Report No. DODIG-2019-048

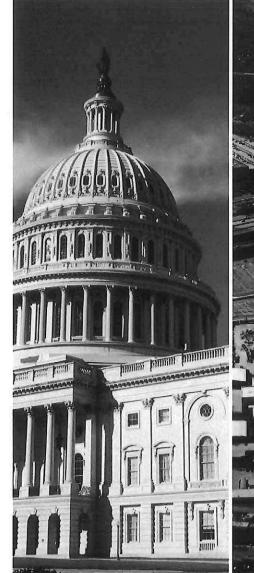


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# INSPECTOR GENERAL

U.S. Department of Defense

JANUARY 31, 2019



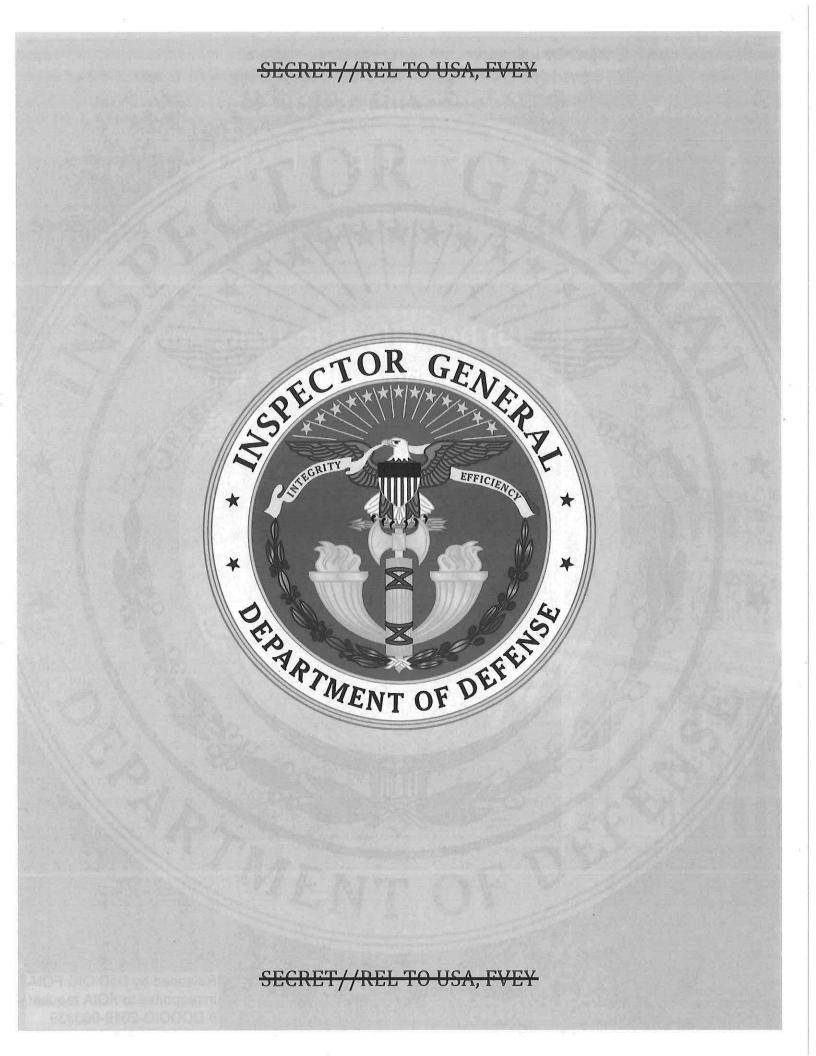
(U) DoD Efforts to Train, Advise, Assist, and Equip the Armed Forces of the Republic of the Philippines

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Released by DoD OIG FOIA in response to FOIA request # DODOIG-2019-000339





# (U) Results in Brief

(U) DoD Efforts to Train, Advise, Assist, and Equip the Armed Forces of the Republic of the Philippines

#### January 31, 2019

# (U) Objective

(U) We determined whether DoD efforts to train, advise, assist, and equip the Armed Forces of the Philippines (AFP), as articulated by DoD and USPACOM Operation Pacific Eagle-Philippines execute orders, increased the AFP's capability to counter existing violent extremist organization (VEO) threats and built sustainable AFP capabilities to disrupt, defeat, and deny safe haven to current and future VEOs in the Philippines.

# (U) Background

(U) U.S. Forces and the AFP have conducted bilateral counterterrorism (CT) operations in the Philippines since 2001. U.S. forces have advised and assisted AFP CT operations, coordinated training and exercises with the AFP, and facilitated proposals and programs for equipment to support AFP forces. In 2017, an ISIS-Philippines (ISIS-P) attack on the city of Marawi in the southern Philippines highlighted CT capability gaps in the AFP, particularly in AFP conventional units. In response, the DoD and USINDOPACOM initiated Operation Pacific Eagle-Philippines in 2017 to continue to advise and assist Philippine Security Force (PSF) CT operations and to build PSF partner capacity in critical SOF and conventional force capabilities.

# (U) Findings

(U) U.S. Forces advice and assistance helped the Armed Forces of the Philippines counter violent extremists in the city of Marawi. In 2017 the AFP, with advice and assistance from a U.S. Special Operations Task Force, fought a 5-month battle with ISIS-P forces in Marawi, returning the city to the Philippine government's control. The U.S. advise and assist forces did not participate in AFP operations or directly train the AFP. However, U.S. force advisors identified AFP critical capability gaps, and

#### Findings (cont'd)

(U) advisors identified AFP critical capability gaps, and advised and assisted AFP counterparts to help them overcome capability challenges during Marawi CT operations.

(U) We also determined that USINDOPACOM and the Joint U.S. Military Advisor Group at the U.S. Embassy in the Philippines complied with requirements to vet individuals and units for gross human rights violations. They also conducted rule of law and human rights training before providing U.S. Government assistance to the AFP.

(U) In addition, we determined that U.S. Forces did not provide CT training to the conventional forces of the Armed Forces of the Philippines, as directed in the USINDOPACOM Operation Pacific Eagle-Philippines Execute Order, October 5, 2017. The USINDOPACOM components lacked resources to train AFP conventional forces on capabilities specified in the USINDOPACOM execute order. In addition, the USINDOPACOM components did not develop project proposals to provide training and equipping to AFP conventional forces using 10 U.S.C. §333 [2017] "Foreign Security Forces, Authority to Build Capacity" funding authority.

# (U) Recommendations

(U) We recommend that the Commander of USINDOPACOM, in coordination with AFP leadership:

- (U) determine the priorities and resources required to develop CT capacity of AFP conventional forces,
- (U) determine training responsibilities within USINDOPACOM for developing programs to build the capacity of AFP conventional forces, and
- (U) consider developing proposals for 10 U.S.C § 333 authority to build the capacity of AFP conventional forces to support CT operations.

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# **Results in Brief**

(U) DoD Efforts to Train, Advise, Assist, and Equip the Armed Forces of the Republic of the Philippines

# (U) Management Comments and Our Response

(U) The USINDOPACOM Chief of Staff, on behalf of the USINDOPACOM Commander, acknowledged the report's recommendations and provided comments. Although the USINDOPACOM Chief of Staff neither agreed nor disagreed with our recommendations, he stated that U.S. Forces would continue to provide CT training to AFP conventional forces. He stated that USINDOPACOM conducted multiple subject matter expert exchanges and exercises intended to enhance the interoperability of AFP capabilities in the six critical training tasks directed in the USINDOPACOM OPE-P EXORD. USINDOPACOM planned to use the **U.S.-Philippine Mutual Defense Board-Security** Engagement Board (MDB-SEB) process to address long-term training plans with the AFP. He also stated that USINDOPACOM would continue to use the Country Security Cooperation Plan (CSCP) to inform planning efforts for AFP BPC and pursuit of required resources, to include 10 U.S.C. § 333 funds and other Title 10 and Title 22 funds.

(U) The recommendations in this report are resolved, but remain open. To close these recommendations, we request that the USINDOPACOM Commander provide:

• (U) USINDOPACOM's plan or proposal to develop the capacity of WESTMINCOM conventional forces on the six critical capabilities directed in the USINDOPACOM OPE-P EXORD, including details of CT training coordinated through the MDB-SEB process in 2019. (U) An update on responsibilities assigned to USINDOPACOM subordinate commands, as part of the plan to develop the capacity of WESTMINCOM conventional forces on the six critical capabilities directed in the USINDOPACOM OPE-P EXORD.

 (U) An update on USINDOPACOM plans to develop 10 U.S.C. § 333 projects to build the capacity of Armed Forces of the Philippines conventional forces to support counterterrorism operations.

(U) Please see the Recommendations Table on the next page for the status of the recommendations.

#### SECRET//REL TO USA, FVEY

DODIG-2019-048 (Project No. D2018-D00SPO-0139.000) ii

### **Recommendations Table**

NOTE: The following categories are used to describe agency management's comments to individual recommendations:

- **Unresolved** Management has not agreed to implement the recommendation or has not proposed actions that will address the recommendation.
- **Resolved** Management agreed to implement the recommendation or has proposed actions that will address the underlying finding that generated the recommendation.
- **Closed** OIG verified that the agreed upon corrective actions were implemented.



INSPECTOR GENERAL DEPARTMENT OF DEFENSE 4800 MARK CENTER DRIVE ALEXANDRIA, VIRGINIA 22350-1500

January 31, 2019

#### (U) MEMORANDUM FOR COMMANDER, U.S. INDO-PACIFIC COMMAND

(U) SUBJECT: DoD Efforts to Train, Advise, Assist, and Equip the Armed Forces of the Republic of the Philippines (Project No. D2018-D00SPO-0139.000)

(U) We are providing this report for information and action, as appropriate. We conducted this evaluation from April to September 2018 in accordance with the "Quality Standards for Inspections and Evaluations," published in January 2012 by the Council of the Inspectors General on Integrity and Efficiency.

(U) We considered management comments to a draft of this report while preparing the final report. DoD Directive 7650.03 requires that recommendations be resolved promptly. The Commander, U.S. Indo-Pacific Command, has initiated or proposed actions that will address the underlying findings that generated Recommendations C.1, C.2, and C.3. Therefore, the recommendations are resolved, but they remain open. We will request an update on these recommendations after six months.

(U) We appreciate the cooperation and assistance extended to our staff during the evaluation. Please direct questions to  $\frac{D \circ D \circ IG^{-}(b) (G)}{D \circ D \circ IG^{-}(b) (G)}$  at  $\frac{D \circ D \circ IG^{-}(b) (G)}{D \circ D \circ IG^{-}(b) (G)}$ 

Kenneth P. Moorefield Deputy Inspector General Special Plans and Operations

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# (U) Introduction

## (U) Objective

(U) Our objective was to determine whether DoD efforts to train, advise, assist, and equip the Armed Forces of the Philippines (AFP), as articulated by DoD and USPACOM Operation Pacific Eagle-Philippines (OPE-P) execute orders (EXORDs), increased the AFP's capability to counter existing violent extremist organization (VEO) threats and built sustainable AFP capabilities to disrupt, defeat, and deny safe haven to current and future VEOs in the Philippines.

## (U) Background

### (U) Counterterrorism in the Philippines

#### (U) Operation Enduring Freedom-Philippines

(U) In the early 1990s, terrorist incidents in the Philippines associated with the Abu Sayyaf Group (ASG) began to increase. Hostage-taking and bombings in the Philippines became more commonplace. In response to the rise in terrorist activities, U.S. forces negotiated a bilateral counterterrorism (CT) response with the Philippine government before Al Qaeda's attacks on the United States on September 11, 2001. From 2002 until 2015, in support of Operation Enduring Freedom-Philippines (OEF-P), the United States deployed a Joint Task Force, then a Special Operations Task Force (SOTF), to train, advise, assist, and equip the Philippine Security Forces (PSF) against those threat groups.<sup>1</sup>

(U) A 2016 DoD evaluation of the role of U.S. Special Operations Forces (SOF) in OEF-P determined that advising and assisting Philippine CT operations, and training and equipping to build the capabilities of the Philippine conventional and special operations forces, reduced the transnational threat in the Philippines between 2002 and 2015.<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> (U) The Philippine Security Forces include the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP).

<sup>&</sup>lt;sup>2</sup> (U) "U.S. Special Operations Forces In the Philippines, 2001-2014," RAND, 2016, sponsored by the Office of the Assistant Secretary of Defense for Special Operations/Low Intensity Conflict.

#### (U) Operation Pacific Eagle-Philippines

(U) U.S. SOF presence in the Philippines continued at a reduced level after Operation Enduring Freedom Philippines because terrorism in the Philippines subsided in 2015 and 2016.<sup>3</sup> However, increased financial backing from the Islamic State in Iraq and Syria (ISIS) expanded VEO presence in the Philippines again in late 2016. For example, an ISIS-Philippines (ISIS-P) force attacked Mindanao, an island in the southern Philippines, in May 2017, and occupied the city of Marawi in western Mindanao from May until October 2017.

(U) The Chairman of the Joint Chiefs of Staff and USINDOPACOM initiated OPE-P execute orders (EXORDs) in September and October 2017 respectively, to build and sustain the AFP's capability to isolate, degrade, and defeat ISIS-P and other priority VEOs, defend the U.S. homeland, counter violent extremism, and deny VEOs safe haven in the Philippines.

#### (U) CJCS and USINDOPACOM OPE-P EXORDs

(S//REL TO USA, FVEY) Chairman of the Joint Chiefs of Staff-Philippines CT EXORD, MOD 1, September 5, 2017, directed the Commander of USINDOPACOM to:

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Introduction



## (U) Philippine CT Responsibilities

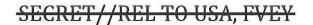
(U) USINDOPACOM, Special Operations Command Pacific (SOCPAC), the Joint U.S. Military Advisor Group (JUSMAG), and the AFP shared responsibilities for execution of OPE-P EXORD LOEs.

#### (U) USINDOPACOM and SOCPAC

(S//REL TO USA, FVEY) Commander, USINDOPACOM, the senior U.S. military authority in the Indo-Pacific Command, was the supported combatant commander for OPE-P.

(S//REL TO USA, FVEY) The four USINDOPACOM component commands–U.S. Army Pacific (USARPAC), U.S. Marine Corps Forces, Pacific (MARFORPAC), U.S. Pacific Air Forces (PACAF), and U.S. Pacific Fleet (PACFLT)–

<sup>&</sup>lt;sup>5</sup> (U) According to the DoD Dictionary, June 2018, a subordinate unified command is a command with assigned components of two or more military departments, established by the commander of a unified combatant command. Operational control is the authority to perform functions of command over subordinate forces involving organizing and employing commands and forces, assigning tasks, designating objectives, and giving direction necessary to accomplish the mission.



<sup>&</sup>lt;sup>4</sup> (U) According to the Defense Security Cooperation Agency Electronic Security Assistance Management Manual (eSAMM) Glossary, Build Partner Capacity programs encompass security cooperation and security assistance activities funded with U.S. government appropriations, providing defense articles and/or service to build the capacity of partner nation security forces and enhance their capability to conduct CT operations and other programs."

#### (U) Joint U.S. Military Advisor Group

(U) The 1947 United States-Philippines Military Assistance Agreement created JUSMAG for the purpose of providing defense equipment and training assistance from the U.S. Government. JUSMAG's mission was to build the AFP's capabilities and to strengthen interoperability both within the AFP and with the U.S. military, to help the Philippine government effectively contribute to international contingencies and regional stability. For example, JUSMAG reported in its Country Security Cooperation Plan in 2018 that it supported approximately 250 bilateral exercises, activities, and events annually, including Balikatan, and was responsible for ensuring that all U.S.-Philippine bilateral activities reinforced respect for human rights.

(S//REL TO USA, FVEY) USINDOPACOM'S OPE-P EXORD tasked 14(0), 14(0), 14(0)

#### (U) Armed Forces Philippines

(U) The AFP consists of the Philippine Army, the Philippine Air Force, and the Philippine Navy, which included the Philippine Marine Corps. The AFP was divided into seven multi-service, unified commands, by region, with two unified commands in the southern Philippines region–Western Mindanao Command (WESTMINCOM) and Eastern Mindanao Command (EASTMINCOM). WESTMINCOM's area of operations encompassed the city of Marawi.

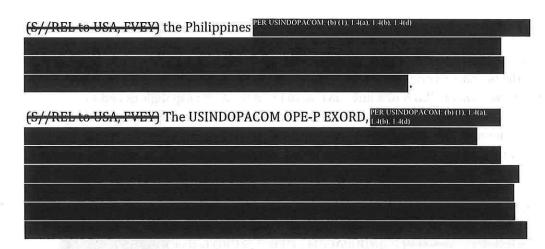
(U) According to the Commander of the Marine Special Operations Company (MSOC B) in his Philippines Post-Deployment Brief, SOTF 511.2's mission statement in November 2016 was to conduct CT advise/assist operations with Western Mindanao Command and associated Joint Task Force (JTF) organizations in order to counter ISIL expansion in the Philippines, prevent the establishment of ISIL branches and/or ISIL provinces, and continue to build and sustain AFP capabilities to disrupt designated extremist operations and deny them safe haven in the Philippines. WESTMINCOM deployed its Joint Task Forces (JTFs), advised by U.S. Marine Corps Special Operations Teams, to engage terrorists throughout western Mindanao.<sup>6</sup>

#### (U) Train, Advise, Assist, and Equip

(S//REL to USA, FVEY) Since the termination of OEF-P in February 2015, USINDOPACOM and the AFP have continued to conduct bilateral train, advise, assist, and equip activities to enable CT in the Philippines. U.S. CT forces deployed advisors to

<sup>&</sup>lt;sup>6</sup> (U) WESTMINCOM's JTFs were brigade-level subordinate units.

Introduction



#### (U) Advise and Assist

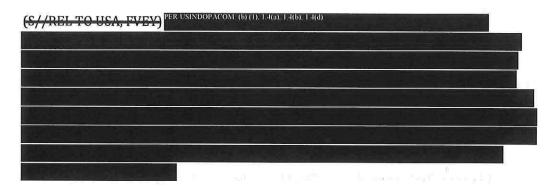
(S//REL to USA, FVEY) After OEF-P ended in 2015, PER USINDOPACOM (b) (1). 1-4(a). 1-4(b). 1-3(d)

#### (U) Train

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(U) The EXORD Funding paragraph also identified 10 U.S.C. §333 as a source of funding to conduct training and provide equipment to the Philippine Security Forces to conduct CT-related operations. 10 U.S.C. §333, "Foreign Security Forces, Authority to Build Capacity" was a new security cooperation program codified into permanent U.S. law under the FY 2017 National Defense Authorization Act. The program enables the

(U) Secretary of Defense to provide equipment, services, and training to foreign country national security forces to support CT and other designated operations. 10 U.S.C. § 333 addresses authorization for BPC, including DoD and State Department coordination, GVHR requirements, and congressional notification and approval of § 333 programs.

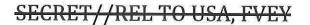


#### (U) Equip

(U) As of June 11, 2018, a JUSMAG equipment summary for FY 2016 through FY 2018 contained 46 Foreign Military Sales and BPC equipment programs in support of the Philippine government's security LOE number one: "Sustaining and Enhancing Capabilities of the AFP to Counter Transnational Threats" and security LOE number two: "Develop and Enhance Sustainable Maritime Security and Maritime Domain Awareness in Support of Territorial Defense." JUSMAG equipment funding data figures in support of this CT LOE, from FY 2016 through June 11, 2018, showed equipment expenditures totaling nearly \$275 million:

- (U) \$100 million approved and \$62 million pending approval for AFP Land Forces,
- (U) \$39.5 million approved for AFP Maritime Forces, and
- (U) \$73 million approved for AFP Air Forces.

<sup>&</sup>lt;sup>7</sup> (U) While not a doctrinal reference, the U.S. Army Judge Advocate General's School "2017 Fiscal Law Deskbook," Chapter 10, "Operational Funding" explains that absent express congressional authority, the Secretary of Defense may only obligate defense funding when it benefits U.S. military forces. DoD may conduct foreign assistance under the following two exceptions: (1) conducting training or instruction for the primary purpose of promoting interoperability, safety, and/or familiarization with U.S. military forces, and (2) specific appropriation or authorization from Congress to conduct the assistance. Evaluation factors to decide whether training rises to the level of formal training normally provided by security assistance projects, for which legislation and appropriations should be established, include cumulative financial costs, training duration, size of the foreign military training force, and training proficiency outcome.



(U) Of these 46 programs and proposals, as of October 2018, JUSMAG recorded 9 approved § 2282 and § 333 cases totaling \$121.1 million, including:

- (U) five security assistance-level equipping projects approved with § 2282 funds for FY 2017 totaling \$68.9 million, and
- (U) four projects approved with 10 U.S.C. § 333 funds for FY 2018, totaling \$52.2 million.<sup>8</sup>

(U) Of the nine approved projects, three potentially related to conventional CT capability gaps identified in the USINDOPACOM OPE-P EXORD:

- (U) C-IED Enhancements-Phase I: Enhance C-IED detection, protection, exploitation, and combat response capabilities of AFP EOD units (Army, Air Force, Marine Corps EOD).
- (U) Joint Precision Strike and Targeting–Phase 1: Development of Rotary Wing night, organic, precision targeting capability to support CT operations.
- (U) Joint Precision Strike and Targeting–Phase 2: Air-Ground Integration and Joint Forward Observer training for special forces and conventional forces. Organic ISR and J2 staff capable of providing actionable intelligence.

(U) Additionally, all three proposals included either equipping, maintenance training, or both.

<sup>8</sup> (U) 10 U.S.C. § 2282: Authority To Build The Capacity Of Foreign Security Forces, repealed by National Defense Authorization Act for Fiscal Year 2017, P.L. 114-328, 23 December 2016, and replaced by 10 U.S.C. § 333.

(1), 1.4(a), 1.4(b)

# **Finding A**

# (U) U.S. Forces Advice and Assistance Helped the Armed Forces of the Philippines Counter Violent Extremists in the City of Marawi

(U) USINDOPACOM supported the AFP Special Operations Forces and Joint Task Force headquarters with advice and assistance.

(U) This advice and assistance helped the AFP to overcome capability challenges and counter violent extremist organizations during Marawi CT operations in 2017, which resulted in the return of Marawi to Philippine government control.

## (U) Discussion

(S//REL TO USA, FVEY) According to the USINDOPACOM OPE-P EXORD, USINDOPACOM (

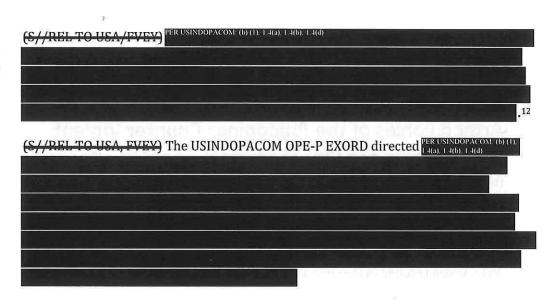
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9 (U) "Jihad" is a religious duty imposed on Muslims to spread Islam by waging war-Britannica.com.

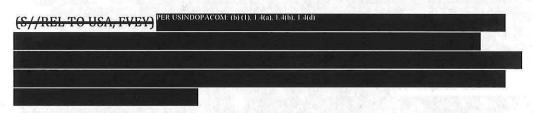
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<sup>&</sup>lt;sup>11</sup> (U) Tactical control is defined as authority over forces that is limited to the detailed direction and control of movements or maneuvers within the operational area necessary to accomplish missions or assigned tasks–DoD Dictionary of Military and Associated Terms, June 2018.

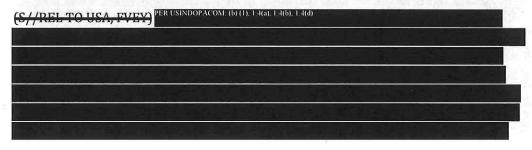




(U) On May 23, 2017, ISIS-P forces attacked and partially seized the city of Marawi in Mindanao. The PSF, with advice and assistance from MSOC teams, fought ISIS-P in the battle for Marawi. An intelligence brief from MSOC advisors described the city as a well-established defensive position for terrorists, with reinforced concrete structures, bunkers, and tunnel systems from a history of clan fighting.



## (U) Advise, Assist, and Equip Support to the AFP in Marawi

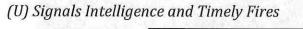


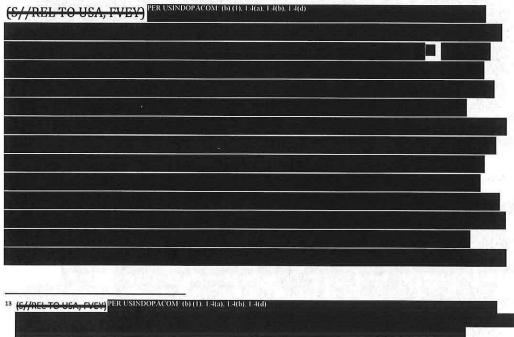
<sup>12</sup> (U) Synchronization of operations and intelligence through the targeting cycle is known as F3EAD: find, fix, finish the enemy target; exploit or collect information, equipment, and media from the target area; analyze it; and disseminate the information to the force. Army Techniques Publication (ATP) 3-60, May 2015, p. B-1.

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# (U) Provision of Timely Communications, Intelligence, and Fires





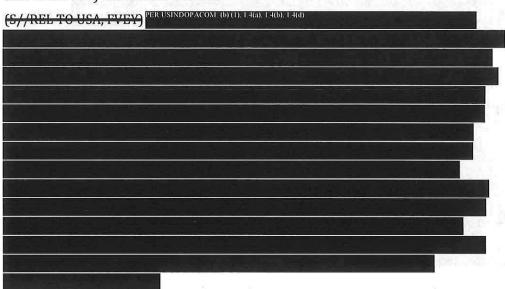
<sup>14</sup> (U) Signals Intelligence is derived from electronic signals and systems used by foreign targets, such as communications, radar, and weapons systems.

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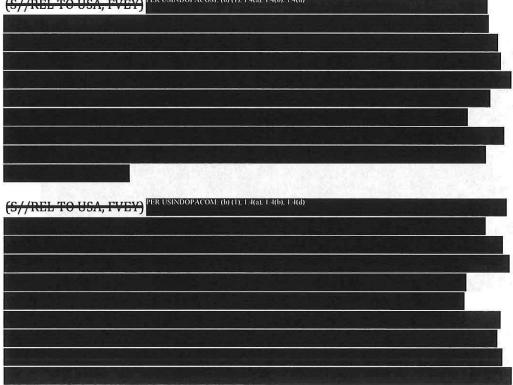
Findings

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(U) Intelligence, Surveillance, and Reconnaissance Platforms and Command and Control of Maneuver Forces



(U) Accurate and Timely Delivery of Fires Using an Artillery Correction Tool (S//REL TO USA, FVEY) PER USINDOPACOM. (D) (D) 14(0) 14(0) 14(0)



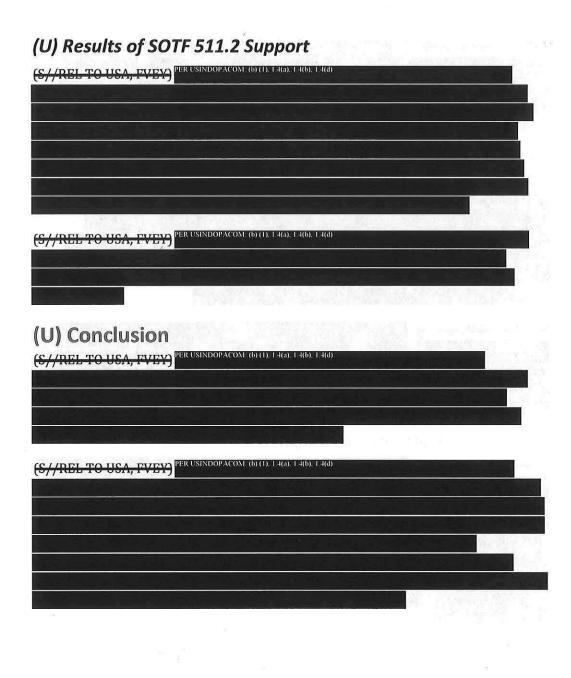
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(U) Air Assets Integration
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(U) Improvised Explosive Device Analysis
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#### Findings

Findings



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# **Finding B**

# (U) JUSMAG Complied With Gross Violations of Human Rights Requirements

(U) In accordance with 10 U.S.C. § 362 [2017], JUSMAG, in coordination with USINDOPACOM, the U.S. Embassy Manila, and the U.S. State Department (DoS), vetted members and units of the AFP for Gross Violation of Human Rights (GVHR) prior to providing the members and units assistance and training from the DoD.

(U) JUSMAG, in coordination with the U.S. Embassy in the Philippines, established GVHR processes and procedures to help ensure that the required human rights vetting and training for members of the AFP were followed.

(U) U.S. forces only engaged with members of the AFP who had been vetted and found to not have a history of GVHR.

## (U) Discussion

(U) The DoD OIG team evaluated JUSMAG procedures for vetting AFP individuals and units for human rights violations. The term "Leahy Law" refers to statutory provisions prohibiting the U.S. Government from using funds to help individuals or units of foreign security forces that have committed a gross violation of human rights (GVHR).<sup>15</sup> Since its enactment in 1999, the DoD Leahy Law has provided that no funds made available to the DoD "may be used for any training, equipment, or other assistance for a unit of a foreign security force if the Secretary of Defense has credible information that the unit has committed a gross violation of human rights."<sup>16</sup>

(U) According to 22 U.S.C. § 2304 [2012], "Human Rights and Security Assistance," "Except under specified circumstances, no security assistance may be provided to any country whose government engages in a consistent pattern of gross violations of

<sup>&</sup>lt;sup>16</sup> (U) Codified in 10 U.S.C. § 362 [2017], "Prohibition on Use of Funds for Assistance to Units of Foreign Security Forces that have Committed a Gross Violation of Human Rights."



<sup>&</sup>lt;sup>15</sup> (U) The Foreign Assistance Act 1961, PL. 87-195, § 116, as amended through PL 115-141, defines gross violation of human rights as torture or cruel, inhuman, or degrading treatment or punishment; prolonged detention without charges and trial; causing the disappearance of persons by the abduction and clandestine detention of those persons; and other flagrant denial of the right to life, liberty, or the security of a person.

(U) internationally recognized human rights."<sup>17</sup> Additionally, the National Defense Authorization Act for FY 2015 authorized the DoD to conduct training to promote respect for the rule of law and human rights.

(U) 10 U.S.C. § 333, "Foreign Security Forces: Authority to Build Capacity," prohibits assistance to units that have committed gross violations of human rights. Further, this Section requires the Secretary of Defense to "certify, prior to the initiation of a 10 U.S.C. § 333 program, that the DoD or the DoS is already undertaking, or will undertake as part of the security assistance provided to the foreign country concerned, training that includes a comprehensive curriculum on the law of armed conflict, human rights and fundamental freedoms, and the rule of law."

#### (U) AFP GVHR Vetting for 2017-2018

(U) In accordance with 10 U.S.C. § 362 [2017], JUSMAG, coordinating with USINDOPACOM, the U.S. Embassy Manila, and the DoS vetted members and units of the AFP for Gross Violation of Human Rights (GVHR) prior to providing the members and units assistance and training from the DoD.

(U) In cases where an entire unit would receive assistance, the DoS vets the unit and the unit's commander. When an individual member of a foreign security force is nominated for U.S. assistance, the DoS vets that individual, as well as his or her unit. Vetting begins at the U.S. Embassy in the home country of the individual or unit. The DoS evaluates and assesses available information about the human rights records of the unit and the individual from open source and classified government records.<sup>18</sup>

(U) The U.S. Embassy-Manila and JUSMAG coordinate vetting of Philippine Security Forces before the DoD, in coordination with the DoS, approves the use of U.S. funds for security force assistance. In accordance with 10 U.S.C. § 362, foreign security force assistance includes equipping and training. According to the Leahy Vetting Coordinator at the U.S. Embassy-Manila, U.S. Embassy officials vetted 1,705 AFP individuals and 15 AFP units in 2017. In 2018, as of June 19, JUSMAG had vetted 1,010 AFP individuals and 26 AFP units.

<sup>&</sup>lt;sup>17</sup> (U) Security assistance is a group of programs, authorized under Title 22 authorities, by which the United States provides defense articles, military education and training, and other defense-related service in furtherance of national policies and objectives. All security assistance programs are subject to the continuous supervision and general direction of the Secretary of State, but programs are variously administered either by DoD or DoS.

<sup>18 (</sup>U) 10 U.S.C. § 362 [2017] requires unit vetting, while 22 U.S.C § 2378(d) [2016] requires unit and individual vetting.

(U) Senior DoD and DoS officials reported that the AFP had no significant human rights concerns, and expressed confidence with GVHR vetting in the AFP.<sup>19</sup> As an example, the SOCPAC Commander said that he viewed his command's diligence with GVHR and vetting in accordance with proper Leahy procedures as a "great success story." The U.S Embassy Political Counselor, whose office included staff who focused on GVHR issues, believed that POD OLG (16)(5)

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stated that the U.S. Embassy to the Philippines conducts the third largest Leahy vetting effort in the world.

(U) Although key leaders told us that they had no significant concerns with the vetting process for AFP Forces, Ded OIG (b) (5)

According to a senior member of the U.S. Embassy staff, a country director at OSD (P), and AFP advisors, DED OIG (b) (S)

## (U) U.S. Embassy Manila Vetting and Training Procedures for AFP

#### (U) U.S. Embassy-Manila Vetting Process

(U) JUSMAG, in coordination with the U.S. Embassy in the Philippines, established GVHR standard operating procedures to ensure required human rights vetting and training for members of the AFP were followed. The DoS requires embassies to have written procedures in place to implement the Leahy amendments.<sup>22</sup> The U.S. Embassy in Manila developed the "Manila Leahy Vetting Standard Operating Procedure" to describe and conduct its Leahy vetting procedures. The procedures delineate the authority, responsibilities, and requirements at U.S. Embassy Manila for Foreign Assistance Vetting of security forces candidates who will receive training or assistance supported by U.S. foreign assistance. The procedure also defines the responsibilities among offices and agencies that submit vetting requests.

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<sup>21</sup> (U) According to a SOCPAC official, DoD OIG (b) (5)

<sup>22</sup> (U) "2017 Leahy Vetting Guide, A Guide to Implementation and Best Practices," DoS, p. 16, para 2

<sup>&</sup>lt;sup>19</sup> (U) Officials included the current and former Philippines Country Directors at the Office of the Under Secretary of Defense for Policy, the SOCPAC Commander, advisors associated with MARSOC advise and assist operations in the Philippines, and the DoS Political Counselor at the U.S. Embassy in Manila.

<sup>&</sup>lt;sup>20</sup> (U) From January to August 2017, the Philippine Commission on Human Rights (CHR) investigated 139 new complaints of alleged extrajudicial or politically motivated killings involving 174 victims. The CHR suspected PNP or Philippine Drug Enforcement Agency involvement in 112 of these new complaints, and AFP or paramilitary personnel involvement in one case. The CHR attributed many of the remaining cases to insurgent/terrorist forces. – DoS Country Reports on Human Rights Practices for 2017, p.3.

(U) The Embassy's Political Section manages this standard operating procedure. JUSMAG, the U.S. Embassy Manila, and DoS use the International Vetting and Security Tracking, or INVEST, system to manage the Leahy vetting process at the U.S. Embassy and in Washington D.C. INVEST is the official system for processing–checking, confirming, and maintaining–Leahy vetting records for training. The system enables vetting nationally and regionally by the U.S. Embassy, and vetting through broader and higher level DoS sources.

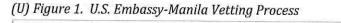
(U) The DoS-required vetting process, explained in the Manila Standard Operating Procedure, includes U.S. Embassy, Manila vetting and DoS Headquarters vetting in Washington. As shown in Figure 1, using the U.S. Embassy in Manila as an example, the Manila Embassy process includes name searches within Philippine and regional law enforcement offices, such as the Philippine National Bureau of Investigation, the Philippines Commission on Human Rights, and the DoS Regional Security Office. It also includes an internet name searches of AFP personnel and unit information. Normally, analysts at DoS in Washington, D.C. conduct an additional review using DoS records and sources.

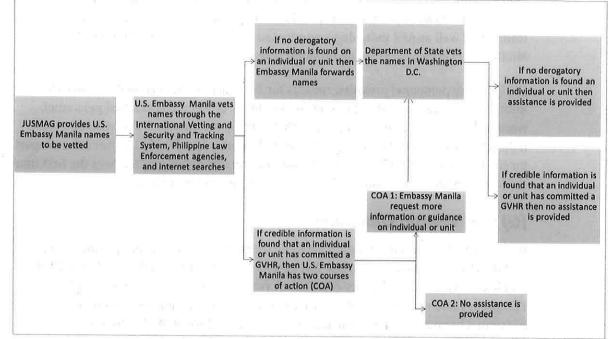
(U) If one or more members of a unit, including the commander, are credibly implicated in a GVHR committed while in the unit, the unit and its members are suspended from applicable assistance until the Philippine government remediates the situation.<sup>23</sup>

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<sup>&</sup>lt;sup>23</sup> (U) According to "Improving Implementation of the Department of Defense Leahy Law," RAND, 2017, remediation is the process in which U.S. officials work with partner nations to help them take corrective action to address human rights violations. According to the Philippine Embassy SOP, DoS and DoD may resume assistance to a unit because the Philippine government has taken appropriate accountability measures, or because the unit has fundamentally changed since the GVHR.

Findings





(U) Source: U.S. Embassy, Philippines Vetting Coordinator.

#### (U) Defense Institute of International Legal Studies Training

(U) The vetting coordinator at the U.S. Embassy, Philippines stated that JUSMAG actively participates in unit leader training provided by the Defense Institute of International Legal Studies (DIILS). DIILS is the lead DoD security cooperation resource for global legal engagement and capacity-building with international defense sector officials. DIILS mobile training teams conduct security forces' human rights training required by 10 U.S.C § 333. DIILS training educates military, police, and civilian security force personnel on key human rights issues, including:

- international human rights law;
- respect for civilian authority;
- torture or other cruel, inhuman and degrading treatment;
- human rights law against gender violence;
- rules for use of force / rules of engagement; and
- the law of armed conflict and terrorism.

Findings

(U) The goal of these 2-day seminars is to promote observance and respect for human rights and fundamental freedoms, lawful civilian authority, and international humanitarian law standards. Leaders of AFP units receiving 10 U.S.C. §333 BPC training, as well as AFP individuals nominated to participate in the Individual Military Education and Training Program, attend the training.<sup>24</sup>

(U) Embassy personnel provided records for February 2018, documenting that 150 AFP military personnel, consisting of unit commanders, officers, and enlisted personnel, were trained during four DIILS sessions held during the month.<sup>25</sup> The seminars were held at troop locations throughout Luzon, Philippines. In their DILLS after action report for the February 2018 Philippines sessions, instructors noted that this was the first time that many of the participants had received training on these topics.

### (U) AFP Vetting Outcomes

(U) As a result of the coordination between JUSMAG, the U.S. Embassy, Philippines, and the U.S. State Department, U.S. forces only engaged with members of the AFP who had been vetted for any history of GVHR. A vetting coordinator at the U.S. Embassy, Philippines told us that the DoS approves most AFP cases, but rejects some AFP personnel because of incomplete paperwork or the failure of the Philippine investigation and law enforcement agencies to clear personnel in a timely manner. A JUSMAG senior military officer stated that

However, he added that he knew of no cases where a known or potential human rights violator with a credible allegation received DoD-sponsored assistance.

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<sup>&</sup>lt;sup>24</sup> (U) From January to August 2017, AFP units conducted a total of 55 human rights-related training events.- DoS Country Reports on Human Rights Practices for 2017, p, 10.

<sup>&</sup>lt;sup>25</sup> (U) AFP units participating in the training included the AFP Joint Special Operations Group, 300th Philippine Air Force, the Philippine Navy, the Philippine Marine Special Operations Group, the Inshore Boat Battalion, the Northern Luzon Command, the Air Force 710th Special Operations Wing, the AFP Special Operations Command, and the AFP Special Operations Command Light Reaction Regiment.

(U) U.S. Embassy vetting approvals and non-approvals in 2017-2018 were as follows:

(U) Table 1. U.S. Embassy, Philippines Vetting Numbers

Vetting numbers from U.S. Embassy / JUSMAG	2017	2018
Number of approved individuals (individual vetting)	1662	1006
Number of approved units (unit vetting)	12	26
Number of suspended units	3	0
Total number of non-approved individuals:	43	4
– Due to unit affiliation	29	4
<ul> <li>Due to individual disqualification</li> </ul>	. 14	0
Total number of vetted individuals	1705	1010
Total number of vetted units	15	26

(U) Source: U.S. Embassy, Philippines, as of June 2018.

(U) According to the 2017 Leahy Vetting Guide and a 2017 RAND report on DoD's implementation of the Leahy Law, vetted applicants may be approved, rejected, or suspended pending further resolution or deliberation, or cancelled for administrative reasons. As an example of the vetting process and possible outcomes, U.S. Embassy Manila records show that, during the course of vetting AFP individuals and units from May to July 2017, the DoS Bureau of Democracy, Human Rights, and Labor (Cases 1 and 2 below) and the Philippine Commission on Human Rights (Case 3) found derogatory information on AFP units and individuals, resulting in responsive approval and disapproval actions, as necessary.

(U) U.S. Embassy input comes not only from INVEST and embassy internal files, but also from national sources such as human rights organizations, host-government officials, and media contacts. The 2017 RAND report on DoD implementation of Leahy Laws, sponsored by the Deputy Assistant Secretary of Defense for Stability and Humanitarian Affairs, stated that embassies must sometimes deal with questionable local vetting information. This can be due to errors in basic information, such as name and date of birth, partner nation failure to fully understand vetting standards due to lack of detailed guidance, or difficulty with obtaining data due to partner sensitivity to training cancellations resulting from human rights violations.<sup>26</sup> Two of the three cases discussed below show that, in this dual-level system, some derogatory information did not surface at the Manila Embassy, but surfaced later at DoS.

<sup>&</sup>lt;sup>26</sup> (U) "Improving Implementation of the Department of Defense Leahy Law," RAND, pp 14-15/101.



#### (U) AFP GVHR Vetting Cases

#### (U) Case 1

(U) The U.S. Embassy Manila vetted 10 individuals to attend a United Nations Military Observer Course. The U.S. Embassy Manila vetting process using local and regional Philippine sources found no derogatory information on the 10 individuals. However, once the case was sent for vetting at the DoS level, the DoS Bureau of Democracy, Human Rights, and Labor found evidence in its records on two individuals who were members or former members of units with derogatory information, and disapproved training for the two, while clearing the remaining eight individuals.

(U) The case took 19 days to complete.

#### (U) Case 2

(U) In a second case, using a name-check request to Philippine agencies and sources, the U.S. Embassy Manila found no derogatory information on 16 individuals scheduled to attend a U.S. Naval Criminal Investigative Service (NCIS) course. In its search of its databases and sources, DoS Bureau of Democracy, Human Rights, and Labor found derogatory information on the individuals' unit from a 2008 investigation, nine years earlier. Concurrently, the U.S. NCIS found Ombudsman Resolution Records clearing the unit. However, the Embassy in Manila recommended that

#### (U) Case 3

(U) In this example, the U.S. Embassy found derogatory information on 2 of 18 individuals reported by the Philippine Commission on Human Rights. JUSMAG then sent the Philippine commission's information on all of these 18 individuals to the DoS Bureau of Democracy, Human Rights, and Labor. The Bureau returned the results of its vetting, concurring with the information sent by the U.S. Embassy in Manila. The case took 33 days to complete.

# (U) Conclusion

(U) JUSMAG submitted names of AFP individuals and units for GVHR vetting. JUSMAG and the U.S. Embassy worked closely with the DoS through the DoS vetting process and the INVEST system. Vetting was done in accordance with DoD Leahy Laws and with duties and procedures described in the Embassy's "Manila Leahy Vetting Standard Operating Procedure," which provided detailed guidance on vetting Philippine Security Forces units and individuals for the DoD provision of training and equipment. A JUSMAG senior military officer stated that he knew of no cases where a known or suspected human rights violator with a credible allegation received DoDsponsored assistance.

# **Finding C**

# (S//REL TO USA, FVEY) U.S. Forces Did Not Provide CT Training to the Conventional Forces of the Armed Forces of the Philippines

(S//REL TO USA, FVEY) USINDOPACOM and components did not provide specific training to develop the capability of the AFP conventional forces to support CT operations, in accordance with the USINDOPACOM OPE-P EXORD.

(U) This occurred because:

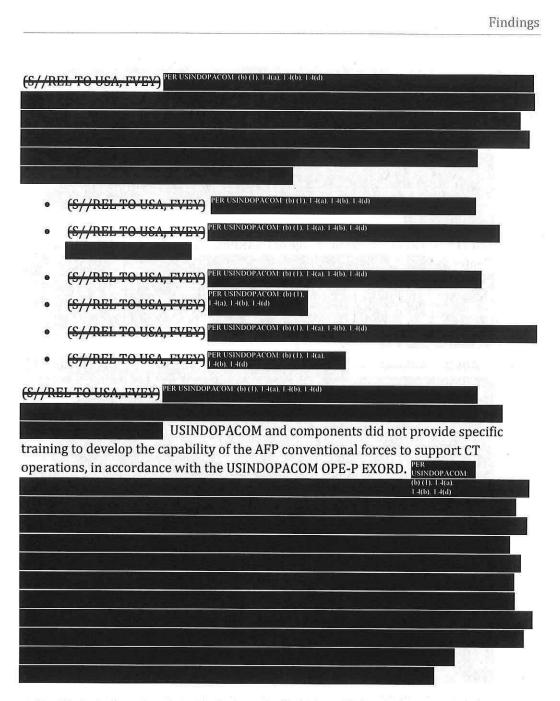
- (S//REL TO USA, FVEY) PER USINDOPACOME (b) (1) 14(b) 14(b) 14(b) 14(c)
   USINDOPACOM components lacked resources for training the AFP on capabilities specified in the USINDOPACOM OPE-P EXORD,
- (S//REL TO USA, FVEY) USINDOPACOM and its components
   PER USINDOPACOM: (b) (1), 1-4(a), 1-4(b), 1-4(d)
- (S//REL TO USA, FVEY) USINDOPACOM components (1). 1-1(a). 1-3(b). 1-3(d)

(S//REL TO USA, FVEY) As a result, USINDOPACOM PER USINDOPACOM (b) (1). 1-4(

## (U) Discussion

(S//REL TO USA, FVEY) The USINDOPACOM OPE-P EXORD, issued in October 2017,

- (S//REL TO USA, FVEY)
   PER USINDOPACOM: (b) (1), 1.4(a), 1.4(b), 1.4(d)
   (S//REL TO USA, FVEY)
   PER USINDOPACOM: (b) (1), 1.4(a), 1.4(b), 1.4(d)
  - (C//REL TO USA, EVEY) PER USINDOPACOM. (b) (1), 1.4(a), 1.4(b), 1.4(d)



## (U) Lack of Component Resources

(S//REL TO USA, FVEY) The Under Secretary of Defense (Policy) Country Director for South Asia and the Philippines PER USINDOPACON (D)(1), 14(d), 14(d), 14(d)

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Findings

(S//REL TO USA, EVEY) PER USINDOPACOM: (b) (1). 1-4(a). 1-4(b). 1-4(d)

AFP capabilities identified in the USINDOPACOM OPE-P EXORD. For example:

- (S//REL TO USA, EVEY) PER USINDOPACOM (b) (1), 14(a), 14(b), 14(d)
  - (II) The USARPAC officer in charge of USARPAC's Asian Pacific C-IED Eusion
- (U) The USARPAC officer in charge of USARPAC's Asian Pacific C-IED Fusion Center DOD OIG (0)(5)

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	PER USINDOPACOM: (b) (1): 1-4(a): 1-4(b): 1-4(d): DoD OIG: (b) (5)	
S//REL TO USA, FVEY	PER USINDOPACOM: (b) (1), 1.4(a), 1.4(b), 1.4(d), DoD 01G. (b) (5).	
<del>S//REL TO USA, FVEY</del>	) PER USINDOPACOM: (b) (1), 14(a), 14(b), 14(d), DoD OIG: (b) (5).	
S//REL TO USA, FVEY	PER USINDOPACOM: (b) (1), 1.4(a), 1.4(b), 1.4(d), DoD OIG. (b) (5).	
S//REL TO USA, FVEY	) PER USINDOPACOM: (b) (1). 1-4(a). 1-4(b). 1-4(d): DoD OIG: (b) (5).	
S//REL TO USA, FVEY		
S//REL TO USA, FVEY	PER USINDOPACOM: (b) (1). 1-4(a). 1-4(b). 1-4(d). DoD OIG. (b) (5) PER USINDOPACOM: (b) (1). 1-4(d). 1-4(b). 1-4(d)	
S//REL TO USA, FVEY		
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S//REL TO USA, FVEY		

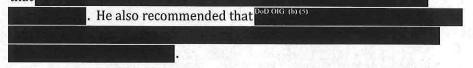
• (U) A MARFORPAC Exercise Planner added that the AFP did not have a common level of training and capability with U.S. forces. As an example, he noted that post-training after-action reviews showed that U.S. and PAF pilots were not "near-peers."

A second MARFORPAC staff planner added that, from an institutional point of view, U.S. military organizational structures and solutions

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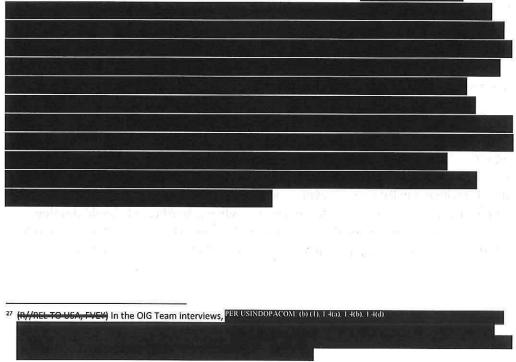
- (U) might not always be right for the AFP, and therefore the AFP must determine and apply its own priorities and processes to meet its needs. During our interviews, an MSOC Senior Enlisted Advisor, OSD (Policy) staff member, and USARPAC staff also separately noted and discussed development of AFP institutional training.<sup>27</sup> The development of an AFP institutional professional development capability is an issue internal to the AFP and the Philippine government. It is not addressed in the USINDOPACOM OPE-P EXORD.
- (U) A JUSMAG officer stated that JUSMAG had insufficient staff resources to develop AFP training programs. A PACOM Augmentation Team officer in Manila emphasized the importance of the GCC's security cooperation plan and guidance to component security cooperation planning. He recommended that



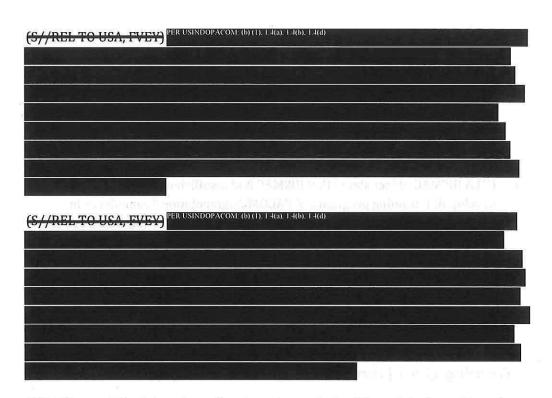
# (U) Lack of a USINDOPACOM Plan to Implement Requirements for Training Gaps Identified in the OPE-P EXORD

(U) AFP Training Strategies

(S//REL TO USA, FVEY) USINDOPACOM and its components [14(a), 14(b), 14(d)



Findings



(U) Bilateral Training Coordination through the Mutual Defense Board-Security Engagement Board Process

(U) The U.S. and Philippine militaries coordinated the framework for defense and security cooperation between the U.S. and Philippine militaries with the help of the U.S.-Philippine Mutual Defense Board-Security Engagement Board (MDB-SEB).<sup>28</sup> At the MDB-SEB, the USINDOPACOM Commander and the AFP Chief of Staff approve the final defense and security cooperation training priorities for the following calendar year.

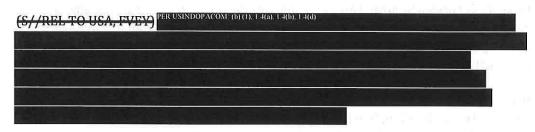
(U) A JUSMAG staff officer acknowledged that the annual MDB-SEB process is very deliberate and requires planning. He added that the "components should be working long-term capability development plans that are supported through the MDB-SEB process. When asked if components could develop training proposals without the AFP requesting them, the JUSMAG Chief of Security Assistance stated that USINDOPACOM components should not wait for training requests from the AFP, but should develop proposals for engagement with the AFP and get them into the MDB-SEB. He added that the MDB-SEB request and approval process can take 2 to 3 years to complete.

<sup>28</sup>(U) The MDB provides direct liaison and consultation on military matters of mutual concern to develop and improve both countries' common defense. The SEB provides the framework and mechanism for continuing liaison and consultation on non-traditional threats to security, such as terrorism, transnational crimes, and man-made disasters.

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#### (U) GCC Involvement

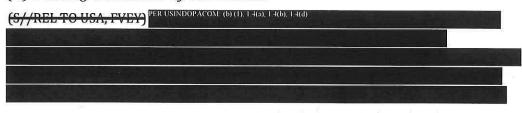
(U) According to the Director of Planning, Programming, and Design at the Defense Security Cooperation Agency (DSCA), in all countries, when building project proposals, the geographical combatant command (GCC) works with the partner nation and the U.S. Embassy country team to determine a complete list of the military capabilities desired versus those on-hand. He stated that GCC and partner nation ability to plan for the long-term is critical to project success. Developing a BPC proposal may require planning for assets that will arrive on different timelines, which may impact project size and sequencing. Therefore, the process must be synchronized.<sup>29</sup> DSCA guidance states that a GCC or other DoD agency involvement in each capacity-building case, defines and initiates the BPC requirement to support specific U.S. Government objectives. According to DSCA guidance, in addition to planning, the GCC should also be responsible for prioritizing, coordinating, and evaluating security cooperation activities in theater.



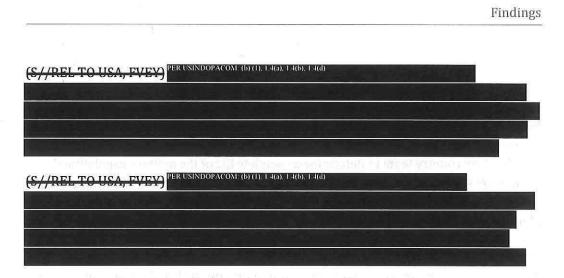
(U) The deliberate planning, coordination, and alignment of the framework for defense and security cooperation between the U.S. and Philippine militaries occurs annually through the MDB-SEB process. According to JUSMAG, components should be using the MDB-SEB to facilitate their long-term plans and training proposals for the AFP.

## (U) Consideration of Funding Authorities for Training AFP Conventional Forces

(U) Funding and Authority Restrictions



<sup>29</sup> (U) Defense Security Cooperation Agency, Security Assistance Management Manual, Ch. 15, "Build Partner Capacity."



#### (U) Availability of 10 U.S.C § 333 [2017] Funding for BPC Programs

(U) In addition to 10 U.S.C § 321 and other 10 U.S.C authorities for training, education, and building relations with partner nations, 10 U.S.C. § 333, "Authority to Build Capacity of Foreign Security Forces," authorizes the provision of trainers, training, and equipment to security forces of foreign countries to conduct counterterrorism and other operations.<sup>30</sup> Requests for 10 U.S.C. § 333 authority to train foreign forces do not require U.S. forces to benefit from the training.

(U) According to a DSCA § 333 briefing provided by the Director of DSCA's Planning Program Design Division, the Under Secretary of Defense for Policy planning order allocated \$258 million in 10 U.S.C. § 333 funds to USINDOPACOM for BPC program planning for FY 2019.<sup>31</sup> As of October 23, 2018, Congress had approved \$52.2 million in § 333 funds for the Philippines for FY 2018, and proposed \$33.15 million in § 333 funds for the Philippines for FY 2019. The Director of DSCA's Planning Program Design Division explained that 10 U.S.C. § 333 funds were appropriated annually and available to all GCCs for training and equipping foreign security forces. Development proposals for 10 U.S.C. § 333 programs required detailed program description, threat analysis, program cost data, and assessment of the partner's capability to absorb and sustain the program.

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<sup>&</sup>lt;sup>30</sup> (U) Examples of 10 U.S.C. authorities supporting bilateral and multilateral foreign security forces training, education, and relationship building include 10 U.S.C. § 321, "Support for Operations and Capacity Building," 10 U.S.C. §344, "Participation in multinational military centers of excellence,"10 U.S.C. §345, "Regional Defense Combating Terrorism Fellowship Program," and 10 U.S.C. §342, Regional Centers for Security Studies.

<sup>&</sup>lt;sup>31</sup> (U) 10 U.S.C. § 333 funds build the capacity of foreign security forces to conduct BPC in one or more of the following operations: counterterrorism, counter-weapons of mass destruction, counter drug trafficking, counter transnational organized crime, maritime and border security, military intelligence, and coalition operations and activities in the U.S. national interest.

(U) However, a DSCA Division briefing stated that the 10 U.S.C. § 333 process mitigated some of these administrative burdens on GCCs and components through a "concept-first" approach. The briefing explained that GCCs submit a program concept to DSCA for concept review. Concept review enables OSD (Policy), the Joint Staff, and DoS to quickly (U) understand the intent of the program, and limits GCC workload to proposals likely to be resourced, ensures adequate support before beginning, and identifies complimentary efforts.<sup>32</sup>

(U) The Chief of the JUSMAG Security Assistance Division stated that SOCPAC was the only USINDOPACOM subordinate command with a resourcing plan that included funding long-term BPC programs with 10 U.S.C. § 333 authority. As of October 2018, USINDOPACOM and JUSMAG records showed that SOCPAC proposed and received approval for 10 U.S.C § 333 authority program cases in support of CT training of the AFP's special operations forces. The approved training proposals also included Joint Precision Strike training for the Philippine Air Force and C-IED Enhancements for all AFP EOD units. Additionally, SOCPAC-initiated cases proposed Philippine Navy Scan Eagle training and additional training for explosive ordnance disposal units from all AFP services.

(U) Lack of Philippine Forces and Continuing VEO Threats



(S//REL TO USA, FVEY) The U.S. State Department's "Country Reports on Terrorism 2017," assessed that South East Asian governments remained a target for terrorist recruitment. The report stated that the Philippines improved its CT capabilities in 2017 in the face of an evolving and increasingly robust terrorist threat, PERUSINDOPACCONF (67(1): 14(6): 14(6): 14(6)

long-running insurgencies remained elusive, driving recruitment and fueling terrorist activities,<sup>33</sup>

<sup>&</sup>lt;sup>32</sup> (U) Appendix C of this report describes 10 U.S.C. § 333 program phases.

<sup>&</sup>lt;sup>33</sup> (U) U.S. Department of State Country Reports on Terrorism 2017, retrieved from https://www.state.gov/j/ct/rls/crt/2017/282842.htm.

(U) In January 2018, USINDOPACOM assessed that although ISIS-P suffered significant losses through the Marawi seige, ISIS-P and other VEOs in the Philippines were not defeated and remained an active threat. In his May 2018 information paper, the USINDOPACOM Commander stated that ISIS-P continued as a threat even though it suffered major leadership attrition.

# (U) Conclusion

(U) The USINDOPACOM EXORD tasked two components, MARFORPAC and USARPAC, to develop the capacity of AFP forces supporting WESTMINCOM CT operations, including training in six critical capability areas. The two components cited concerns with lack of training resources. USINDOPACOM and component leaders estimated that although conventional force training required planning, there were no long-range training plans between USINDOPACOM components and the AFP to train the AFP conventional forces. Additionally, components had not developed their own proposals for 10 U.S.C. § 333 [2017] authority to build the capacity of Armed Forces of the Philippines conventional forces to support counterterrorism operations.

# (U) Recommendations

### (U) Recommendation C

(U) We recommend that the Commander of U.S. Indo-Pacific Command, in coordination with Armed Forces of the Philippines leadership:

1. (U) determine the U.S. Indo-Pacific Command priorities and resources required to develop the capacity of the Armed Forces of the Philippines conventional forces to support counterterrorism operations;

#### (U) Chief of Staff, U.S. Indo-Pacific Command, Comments

(U) The USINDOPACOM Chief of Staff neither agreed nor disagreed with our recommendation. He acknowledged all three recommendations and provided comments to assist with the revisions for final report publication. The Chief of Staff stated that U.S. Forces provided and continues to provide CT training to AFP conventional forces. He stated that USINDOPACOM conducted multiple subject matter expert exchanges and exercises intended to enhance the interoperability of AFP capabilities in the six critical training tasks directed in the USINDOPACOM OPE-P EXORD. He acknowledged that WESTMINCOM units did not directly benefit from the exercises and training, but stated that training conducted elsewhere with other AFP units may provide an institutional-level benefit that can directly enhance WESTMINCOM units.

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(U) The Chief of Staff stated that the MDB-SEB process offers the ability to address long-term training plans with the AFP. He added that USINDOPACOM and the AFP approved new MDB-SEB LOEs, including combatting terrorism, for planning 2019 training. Activities in 2019 will include training in the six critical training areas tasked in the USINDOPACOM OPE-P EXORD, and the command will address the new combatting terrorism LOE during MDB-SEB annual planning. He also affirmed that (U) sustaining and enhancing the AFP's capabilities to counter transnational threats was the number one priority LOE among the four Philippines Country Security Cooperation Plan (CSCP) LOEs.

(U) Regarding resources, the Chief of Staff stated that the CSCP will continue to inform planning efforts for BPC and pursue required resources for this priority LOE, including consideration of 10 U.S.C. § 333 funds.

#### (U) Our Response

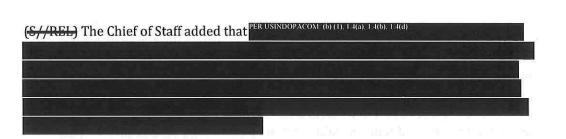
(U) While the USINDOPACOM Chief of Staff did not state whether he agreed or disagreed with the recommendation, the actions he described met the intent of the recommendation. The recommendation is resolved, but remains open. We will close the recommendation once we receive and analyze USINDOPACOM's plan to build the capacity of WESTMINCOM conventional forces on the six critical capabilities directed in the USINDOPACOM OPE-P EXORD. Additionally, we request an update on the AFP CT training activities planned and executed during 2019 as a result of MDB-SEB planning. Please highlight any plans for WESTMINCOM AFP conventional force participation in this training, and any long-term training plans or goals that this training supports.

# 2. (U) determine training responsibilities within U.S. Indo-Pacific Command components for developing programs to build the capacity of AFP conventional forces;

#### (U) U.S. Indo-Pacific Command Comments

(U) The USINDOPACOM Chief of Staff neither agreed nor disagreed with our recommendation. He stated that all security assistance and security cooperation events require host nation government consent. He stated that in 2018, USINDOPACOM, in particular, USARPAC and MARFORPAC, conducted multiple subject matter expert exchanges and exercises intended to enhance the interoperability of AFP capabilities in the six critical training tasks directed in the USINDOPACOM OPE-P EXORD.

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#### (U) Our Response

(U) While the USINDOPACOM Chief of Staff did not state whether he agreed or disagreed with the recommendation, the actions he described met the intent of the recommendation. This recommendation is resolved but remains open. We will close the recommendation once we receive an update on responsibilities assigned to USINDOPACOM subordinate commands, as part of the plan to build the capacity of WESTMINCOM conventional forces on the six critical capabilities directed in the USINDOPACOM OPE-P EXORD.

# 3. (U) consider developing proposals for 10 U.S.C § 333 [2017] authority to build the capacity of Armed Forces of the Philippines conventional forces to support counterterrorism operations.

#### (U) United States U.S. Indo-Pacific Command Comments

(U) The USINDOPACOM Chief of Staff neither agreed nor disagreed with our recommendation. He stated that USINDOPACOM will continue to use the CSCP to inform planning efforts for AFP BPC and pursue required resources, to include 10 U.S.C. § 333 funds and other Title 10 and Title 22 funds. He also stated that it was never intended for the USINDOPACOM components to develop programs to train and equip the PSF that would require statutory approval, for example, § 333 programs.

#### (U) Our Response

(U) While the USINDOPACOM Chief of Staff did not state whether he agreed or disagreed with the recommendation, the actions he described met the intent of the recommendation. This recommendation is resolved but remains open. We will close the recommendation once we receive an update on USINDOPACOM plans to develop 10 U.S.C. § 333 projects to build the capacity of Armed Forces of the Philippines conventional forces to support counterterrorism operations.

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Findings

# (U) Appendix A

# (U) Scope and Methodology

(U) We conducted this evaluation from April to September 2018 in accordance with the "Quality Standards for Inspection and Evaluation," published in January 2012 by the Council of Inspectors General on Integrity and Efficiency. Those standards require that we plan and perform the evaluation to obtain sufficient, competent, and relevant evidence to provide a reasonable basis for our findings, conclusions, and recommendations based on our review objectives. We believe that the evidence obtained provides a reasonable basis for our findings, conclusions, and recommendations based on our review.

(U) This project evaluated whether DoD efforts to train, advise, assist, and equip the Armed Forces of the Philippines (AFP), as articulated by DoD and USINDOPACOM Operation Pacific Eagle-Philippines execution orders, increased the AFP's capability to counter existing VEO threats and built sustainable AFP capabilities to disrupt, defeat, and deny safe haven to current and future VEOs in the Philippines.

(U) The scope of the evaluation covered U.S. efforts to train, advise, assist, and equip the AFP, including:

- advise and assist AFP conventional forces and special forces CT operations,
- build partner capacity (BPC) responsibilities and programs to improve AFP's priority capabilities in the CT fight,
- evaluate activities, exercises, and plans to integrate CT into U.S.- Philippine bilateral agreements for exercises and training plans in FY 2018 and beyond, and
- evaluate USINDOPACOM and JUSMAG compliance with DoD Leahy Laws and GVHR standards.

(U) We announced the project on April 19, 2018. The team collected data and conducted the majority of our interviews from January to June 2018. To form the basis of our evaluation, we:

- reviewed public laws and DoD regulations;
- reviewed national, DoD, and INDOPACOM strategies, plans, and evaluations relevant to training, advising, assisting, and equipping the AFP; and

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 interviewed 174 civilian and military leaders assigned to the Office of the Under Secretary of Defense for Policy, Defense Security Cooperation Agency, USINDOPACOM headquarters and Component Command, Joint U.S. Military Advisor Group at the U.S. Embassy in the Philippines, USINDOPACOM Augmentation Team in Manila, III Marine Expeditionary Force, Marine Special Operations Company B Commander, Marine Special Operations Company C Staff, and the headquarters of the AFP, AFP Special Operations Command, and WESTMINCOM in the Philippines.

(U) The team deployed to Hawaii and to Manila and Zamboanga, Philippines from June 9 to June 23, 2018. In Hawaii, we visited the USINDOPACOM headquarters, the headquarters of the Special Operations Command, Pacific, and the headquarters of the Air Force, Army, Marine, and Navy Component Commands. In the Philippines, we visited the U.S. Embassy staff in Manila, the Defense Attaché office and offices of the JUSMAG at the U.S. Embassy, the AFP headquarters at Camp Aguinaldo in Manila, the AFP Special Operations Command at Fort Magsaysay in Central Luzon, and the WESTMINCOM headquarters and the Marine Special Operations Company headquarters advising and assisting WESTMINCOM in Zamboanga.

# (U) Limitations

(U) The team limited its AFP visits to AFP headquarters receiving CT train, advise, assist, and equip with assistance from U.S. forces. Our visits to the three AFP headquarters in the Philippines enabled direct discussion with Philippine military representatives in each AFP headquarters location.

(U) To reach our conclusions, the team relied on testimonial evidence with supporting documentation, including combatant command strategy, theater campaign plans, public law and military legal guidance, senior leader briefings, after action reports, and combatant command assessments.

(U) There were no bilateral exercises during our scheduled site visit. However, the team collected and analyzed the official reports from the bilateral Balikatan Exercise conducted in May 2018.

# (U) Use of Computer-Processed Data

(U) We assessed the reliability of funding reports from JUSMAG and USINDOPACOM supporting training and equipping of the AFP, and we assessed JUSMAG/DoS GVHR vetting numbers as reported by the DoS INVEST system. We interviewed agency officials responsible for and knowledgeable about both sets of data. The accuracy and exactness of the data was not directly material to our conclusions or recommendations.

We therefore determined that the data were sufficiently reliable for the purposes of this report.

# (U) Use of Technical Assistance

(U) We did not require technical assistance to conduct our evaluation.

## (U) Prior Coverage

(U) "Evaluation of Department of Defense Efforts to Build Counterterrorism and Stability Operations Capacity of Foreign Military Forces with § 1206/2282 Funding."

- (U) This DoD OIG evaluation dated July 21, 2017 provided an in-depth review of the DoD Global Train and Equip Program, Section 1206 (2006), codified as 10 U.S.C. § 2282 in 2015, and incorporated into 10 U.S.C. § 333 in 2017. The § 1206 team visited five GCCs, including USINDOPACOM, and 19 countries that received § 1206 support, including the Philippines. The § 1206 team also visited USSOCOM, DoS, Joint Staff, and DSCA.
- (U) The § 1206/2282 evaluation found that DoD/DoS § 1206 funds provided partner nations with equipment, training, and services to enhance their capabilities to conduct CT and stabilization operations. However, the § 1206 evaluation team found that:
- (U) The DoD had not established § 1206 as a distinct and fullydeveloped program,
- (U) § 1206 implementation required improvement, and
- (U) § 1206 reports and updates to Congress were not sufficiently informative.

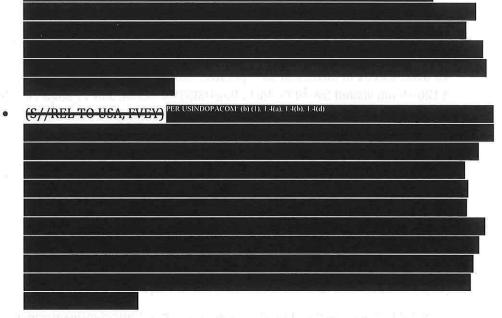
Appendixes

# (U) Appendix B

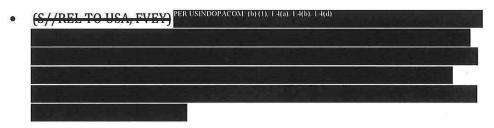
# (U) Applicable Criteria

(U) USPACOM Theater Campaign Plan, March 30, 2016

(S//REL TO USA, FVEY) The United States Pacific Command Theater
 Campaign Plan (TCP) PER USINDOPACOM (b)(1), 14(a), 14(b), 14(d)



(S//REL TO USA, FVEY) Philippines CT EXORD, MOD 1, September 2017



Appendixes

(S//REL TO USA, FVEY) USINDOPACOM Operation Pacific Eagle-Philippines EXORD, October 2017

• (S//REL TO USA, FVEY) In accordance with the USINDOPACOM Operation Pacific Eagle-Philippines EXORD Mission, USINDOPACOM, I-I(d)

(C//DEL TO UCA, FVEY) PER USINDOPACOM (b) (1), 14(a), 14(b), 14(c)

(S//REL TO USA, FVEY)

(S//REL TO USA, FVEY)
 PER USINDOPACOM (b) (1) 14(a) 14(b) 14(d)

• (S//REL TO USA, FVEY) PER USINDOPACOM: (b) (1), L4(a), L4(b), L4(d)

(b). 1 -4(d)

(U//<del>FOUO)</del> Country Security Cooperation Plan: Republic of the Philippines FY 2018

(U//FOUO) This document outlines Philippine strategic security plans and lines of effort, prioritizing and analyzing the four Country Security Cooperation Plan (CSCP) lines of effort, with CT as LOE #1. The CSCP LOEs are followed by excerpts from the Philippine government Defense Planning Guidance Priorities, excerpts from the Integrated Country Strategy Goals and Objectives, and a section on AFP/PSF capability gaps and remediation, including an analysis of the requirements to close each gap. The Philippine government's primary LOE is to sustain and enhance capabilities to counter transnational threats, and territorial defense is the government's primary strategic objective. The CSCP clarifies that, FERUSINDOPACONE (000). 17(9)

This CSCP states that "the crisis in Marawi ... highlights the importance of bilateral capability building." It also warns that inability to build critical and sustainable capabilities leaves the Government of the Philippines and U.S. interests vulnerable to future internal and external security threats.

(U) 10 U.S.C, Chapter 16, 2017

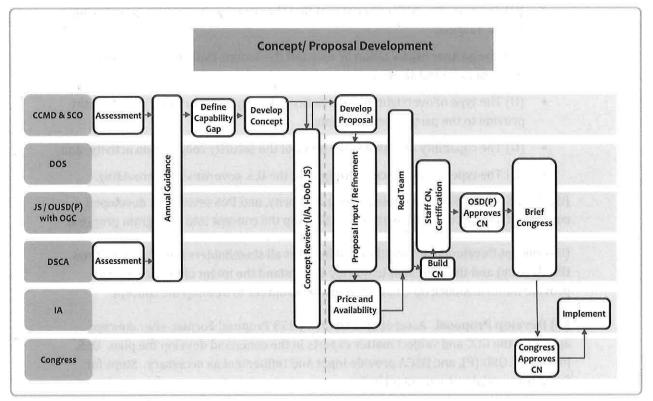
- (U) The FY 2017 National Defense Authorization Act (NDAA), § 1241, established a new Chapter 16 in Title 10, U.S.C. titled "Security Cooperation." Among other changes, the 2017 NDAA consolidated approximately 21 existing security cooperation programs into 8 new programs (Sections). These 8 new Sections are now permanent U.S. law and no longer need periodic reauthorization.
- (U) As an example, 10 U.S.C. § 333, "Foreign Security Forces, Authority to Build Capacity," codified into permanent U.S. law, authorizes the Secretary of Defense to provide equipment, services, and training to the national security forces of one or more foreign countries for building capacity to support CT.
- (U) 10 U.S.C. § 333 prohibits assistance to units that have committed gross violations of human rights, and is subject to the provisions of 10 U.S.C. Section 362, "Prohibition On Use Of Funds For Assistance To Units Of Foreign Security Forces That Have Committed A Gross Violation Of Human Rights.

Appendixes

# (U) Appendix C

# (U) DSCA Process Overview

(U) Figure 2. Section 333 Concept and Proposal Development Process



(U) CCMD-Combatant Command, (or GCC- Geographic Combatant Command); SCO-Security Cooperation Office; DoS-Department of State, JS-Joint Staff; OUSD(P)-Office of the Under Secretary of Defense for Policy; OGC-Office of the General Counsel DoD; DSCA-Defense Security Cooperation Agency; IA- Implementing Agency, CN-Congressional Notification

(U) Source: Defense Security Cooperation Agency.

(U) According to the DSCA, the three phases for § 333 security cooperation project approval are Concept Development, Proposal Development, and Congressional Notification.

Appendixes

**(U) Develop Concept.** The GCC, the SCO in the partner nation, and DSCA assess partner nation force capabilities and, based on additional guidance from the Joint Staff, OUSD (P), and DoS, the GCC and SCO identify a partner force capability gap that requires assistance. The GCC and the SCO develop a concept with five framework elements that describe:

- (U) The security challenge or threat that the security cooperation investment would address;
- (U) The partner organization or unit and the actions DoD seeks the partner to perform to impact the threat;
- (U) The type of oversight or other actions the requestor or other unit or entity provide to the partner organization;
- (U) The capability area that is the focus of the security cooperation activity; and
- (U) The type of assistance or equipment the U.S. government is providing.

(U) JS, OUSD (P), DSCA, the Implementing Authority, and DoS review the developed concept. If approved, the CCMD and SCO develop the concept into a program proposal.

(U) Concept Development identifies and involves all stakeholders initially, and allows OSD (Policy) and the Joint Staff to quickly understand the intent of the project and provide initial feedback on whether to invest resources to develop the concept.

**(U) Develop Proposal.** According to DSCA's § 333 Proposal Format, after concept approval, the GCC and subject matter experts in the command develop the plan. DoS, Joint Staff, OSD (P), and DSCA provide input and refinement as necessary. Steps for § 333 proposal development include:

- (U) Threat analysis and applicability to proposal;
- (U) Program description, including desired partner nation role, GCC Theater Campaign Plan LOEs effected, elements of the Integrated Country Strategy advanced, and benefits to U.S. national security interests;
- (U) Program details, including rough order-of-magnitude cost to implement, who will conduct any training involved, where they will conduct training, smallscale construction requirements, and implementation timeline;
- (U) Partner baseline assessments: partner capabilities, compatibility of project with partner national strategy, success indicators, likelihood of success, plans for GVHR vetting, and summary of institutional capacity-building activities and how they will be integrated into project;

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- (U) Description of recent related programs, particularly any programs that are complimentary;
- (U) Sustainment estimates;
- (U) Absorptive capacity estimates (ability for partner to employ the proposed capabilities);
- (U) Integration efforts and guidance to all relevant stakeholders; and
- (U) Partner nation concept of employment of the capability.

**(U) Congressional Notification:** 10 U.S.C. § 333 [2017] includes specific information requirements that must be submitted to the appropriate congressional committee before activities can be initiated under § 333. Key among them are:

- (U) Identification of the foreign country and specific unit that will benefit from capacity building and the amount, type, and purpose of the support that will be provided;
- (U) A detailed evaluation of the capacity of the foreign country and unit to absorb the training or equipment to be provided under the program;
- (U) The cost, implementation timeline, and delivery schedule for assistance under the program;
- (U) A description of the arrangements, if any, for the sustainment of the capabilities and performance outcomes achieved under the program beyond its completion date, if applicable;
- (U) Information, including the amount, type, and purpose, on the security assistance provided the foreign country during the three preceding fiscal years pursuant to authorities under 10 U.S.C., the Foreign Assistance Act of 1961, and any other train and equip authorities of the DoD;
- (U) A description of the elements of the theater security cooperation plan of the geographic combatant command concerned, and of the interagency integrated country strategy, that the program will advance; and
- (U) Quarterly monitoring reports.

Management Comments

# (U) Management Comments

# (U) Commander, U.S. Indo-Pacific Command



SECRET/REL TO USA, FVET

COMMANDER, U.S. INDO-PACIFIC COMMAND (USINDOPACOM) CAMP H M SMITH, HAWAII 96861-4028

January 7, 2019

#### MEMORANDUM FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: (U) Evaluation of Department of Defense (DoD) Efforts to Train, Advise, Assist, and Equip the Armed Forces of the Republic of the Philippines (AFP)

1. (U) The USINDOPACOM staff has reviewed the draft report on DoD efforts to train, advise, assist, and equip the AFP. We acknowledge the report's recommendations and provide the comments below to assist with the revisions for final report publication.

#### 2. (U) Comments and Recommendations:

- A. For the assessment of "Finding C," we believe that U.S. Forces did, and continue to provide Counter Terrorism (CT) training to AFP conventional forces:
  - i. (U) The Office of Inspector General (OIG) team collected data and conducted the majority of interviews during the January-June 2018 period. This period covers a timeframe between three and nine months after the USINDOPACOM Operation Pacific Eagle-Philippines (OPE-P) executive order (EXORD) was published. Being that the OPE-P has been in execution for over a year, there is more to consider.
- ii. (U/FOUO) In 2018, USINDOPACOM forces—in particular, U.S. Army, Pacific (USARPAC) and Marine Forces Pacific (MARFORPAC)—conducted multiple subject matter expert exchanges (SMEEs) and exercises (i.e. BALIKATAN, KAMANDAG, and SALIKNIB) that included activities to enhance the interoperability of AFP capabilities in the six critical tasks.

B. (U//FOUO) As the report notes, the Mutual Defense Board/Security Engagement Board (MDB/SEB) process is deliberate and offers the ability to address long-term training plans with the AFP. In 2018, USINDOPACOM and the AFP approved new MDB/SEB lines of effort (LOEs), including combatting terrorism. As part of the MDB/SEB process, the following year's activity list was signed along with the MDB/SEB guidance to the executive committee. Activities in 2019 will include training in the six critical task areas. During the MDB/SEB planning cycle in 2019, we will continue to address this under the working group associated with the combatting terrorism LOE.

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Reviewed by: Maj Gen Schneider, PACOM J02, 808-477-7612 Classified by: USPACOM SCO Reason: 1-Md Belensitem: 1-Am, 2020

Management Comments

# Commander, U.S. Indo-Pacific Command (cont'd)

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	C. (U) An additional consideration is that all security assistance and security cooperation events require host nation government consent. The 2017 MDB/SEB, which prescribed the building partner capacity (BPC) activities for 2018, was concluded prior to the publishing of the USINDOPACOM OPE-P EXORD.
*	D. (U) The Philippines Country Security Cooperation Plan (CSCP), largely developed in collaboration with the AFP, identifies the priority LOEs for BPC efforts and CT figures squarely in the number one of four LOEs: sustain and enhance capabilities to counter transnational threats. The CSCP will continue to be used to inform planning efforts for BPC and pursuit of required resources, to include T10 BPC (Section 333, others) and T22 Security Assistance (Foreign Military Financing) resources. Regarding CT training and equipping, both USINDOPACOM and the AFP prioritized the Special Operations Forces for recent activities, citing operational needs and resource constraints.
	E. (S//REL) Regarding examination of the OPE-P EXORD The OIG report states on page 5, paragraph 1 that: PER USINDOPACONE (b)(1), 14(a), 14(b), 14(d), DoD OIG (b) (5)
	F. (U// <del>FOUO</del> ) Under OPE-P, WESTMINCOM units are intended to be "the focus" of BPC efforts, but not at the exclusion of other AFP units. While WESTMINCOM units did not directly benefit from exercises or training, training conducted elsewhere, with other AFP units may provide an institutional-level benefit that can indirectly enhance WESTMINCOM units.
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Acronyms and Abbreviations

# **Acronyms and Abbreviations**

AFP	Armed Forces of the Philippines
BPC	Build Partner Capacity
C-IED	Counter-Improvised Explosive Device
CSCP	Country Security Cooperation Plan
СТ	Counterterrorism
DoS	Department of State
DSCA	Defense Security Cooperation Agency
EXORD	Execute Order
GCC	Geographic Combatant Command
GVHR	Gross Violation of Human Rights
ISIS	Islamic State in Iraq and Syria
ISR	Intelligence, Surveillance, and Reconnaissance
JTF	Joint Task Force
JUSMAG	Joint U.S. Military Advisor Group
LOE	Line of Effort
MARFORPAC	Marine Forces Pacific
MDB	Mutual Defense Board
MSOC	Marine Special Operations Company
OEF-P	Operation Enduring Freedom–Philippines
OPE-P	Operation Pacific Eagle-Philippines
OSD	Office of the Secretary of Defense
PNP	Philippine National Police
PSF	Philippine Security Forces
SEB	Security Engagement Board
SOCPAC	Special Operations Command Pacific
SOF	Special Operations Forces
SOTF	Special Operations Task Force
USARPAC	U.S. Army Pacific
USINDOPACOM	U.S. Indo-Pacific Command
VEO	Violent Extremist Organization
INCOMPANY AND LOOP A	

WESTMINCOM Western Mindanao Command

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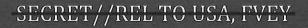
Congressional Liaison 703.604.8324

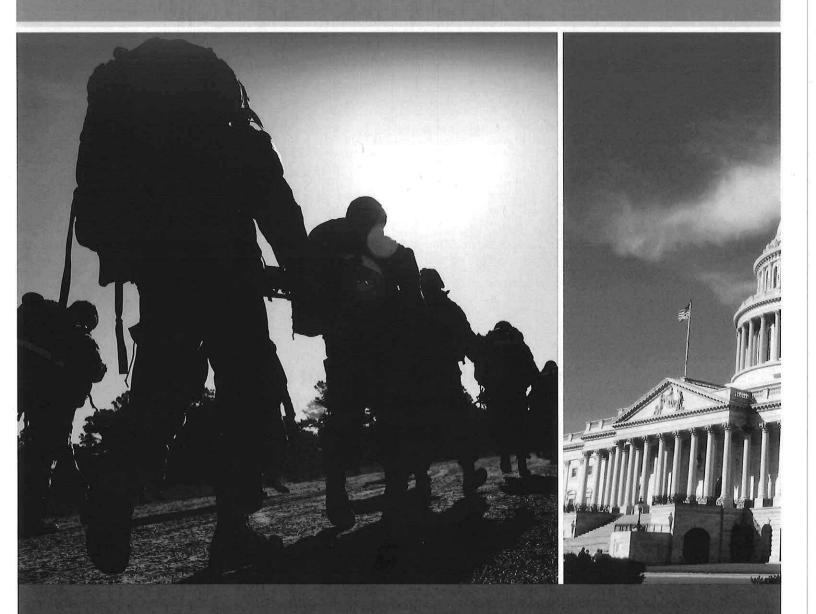
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