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Law

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

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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OPR: HQ AMC/JA (Lt Col Kevin K. Spradling)

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AFI 51-701, 6 May 1994, is supplemented as follows: (This instruction does not apply to Air National Guard and United States Air Force Reserve units.)

1.1. Bullet 4(Added). HQ AMC/XPD for all international agreements involving AMC activities.

1.1.4. Change the reference to paragraph 1.2 in line 4 to read paragraph **2.4**.

2.2. Submit all proposed written agreements, however characterized (memorandum of agreement, memorandum of understanding, implementing arrangement, etc.) between AMC (including subordinate units) and a foreign entity (government, military service, agency, etc.), including an international organization, to HQ AMC/JA for review prior to the start of negotiations with the foreign entity. HQ AMC/JA will make determinations relating to the status of agreement (international or administrative), the proper authority to negotiate or conclude the agreement if it is an international agreement, and the appropriate processing of an international agreement.

2.3. Change references to paragraphs 1.2, 1.2.1, and 1.2.2 to 2, 2.1, and **2.2**.

2.4. After coordination with HQ AMC/JA, HQ AMC/XP will submit requests to higher headquarters for authority to negotiate or conclude an agreement made under this paragraph. In instances when no OSAF or Air Staff functional office is apparent, HQ AMC/JA will submit the request to HQ USAF/JAI after coordination with HQ AMC/XP.

2.5. (Added) The AMC, Director of Plans (HQ AMC/XP), provides staff supervision over the development, coordination, negotiation, and conclusion of international agreements when responsibility for such functions are delegated to the Commander, AMC, by Air Force headquarters, USCINCTRANS, or other appropriate authority. Within AMC headquarters, the Strategy, Planning, and Doctrine Division (HQ AMC/XPD) is the office of primary responsibility for international agreements. In this capacity, HQ AMC/XP:

- 2.5.1. (Added) Assists in preparing draft agreements and negotiating positions; heads negotiating teams, as appropriate.
- 2.5.2. (Added) Provides advice and assistance on international affairs; clarifies, or sends for higher level attention, questions or problems that cannot be resolved at command level.
- 2.5.3. (Added) Redelegates authority to negotiate and or conclude agreements after coordination with HQ AMC/JA, when such activities are to be performed by other AMC agencies or directorates.
- 2.5.4. (Added) Obtains necessary coordination and approval from Department of Defense and Air Force agencies on international agreements requiring higher headquarters review and approval.
- 2.5.5. (Added) When appropriate, ensures proper authorization to negotiate and or conclude international agreements is obtained from the Commander in Chief, United States Transportation Command (CINC-TRANS).
- 2.5.6. (Added) Ensures HQ AMC/JA is kept fully apprised of the status of each pending or planned international agreement.
- 2.5.7. (Added) Annually reviews all in-force international agreements relevant to command operations for which the command is OPR.
- 2.6. (Added) In addition to responsibilities in the basic instruction and this supplement, HQ AMC/JA:
- 2.6.1. (Added) Reviews requests for redelegation of approval authority and requests for authorization to negotiate and conclude international agreements.
- 2.6.2. (Added) Assists in drafting agreements and participates as required in negotiations.
- 2.6.3. (Added) Acts as AMC's conduit for information relating to international agreements and issues, transmitted to, or received from the DoD General Counsel (OSD/GC), Legal Advisor to the Chairman, Joint Chiefs of Staff (OCJCS/LA), Air Force General Counsel— International (SAF/GCI) and the International and Operations Law Division of the Air Force Judge Advocate General (HQ USAF/JAI).
- 2.6.4. (Added) Ensures compilation, retention, and retrievability of complete negotiating history file for each international agreement for which the command is OPR. The negotiating team retains all correspondence, internal working papers, and minutes of meetings in order to preserve the negotiating history. HQ AMC/XP will submit the negotiating file with the completed agreement to HQ AMC/JA.
- 2.6.5. (Added) Maintains a central repository and inventory of all agreements negotiated or concluded by the command and its organizational elements, as well as copies of all international agreements negotiated or concluded by US government agencies having a significant effect on the plans and programs of the command.
- 2.6.6. (Added) Reviews all agreements negotiated by command agencies and directorates to ensure compliance with international and US laws and regulations.
- 2.6.7. (Added) Reports international agreements, as required, in accordance with paragraph 7 of the basic instruction and other DoD directives.
4. AMC personnel will neither negotiate nor conclude oral international agreements.
8. HQ AMC/JA is responsible for maintaining the required negotiating history file.
9. HQ AMC/JA is the AMC office of record.

10. Contact with the DoD General Counsel will be accomplished by, or coordinated in advance with, HQ AMC/JA.

10.1. Reports required by this paragraph will be written, staffed, and forwarded to SAF/GCI and HQ USAF/JAI, by HQ AMC/JA.

10.2. Requests for the concurrence of USD(P) and DOD/GC will be coordinated, in advance, with HQ AMC/JA.

11. (Added) Contact with OSD/GC, OCJCS/LA, SAF/GCI, or HQ USAF/JAI on matters arising under the basic instruction, will be accomplished by or after advance coordination with HQ AMC/JA.

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