

**BY ORDER OF THE COMMANDER  
AIR FORCE SPACE COMMAND**



**AIR FORCE INSTRUCTION 51-701**

**AIR FORCE SPACE COMMAND  
Supplement 1**

**1 APRIL 1998**

*Law*

**NEGOTIATING, CONCLUDING, REPORTING  
AND MAINTAINING INTERNATIONAL  
AGREEMENTS**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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OPR: JAI (Lt Col Keith M. Sorge)  
Supersedes AFI51-701AFSPC1, 1 Apr 97.

Certified by: JA (Col Lake B. Holt III)  
Pages: 3  
Distribution: F

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This supplement implements and extends the guidance of Air Force Instruction (AFI) 51-701, *Negotiating, Concluding, Reporting and Maintaining International Agreements*. The AFI is published word-for-word without editorial review. Air Force Space Command (AFSPC) supplemental material is indicated in bold face. This supplement describes AFSPC's procedures for use in conjunction with the basic AFI. It applies to Air Force Space Command (AFSPC) and all subordinate units with a mission involving active duty Air Force personnel. It applies to Headquarters Air Force Space Command (AFSPC), its subordinate units and to all organizations who receive support from HQ AFSPC/JA offices. It does not apply to Air Force Reserve Command nor Air National Guard units. Upon receipt of this integrated supplement discard the Air Force basic publication.

**SUMMARY OF REVISIONS**

The revision of this publication is to meet the format standards required by Air Force. No content material has changed. Some required format changes have been made to allow for the conversion process.

1.1.3. The commander, AFSPC/CC, designates the Director of Plans, HQ AFSPC/XP, to negotiate and, upon approval by the commander, conclude international agreements involving predominantly AFSPC matters that are within the authority and responsibility of this command. When signing any agreement on behalf of the commander, the signature element will include "FOR THE COMMANDER."

2.2.1. (Added) All international agreements, proposals for the negotiation and conclusion of international agreements, or requests to negotiate or conclude an international agreement shall be forwarded in writing to the HQ AFSPC Plans Directorate, International Affairs Division (HQ AFSPC/XPI). All written requests will contain:

2.2.1.1. A background paper on the proposed agreement/negotiation. This paper will be updated at least every 6 months and all updates will be sent to HQ AFSPC/XPI. Background papers will explain, at a

minimum, the purpose of the agreement, the impact which concluding the agreement or failing to conclude the agreement will have on AFSPC operations, progress that has been made in negotiating to a final text, and unresolved significant issues. A final background paper will accompany a final text of the agreement when authority to conclude is requested.

2.2.1.2. A draft agreement. Before drafting an agreement, the responsible AFSPC agency will consult with HQ AFSPC/XPI and HQ AFSPC/JAI.

2.2.1.3. The identification of any US military information (classified or unclassified) to be released to international political organization or foreign governments.

2.2.1.4. A financial review for all agreements and a preliminary fiscal memorandum for those proposed international agreements that go beyond the negotiating and concluding authority of AFSPC.

2.2.1.5. A preliminary legal memorandum. This memorandum will contain references to the international and domestic legal authorities which permit AFSPC to enter and carry out the obligations assumed, and a discussion of other relevant legal considerations.

4. AFSPC personnel will neither negotiate nor conclude oral international agreements.

9. HQ AFSPC/JA is designated the single office of record for international agreements within the authority and responsibilities of AFSPC.

11. (Added) Duties:

11.1. A request for authority to negotiate and conclude international agreements must be submitted through HQ AFSPC/XPI which is the office of primary responsibility (OPR) for monitoring and/or conducting international negotiations for the command. HQ AFSPC/XPI will:

11.1.1. Assist In preparing draft agreements and negotiating positions; and provide command representation to lead negotiating teams, as appropriate.

11.1.2. Provide advice and assistance on international affairs; clarify, or forward for higher headquarters' attention, questions or problems which cannot be resolved at HQ AFSPC level.

11.1.3. Issue clearances to negotiate and or conclude agreements when such activities are to be performed by other AFSPC agencies.

11.1.4. When appropriate, ensure that proper authorization to negotiate and/or authorization to conclude international agreements is obtained from either Commander in Chief, United States Space Command (USCINCSpace) or Headquarters United States Air Force (HQ USAF).

11.1.5. Ensure that HQ AFSPC/JA is kept fully apprised of the status of each pending or planned international agreement.

11.1.6. Annually inventory and validate all in-force international agreements relevant to Command operations.

11.1.7. Ensure that AFSPC units maintain copies of all current international agreements directly applicable to their operations and that copies of new agreements concluded by such units are promptly forwarded to HQ AFSPC/XPI, which promptly forwards them to HQ AFSPC/JA.

11.1.8. Ensure that procedures are in place to receive signed agreements in sufficient time to fulfill the reporting requirements of paragraph 7.

11.2. HQ AFSPC/JA, in addition to other responsibilities specified in this supplement and basic instruction will:

11.2.1. Review requests for delegation of approval authority and request for authorization to negotiate and or conclude international agreements.

11.2.2. Assist in drafting agreements, and participate as required in negotiations.

11.2.3. Obtain necessary coordination and approval from DoD agencies on international agreements.

11.2.4. Ensure the compilation, retention, and retrievability of a complete negotiating history file for each international agreement for which AFSPC has primary responsibility. The negotiating team retains all correspondence, internal working papers, and minutes of meeting in order to preserve the negotiating history. The negotiation file is submitted to HQ AFSPC/JA with the completed agreement.

11.2.5. Maintain a central repository and inventory of all agreements negotiated or concluded by the command and its organizational elements, and all international agreements negotiated or concluded by US Government agencies having a significant effect on the plans and programs of the command.

11.2.6. Review all agreements negotiated by Command agencies to ensure compliance with international and US laws and regulations.

11.2.7. Report all international agreements, as required, in accordance with paragraph 7.

LAKE B. HOLT III, Col, USAF  
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