April 1, 1998, p.5.

⁶⁵Ibid.

education and training.⁶⁶ In his view, JCETs sent a "dubious message" to Suharto and the opposition about the U.S. position. Frustrated by lack of vetting records, he declared, "It is very important to know whether or not they have received U.S. military training...Our joint training exercises and training of military units that have been charged over and over again with the gravest kinds of crimes against humanity, including torture and murder, cry out for an explanation...How could we not have known who these people were?"⁶⁷ The ASD for International Security Affairs, Franklin Kramer, said his office did not have a list of Indonesian soldiers trained under JCET, but that as matter of policy, DOD refuses to train with known human rights abusers.⁶⁸ Finally, Rep. Nancy Pelosi, ranking minority member of the House Appropriations Committee's Subcommittee on Foreign Operations, which funds other military training and exchange programs in foreign countries, was reported to be appalled that DOD would act with "complete disregard for Congress's intent" in Indonesia.⁶⁹

To many, JCETs appeared to lend legitimacy to a government and military in Indonesia that violated human rights.⁷⁰ Some dissidents believed the U.S. actually was helping Suharto keep control. Megawati Sukarnoputri, a main opposition leader, said, "The U.S. military is providing training in lethal methods of social control at a time when the Indonesian people are trying to build a more democratic system." She believed the JCET undermined the democracy movement.⁷¹ An Indonesian political scientist, Salim Said, doesn't believe JCETs hindered democracy, but instead actually exposed Indonesian officers to American democratic values and culture.⁷²

Colombia. U.S. foreign policy interests in Colombia include counter-narcotics and human rights. The Colombian government's priorities may not necessarily be the same, as it is fighting leftist guerrillas as well as drug traffickers. The issues for U.S. policy-makers are 1) whether and to what extent to support a military guilty of human rights abuses, and 2) how to support the Colombian military without getting involved in a counterinsurgency. The Colombian military does not have the resources it needs to adequately deal with both the guerillas and the drug rings. The military is also getting pressure from the Colombian government concerning human rights abuses.

Due to human rights abuses by the Colombian military, Congress passed legislation in 1995 to limit training in Colombia to counter-narcotics. It placed a ban on military equipment transfers and training due to military involvement in drug

⁶⁶"Aiding the Wrong Side in Indonesia," *Boston Globe*, March 30, 1998, p. A10.

⁶⁷"US Lawmakers Ask for Names of Army Suspects," *Jakarta Post*, July 26, 1998.

⁶⁸Ibid.

⁶⁹Priest, *Washington Post*, July 15, 1998, p. A25.

⁷⁰DefenseLINK News: DOD News Briefing, Tuesday, 26 May 1998.
[http://www.defenselink.mil/news/May1998/t05261998_t0526asd.html]

⁷¹In response, ASD Public Affairs reiterated the intent of JCET was not training for the Indonesians, but the SOF. M2 Presswire-27 March 1998-US DOD: DOD news briefing (C) 1994-98 M2 Communications Ltd. RDATE:260398.

⁷²Priest, *Washington Post*, July 12, 1998, p. A01.

related corruption and a record of killing civilians, human rights activists, and politicians in areas controlled by guerillas. Limited counterdrug training was approved for Colombian military units evaluated for human rights abuses.⁷³ The units could not include human rights abusers, and the training could only take place in areas where guerillas were known to work with drug traffickers. Journalists reported JCET exercises were circumventing these restrictions. SOF continued to legally train Colombian troops in combat tactics even after Colombia was limited to counter-narcotics training.⁷⁴ SOF teams taught "shoot and maneuver" techniques, counter terrorism, and intelligence gathering without vetting the Colombian units.⁷⁵

Again, the JCET operations and training appeared at odds with U.S. policy. Some Columbian forces were guilty of human rights abuses. U.S. policy is not to train or arm those forces.⁷⁶ However, Colombian units received intelligence and counter terrorism training, after Congress stopped conventional training and restricted other military aid to counternarcotics training.⁷⁷ *Jane's* reported U.S. SOF "heavily involved" in Columbia.⁷⁸

The nature of the counternarcotic war in Columbia is a source of confusion and concern. A U.S. military official in Colombia reportedly said, "We can call anything counter-drugs. If you're going to take out a target, it doesn't make much difference if you call it a drug lab or a guerilla camp. There's not much difference between counter-drug and counterinsurgency. We just don't use the [insurgency] word anymore because it is politically too sensitive."⁷⁹ Because the guerillas protect the drug labs, the counternarcotic effort takes on all of the appearances of a counterinsurgency initiative. To fight the drugs, the Colombian military has to fight the guerillas as well. JCETs are separate from the counternarcotics program in Colombia. In 1998, there have been 6 JCETs, with 32 people total. The counternarcotics training provided by the U.S. has consisted of 18 deployments and 252 people. The JCETs provided counter terrorism and hostage rescue training.⁸⁰

Consistent with its practice in other nations, the JCET team doesn't vet the units it is coming to train. The embassy has a staff and country team to accomplish vetting; SOF commanders do not. In Colombia, there is an informal agreement for the Colombian military to self-monitor.⁸¹ A Pentagon spokesman remarked, "In Colombia, all the troops are supposed to be vetted as I understand it. In other

⁷³Ibid.

⁷⁴Ibid.

⁷⁵Farah, *Washington Post*, July 13, 1998, p. A01.

⁷⁶Hakim, *CSM*, July 23, 1998, p. 11.

⁷⁷"Training Abusive Militaries," *New York Times*, August 31, 1998, p. 18.

⁷⁸Tom Hunter, "US Operations in Latin America," *Janes*, Sept 1998, p.15.

⁷⁹Farah, *Washington Post*, July 13, 1998, p. A01.

⁸⁰M2 Presswire-27 May 1998-US DOD: DOD news briefing (C) 1994-98 M2 Communications Ltd. RDATE:260598.

⁸¹Farah, *Washington Post*, July 13, 1998, p. A01.

countries we rely on the embassy to do that work. We rely on the Ambassador to raise concerns if he or she has any. We work very closely with the local Ambassadors." The spokesman added that there is a "fairly rigorous" multistep process to decide whether or not to hold JCET missions in any country, with ample foreign policy and military inputs and review.⁸² All JCET missions are still approved by the Ambassador and OSD. Also, the Colombians don't want to break up their combat units, but instead, they want to train as a team.⁸³

Congress is concerned U.S. operations in Colombia are shifting from counter-narcotics to counterinsurgency, something the Administration must request from Congress. The appearance is that JCETs are supporting counterinsurgency training, bypassing congressional intent to limit training to counternarcotics. Questions remain on vetting.⁸⁴ And, U.S. troops are training near Colombian combat operations.

Rwanda. In its relations with Rwanda, the U.S. emphasizes human rights. But the U.S. also trains SOF with JCET deployments there. U.S. efforts to promote human rights recently have been overshadowed by questions on whether or not U.S. forces trained Rwandan units that committed atrocities during the war in Zaire. The UN charges some Rwandan units with abuses that "constitute crimes against humanity," including a massacre of civilians and refugees.

Rep. Smith questioned if the DOD had investigated whether SOF trained any of the suspected units under JCET. The Pentagon had not investigated any of the units, because it was not required to under 10 USC 2011. Defense officials are attempting to provide names and unit information to Rep. Smith.⁸⁵ The Pentagon maintains that it is not feasible to vet Rwandan units due to large numbers and high turnover of personnel.

Human rights investigators from Boston-based Physicians for Human Rights presented a report on events in the Congo to the House International Relations Committee in 1997. Rwandan forces fought in the successful rebellion against Zaire. U.S. SOF provided JCET training to some elements of the Rwandan forces. The JCET training included "respect for human rights, the laws of war and the role of the military in a democratic society" according to a DOD official cited in a *Washington Post* article.⁸⁶

⁸²M2 Presswire-16 July 1998-US DOD: DOD news briefing (C) 1994-98 M2 Communications Ltd. RDATE:140798 2:10 PM.

⁸³Farah, *Washington Post*, July 13, 1998, p. A01.

⁸⁴Todd Robberson, "US Launches Covert Program to Aid Colombia," *Dallas Morning News*, August 19, 1998, p.1.

⁸⁵Duke, *Washington Post*, July 14, 1998, p. A01.

⁸⁶Thomas W Lippman, "Rwanda Army Blamed for Acts in Congo, Rights Group Faults US Training Effort," *Washington Post*, July 16, 1997, p.A15.

JCETs continued in Rwanda during the fighting in Zaire. The JCETs focused on land-mine removal, civil affairs, and public information.⁸⁷ Most of the programs reported were conducive to observing human rights. A specific concern regards SOF training of 30 Rwandan soldiers who later deployed to Zaire. The JCET, conducted by a Fort Bragg SOF team, taught small-unit leader training, rifle marksmanship, first aid, land navigation and patrolling.⁸⁸ Some of the 30 Rwandan soldiers may have been involved in the rapes, murders, genocide, robberies, and other widespread atrocities reported by the media. It may be that the Rwandan military is observing human rights in peace, but not in war.⁸⁹ As a result, U.S. human rights training is completely eclipsed by later abuses of these units. Even so, the sheer scope and magnitude of the abuses and atrocities attributed to the Rwandan Patriotic Army suggests 30 soldiers cannot be solely responsible.⁹⁰

Revenge killings in Zaire may have continued anyway.⁹¹ Field investigator Kathi Austin (a visiting scholar at the Center for African Studies at Stanford University, and a consultant to the International Crisis Group in Brussels and other human rights organizations) stated that the U.S. is losing human rights credibility without a denunciation from the State Department or White House. According to some activists, State Department arguments that say SOF training moderates Rwandan behavior and teaches the law of war are no good without tangible results.⁹²

Other Nations. The U.S. has conducted JCETs with over 100 countries worldwide. Most of them have not been contentious; the U.S. has even used JCETs to train with formal allies. For example, SOF conducted at least one JCET with the British in Africa.⁹³ A Navy SEAL team used a JCET in Turkey to learn the local terrain, meet host counterparts, practice language skills, operate with the host unit, and experience the environment.⁹⁴ Generally, JCETs are not as important with allies as with other nations, because U.S. forces have greater access and exercise experience with allies. Access is usually not an issue with allies.⁹⁵

⁸⁷Duke, *Washington Post*, July 14, 1998, p. A01.

⁸⁸Lynne Duke, "US Military Role in Rwanda Greater Than Disclosed," *Washington Post*, Aug 16, 1997, p.A01.

⁸⁹Duke, *Washington Post*, July 14, 1998, p. A01.

⁹⁰See, for example, U.S. Department of State Rwanda Country Report on Human Rights Practices for 1997, released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

[http://www.state.gov/www/global/human_rights/1997_hrp_report/rwanda.html]

⁹¹Duke, *Washington Post*, July 14, 1998, p. A01.

⁹²Lippman, *Washington Post*, July 16, 1997, p. A15.

⁹³M2 Presswire-1 August 1997-US DOD: DOD news briefing (C) 1994-98 M2 Communications Ltd.

⁹⁴DefenseLINK News: DOD News Briefing, Tuesday July 28, 1998, Capt Mike Doubleday, USN, DASD PA

⁹⁵Source: AF/XOOS.

JCETs are reportedly being used as "ice breakers" or "first dates" with former communist countries such as Mongolia, Russia, Uzbekistan, and former Warsaw Pact nations.⁹⁶ And with nations like Laos, Cambodia, Namibia, Mozambique, Zimbabwe, that seem hostile or aloof, JCETs are used to open the door to warmer relations, train our troops, and teach relatively benign subjects such as mine removal without being exposed to risk.⁹⁷

Special operations forces have used JCETs to train in Kuwait despite that government's reportedly harsh treatment of Palestinians and other nationals suspected of cooperating with Iraq during the 1990-1991 occupation.⁹⁸ The U.S. has placed the need to train in Kuwait ahead of human rights issues, as Kuwait has a more immediate threat to its national survival from Iraq. The U.S. apparently used an almost continuous JCET as part of an exercise named "Iris Gold" to expand forces in Kuwait without drawing the attention of other nations in the region (i.e., Iran) earlier this year.⁹⁹

The Pakistan JCET program was put on hold after its nuclear weapons tests. SOF have been using JCETs in Pakistan since 1993 despite sanctions to punish the government for its nuclear program.¹⁰⁰ There has been no recent IMET with Pakistan, but there was at least one JCET since the 1993 sanctions.¹⁰¹ According to some sources, military exercises and the resumption of military ties are being used as "deliverables" if Islamabad complies with the Comprehensive Test Ban Treaty (CTBT).¹⁰² An August 1998 JCET in Pakistan was canceled after DOD was accused of side stepping sanctions.¹⁰³

Policy Conflicts

Some JCETs allowed by 10 USC 2011 appear to be at odds with U.S. foreign policy goals of strengthening democracy and advocating human rights. Some foreign units that U.S. SOF trained with JCET deployments are accused of human rights violations and undermining democracy and reforms. While special operations forces may convey professional, democratic attitudes, the message some foreign units

⁹⁶Priest, *Washington Post*, July 12, 1998, p. A01.

⁹⁷Ibid.

⁹⁸U.S. Department of State, Kuwait Report on Human Rights Practices for 1997, Bureau of Democracy, Human Rights, and Labor, January 30, 1998, p.1. [http://www.state.gov/www/global/human_rights/1997_hrp_report/kuwait.html]

⁹⁹Priest, *Washington Post*, July 12, 1998, p. A01. Exercises are listed as Iris Gold 97-1, 97-2, and 97-3 in the annual JCET summary report.

¹⁰⁰Ibid.

¹⁰¹DefenseLINK News: DOD News Briefing, Thursday, May 28, 1998.

¹⁰²Barbara Opall-Rome, "US Civil, Military Officials Spar Over Pakistan," *Defense News*, August 10-16, 1998, p.3.

¹⁰³Priest, *Washington Post*, July 12, 1998, p. A01.

understand is that they are "special friends" of the U.S. government and have a status different from their sanctioned nation and military.¹⁰⁴

When Congress cut IMET to Indonesia, not only did the JCET program continue, but foreign military sales (FMS) continued as well. Congress chose to leave this large program in place. Other policy conflicts include training alleged human rights abusers without vetting; training without a broader strategy of strengthening governments or defining roles of the military; and working more military to military ties than civilian to civilian ties. Recent legislative initiatives have attempted to resolve some of these issues.

Recent Legislative Initiatives

The Senate Armed Services and the House International Relations Committees have requested the General Accounting Office (GAO) to audit DOD's JCET program to verify that regional CINCs are complying with the intent of 10 USC 2011. The GAO report is due in Summer, 1999. A State Department message planned for release reaffirms the ambassador as the key in each country for human rights and reporting.¹⁰⁵ State Department officials say that Secretary of State Madeleine Albright will require ambassadors to ensure all host units are vetted for human rights abuses before they participate in training with the U.S. military. The ambassadors will make sure JCETs are not training units when there is credible information or evidence of gross violations. The Defense Department reportedly has voiced concern that this process could "hobble" the JCET program.¹⁰⁶

Leahy Amendment

Congress attached an amendment (the Leahy Amendment) to the Department of Defense FY1999 Appropriations Act (P.L. 105-262). Due to reports that training was provided under JCET to Colombian troops despite previous restrictions, Congress elected to prohibit any funds from being used to allow U.S. SOFs to train foreign units if the State Department has credible information that a member of the unit had committed a gross violation of human rights. An exception could be made if "corrective steps" were taken to prevent further abuses.¹⁰⁷ The amendment does not specify those steps. One interpretation is that the aid restriction means military units must be vetted of troops with adverse human rights records before those units can receive training or equipment. Another interpretation is that the perpetrators must be brought to justice. Sen Leahy said, "...our Special Forces have trained foreign troops without regard for who they are or whether they turn around and

¹⁰⁴"Training Abusive Militaries," *New York Times*, August 31, 1998, p. 18.

¹⁰⁵Source: Office of International Security and Peacekeeping Operations, Bureau of Political-Military Affairs, Department of State.

¹⁰⁶Priest, *Washington Post*, July 12, 1998, p. A01.

¹⁰⁷H.R. 4103, Section 8130, P.L. 105-262. Signed by the President 17 October 1998..

torture and shoot pro-democracy students."¹⁰⁸ DOD and State have issued instructions to bring their departments into compliance.¹⁰⁹

Security Assistance Act of 1998 (S.2463)

The Security Assistance Act of 1998 (S.2463) included a provision for no U.S. military training whatsoever if a country is ineligible for IMET, unless: there is congressional notification; the country is a NATO or major ally; the country has been designated ineligible for IMET due to the strength of its economy; the training is for an operation to save lives and property of U.S. citizens; or the training is for intelligence operations.¹¹⁰ These provisions would apply to JCET and prevent deployments in countries where Congress imposes sanctions against the military. The bill required a one-time OSD report detailing steps taken to ensure all education and training programs are conducted in accordance with the foreign policy objectives of the United States. S.2463 was not acted on by the 105th Congress, but may be addressed early on by the 106th Congress.

International Military Training and Accountability Act (H.R.3802)

Rep. Nita Lowey sponsored the International Military Training and Accountability Act (H.R.3802), a bill to ban JCET in countries barred from receiving IMET assistance.¹¹¹ "The Department of Defense has been sidestepping congressional intent by providing military training to Indonesia and other nations," Lowey wrote in a 'Dear Colleague' letter. "My legislation says very simply that if Congress prohibits a nation from participating in the IMET program, the Department of Defense must stop all military training to that country..."¹¹² Provisions in the bill would have banned military training for countries barred from receiving IMET, and strictly limited training to countries eligible to receive only expanded IMET.¹¹³ The bill remained in the House International Relations Committee at the close of the 105th Congress.

International Military Training Transparency and Accountability Act (H.R.4874)

The International Military Training Transparency and Accountability Act (H.R.4874), introduced by Rep. Smith, would prohibit military training under the Arms Export Control Act or any other Act to foreign countries that are prohibited

¹⁰⁸"Colombia - Troops Receive Training From US," Periscope Daily Defense News Capsules, May 26, 1998.

¹⁰⁹DOS message O P 100202Z Nov 98; and USD(P) Action Memo, Nov 13, 1998. See footnote 40.

¹¹⁰Senate Report 105-333, [to accompany S.2463], 105th Congress, 2d Sess., p.8.

¹¹¹Farhan Haq, "Indonesia: Killings of Students Adds Pressure on Suharto," Inter Press Service, May 14, 1998.

¹¹²"Lowey Bill Would Restrict Military Training," *Defense Week*, April 13, 1998.

¹¹³[<http://thomas.loc.gov/cgi-bin/query/z?c105:H.R.3802:>]

from receiving IMET or other military assistance.¹¹⁴ The language in this bill specifically prohibits JCETs for countries under restrictions. The wording closes any loopholes for JCETs in countries sanctioned by Congress, and it establishes guidelines for DOD. The bill was not acted on by the 105th Congress.

Further Options

Steps are being taken by DOD and the Department of State on their own initiatives. Besides the initiatives discussed above, several other options exist for realigning JCET with U.S. policy should Congress choose to do so.

One way to revise oversight is to amend public law to specify which committee gets the annual report containing JCET deployment information. DOD comptroller instructions already specify which committees OSD is to send the report to, but it is not in 10 USC 2011. The committees could hold hearings after delivery of the annual reports. Alternately, the new SASC subcommittee for emerging threats and capabilities (including WMD, SOF, and terrorism) could do the same.¹¹⁵ Another approach would be to set manpower, monetary or country thresholds that would flag when a JCET is being conducted in an area of potential embarrassment. Congress could make the State Department, through policies executed at the embassies, be responsible for approving and disapproving JCETs based on these new guidelines. Thresholds might include the size of the JCET force (which is usually small, 40 people or less), or the amount of money (again, small at \$15.2 million in FY1997). Alternately, Congress could determine a set of criteria for the *type of training* allowed for a recipient country, restricting JCETs there to non-combat skills.

Congress could review DOD instructions and guidance. DOD has already begun revising these. Under new guidelines, SecDef will approve JCETs on a monthly basis. ASD SO/LIC, DOD General Counsel, USD(P) and several other senior civilians within DOD are now part of the approval and oversight process. Embassies and CINCs will share, review, and document human rights information on foreign units trained under JCET. State receives DOD's JCET list before the JCETs are executed. In its implementation of P.L. 105-262, Section 8130, DOD must take into account human rights information provided by State and the embassies. Special Operations Commands document vetting by the State Department, the country team, or the ambassador. DOD prefers to leave human rights determinations to the Department of State; however, DOD may be able to track units and personnel it trains under JCET. However, host countries may not be forthcoming with information. DOD sees a need and value to train with full units. Human rights considerations could eliminate JCET deployments in some countries.¹¹⁶

Finally, there are inconsistencies between DOD and the State Department concerning JCET. DOD might clarify JCET definitions and standardize reporting and

¹¹⁴[[http://thomas.loc.gov/cgi-bin/query/z?c105:H.R.4874:](http://thomas.loc.gov/cgi-bin/query/z?c105:H.R.4874;)]

¹¹⁵U.S. Senate Committee on Armed Services, Press Release, January 14, 1999.

¹¹⁶Priest, *Washington Post*, July 12, 1998, p. A01.

accounting. DOD and DOS need to give clear and consistent guidance to their people in the field. Inconsistencies may embarrass the United States, as, for example, when a military official decries a lack of knowledge on the part of its ambassadors as to JCET content and type of training--training that the ambassadors or their staffs approved.¹¹⁷

Issues

SOF gets less than 2 percent of DOD's budget, yet does things no other component can. SOF deployments are projected to increase in years ahead.¹¹⁸ Special operations forces have unique missions that require special skills. Countering weapons of mass destruction (WMD) became USSOCOM's top priority mission for 1998. The mission includes "finding, securing, classifying, defusing, destroying in place or transporting" to a safe location a whole range of chemical, biological, or nuclear weapons.¹¹⁹ A major challenge SOFs face is the lack of human intelligence on some smaller nations in which they may have to operate someday.¹²⁰ SOF teams arguably need realistic training; and conventional exercises provide little help in this regard. SOF units rarely get into action in war games.¹²¹ The margin for error in recovering a WMD, conducting a counter terrorist operation, or a hostage rescue is extremely small. JCETs provide skills and information that may prove vital to the success of a future operation somewhere in the world.

Whatever actions Congress takes to correct or fine tune the JCET approval and oversight process, other issues remain. A key issue is what restraints are appropriate, and at what cost, in dealing with third world militaries when training U.S. forces to face enemies that are often more elusive and dangerous than those typically faced in the past. In problem countries in which IMET is suspended, with the possibility of needed SOF action to evacuate U.S. citizens in the future, should allowances be made for JCET? What should be the criteria? When considering the genocide in Rwanda, is *any* benefit SOF receive worth the damage to the nation's credibility? This issue is not just a JCET issue. Similar questions have been asked regarding CIA recruitment policies in Guatemala and training and attendance at the U.S. Army School of the Americas.¹²² Does the U.S. want a formally articulated policy or an ad hoc arrangement? Can the U.S. develop a broad policy, or is it forced into an ad hoc arrangement by the nature of its security interests? Do national security needs ever

¹¹⁷Farah, *Washington Post*, July 13, 1998, p. A01.

¹¹⁸Bryan Bender, "Special Operations Missions Expected to Rise," *Defense Daily*, Vol 194, p. 257, Feb 19, 1997.

¹¹⁹ Vago Muradian, "USSOCOM Modernization on Track, but Budget Remains Tight," *Defense Daily*, Vol 194, Feb 11, 97, p.216.

¹²⁰*Ibid.*

¹²¹"What About Special Ops?" *Defense Daily*, Vol 193, no 38, Nov 25, 1996, p. 311.

¹²²See Richard Grimmett and (name redacted), CRS Report for Congress, 97-726 F, "U.S. Army School of the Americas: Background and Congressional Concerns," Updated March 17, 1998.

overshadow human rights concerns? How can JCET and SOF training needs be accommodated within the broader policy framework? In some countries, do JCET missions provide important access and knowledge that cannot be obtained by other means?

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