

**THE ROLE OF DEFENSE TRADE IN UNITED STATES DEFENSE  
RELATIONS**

by  
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## **Abstract**

The three research papers of this portfolio address the connection between defense relations and defense trade through exploration of three separate, though thematically related, questions. The first paper, *The Asia “Pivot”:* *Indications of Existence Through Analysis of Foreign Military Sales*, examines the United States’ expressed “pivot” in foreign policy emphasis to the Asia-Pacific region to determine if a shift in focus has taken place or not. The second paper, *The Influence of Collective Defense Agreements on U.S. Foreign Military Sales*, continues to leverage available statistical data for the Foreign Military Sales program and investigates the relationship between the seven collective defense agreements (CDA) that the United States is currently a party of, and the support offered by the United States to fellow CDA member nations under the Foreign Military Sales program. The third research paper in the portfolio, *Defense Trade in the United States-India Relationship*, explores the nature of the relationship between the United States and India in the context of defense and security matters and identifies several impediments to strong relations between the United States and India in the defense arena, of which trade is arguably a significant obstacle. The research in the portfolio finds that there is limited publically available data that allows for the measurement of the state of defense relations between the United States and other nations, however it argues that Foreign Military Sales transaction statistics are available and can serve as an effective proxy for measuring defense relationships.

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## **Introduction**

The three research papers that form the core of this research portfolio investigate the relationship between “defense relations” and “defense trade” as they relate to the United States. Defense relations in the context examined throughout this portfolio refers to activities, interactions and interests where the United States Department of Defense is the lead organization. The types of elements that fall under the umbrella of defense relations include, but are not limited to, military-to-military engagements; joint operational exercises between the United States and partner foreign nations; training; information exchanges; and weapons sales. These types of activities and exchanges that are labelled with the defense relations moniker are not exclusive to the Department of Defense. In fact, observers would note that several U.S. government bodies perform a significant role in all of the elements described. For example, weapons sales touches the spheres of diplomacy and commerce. The portion of the broader international relations discipline that defense relations carves out for itself is identified by the function of its subordinate elements. Activities, such as military-to-military engagements, training and weapons sales that are undertaken and have the main objective of meeting, or support the meeting of, a security objective that the Department of Defense is responsible for are categorized as defense relations in the context of this thesis portfolio.

A practical example of an activity that falls under this definition of defense relations is the sale of F-16 fighter aircraft to India. Due to the destructive nature of this type of equipment, several governmental levels of approval are understandably required to implement its sale to a foreign country. The Department of Defense is notably the

greatest proponent and facilitator of this type of transaction, which is a previously identified key characteristic of defense relations, because of the Department's organic technical expertise required to implement the transaction and the strategic security objectives that are achieved by providing India's military with the means to defend itself and enhance stability in South Asia. Other organizations, such as the Department of State and even the Department of Commerce perform roles in this type of activity given the intersection of diplomatic and economic interests, however, the Department of Defense is arguably the preeminent organization. To provide additional context for this example, if roles were reversed, and instead of the sale of F-16 aircraft, it is the sale of components needed for nuclear power plants that is under consideration, the Department of Energy may be the most likely organization to serve as the lead element; though the Departments of State, Defense and even Commerce would likely perform some functions in the transaction and hold organizational interests in its outcomes. Ultimately, this thesis portfolio seeks to draw attention to the meaningfulness of examining the impact of defense relations on broader U.S. national security objectives and more specifically, consider the unique and valuable role that the Foreign Military Sales program performs within defense relations.

The concept of defense trade, within the scope of the research that makes up this thesis portfolio, is understood to be the trade of equipment, technology and training that has military application. The three research studies in this thesis portfolio heavily explore the United States' Foreign Military Sales program, which is a mechanism for the United States (at its expense) to provide sensitive military technology to foreign nations in an effort to achieve national security objectives. The investigation of U.S. arms sales

to foreign partner nations shows that diplomatic and political considerations are significant factors in these types of transactions, however, other motivations, that are commercial in nature, are also observed. Private industry manufacturers of military hardware seek to generate profit through the sale of their goods and these businesses support a strong lobbying effort to influence policy-makers in the Legislative and Executive branches whose approval is required to conduct revenue generating arms sales. The United States Government for its own part has an inherent desire to support a healthy and robust defense industrial base that has an enduring capacity to support the research and development of military hardware and is able to maintain production lines that may have fulfilled the United States' initial requirement for a specific weapons system, but since achievement of that goal, may have an opportunity to sell additional equipment to foreign countries until the United States is once again in a position to purchase additional items. These commercial and economic motivations are important to consider when assessing diplomatic and political factors for arms sales because each of these factors may exist simultaneously and provide insight into the overarching role of arms sales in defense relations.

These two concepts are significant given that the United States is generally regarded as a first-rate military power on the world stage with significant interaction in the defense arena with nearly every other nation in the world. Similarly, the United States' defense industrial base is capable of producing military equipment that is unparalleled in its sophistication, capabilities and performance by all except for a small, handful of nations. Given these two facts, an examination of the relationship between the

two concepts of defense relations and defense trade, as it relates to the United States, is warranted.

The three research papers of this portfolio address the connection between defense relations and defense trade through exploration of three separate, though thematically related, questions. The first paper, *The Asia “Pivot”*: *Indications of Existence Through Analysis of Foreign Military Sales*, examines the United States’ expressed “pivot” in foreign policy emphasis to the Asia-Pacific region to determine if a shift in focus has taken place or not. The paper recognizes the importance of U.S. defense relations with Asia-Pacific countries and seeks to identify if a “pivot” exists in the context of defense relations. Through analysis of the United States’ provision of arms to other nations under its Foreign Military Sales program, the paper argues that evidence exists which supports the theory that the U.S. pivot to the Asia-Pacific region is a real phenomenon.

The second paper in the thesis portfolio, *The Influence of Collective Defense Agreements on U.S. Foreign Military Sales*, continues to leverage available statistical data for the Foreign Military Sales program and seeks to address another area at the intersection of defense relations and defense trade. This second paper investigates the relationship between the seven collective defense agreements (CDA) that the United States is currently a party of, and the support offered by the United States to fellow CDA member nations under the Foreign Military Sales program. This second paper observes that the seven collective defense agreements currently in force have the same ostensible objective of establishing a framework to respond to armed aggression against one of the CDA member nations. Despite this common objective, the analysis conducted in the

second paper shows that nations that are signatories of the *Inter-American Treaty of Reciprocal Assistance (Rio Treaty)* receive significantly less arms support under the U.S. Foreign Military Sales program than any of their counterpart nation that are part of the other six collective defense agreements.

The research conducted for the second paper also observes that the language used in the seven collective defense agreements is similar with the exception of treaty articles that address how signatory states will consult with each other to address issues that fall under the auspices of the treaty. The second paper hypothesizes that there is a potential link between treaty language and Foreign Military Sales and argues that the Rio Treaty nations are less likely to receive arms support from the United States under its Foreign Military Sales program because the treaty uses specific and extensive language for outlining the consultation and decision making processes for the defense pacts. As a result, the paper argues that the United States is less likely to devote limited resources under its Foreign Military Sales program to nations that are members of a weak and less capable defense pact.

The final research paper in the portfolio, *Defense Trade in the United States-India Relationship*, explores the nature of the relationship between the United States and India in the context of defense and security matters. The third paper identifies several impediments to strong relations between the United States and India in the defense arena. These obstacles include the United States' relationship with Pakistan that has varied since the September 11<sup>th</sup>, 2001 attacks; and the antagonistic relationship between Pakistan and India. Similarly, the paper notes that the friendly relationship between India and Russia, particularly their patron-client relationship in defense trade, has a negative effect on the

development of U.S.-India defense relations. Lastly, the research paper identifies the issue of nuclear proliferation as a significant historical barrier to the successful development of U.S.-India defense relations.

*Defense Trade in the United States-India Relationship* observes that India desires the type of high-end weapons technology that the United States can provide, and that the United States seeks emerging nations such as India that can afford to purchase U.S. military hardware. The paper argues that despite the geopolitical impediments of India's relations with Russia and Pakistan and pursuit of nuclear weapons technology, defense trade is an area where the United States and India can improve their defense relationship.

The contribution that these individual research studies, and this overarching thesis portfolio, make, is the advancement of what is currently known about the role that defense trade plays in the United States' defense relations with other nations. A significant body of scholarship exists that focuses on arms trade and on international relations and their various sub-fields, however, there is a gap in existing research that attempts to explore the nature of the relationship between these fields of study in the manner attempted by the research contained in this portfolio. Specifically, this portfolio strongly focuses on the United States' defense trade with other nations with an emphasis on the Foreign Military Sales program. Through examination of the interaction of trade and relations in the context of the United States and its Foreign Military Sales program, the existing understanding of international relations and arms trade can be advanced.

## **The Asia “Pivot”: Indications of Existence Through Analysis of Foreign Military Sales**

### I. INTRODUCTION

Public statements from President Obama and senior government officials unquestionably indicate the Obama Administration’s desire for a shift in U.S. foreign policy attention towards the Asia-Pacific region. This renewed focus on the Pacific has often been labeled a "pivot" or a "rebalance," with numerous examples of anecdotal evidence of a desire to divert greater attention to the Asia-Pacific region readily available. The 2014 Quadrennial Defense Review states that a specific goal of the re-balance to the Asia-Pacific region is to “... improve the capabilities and capacity of partner nations...” in order to “...contribute to the stability of the region.”<sup>1</sup> The Quadrennial Defense Review provides the Department of Defense’s strategic framework for implementation of the Obama Administration’s overall increased emphasis of focus on the Asia-Pacific region that is outlined in the May 2010 National Security Strategy. This important policy document specifically notes that United States alliances with Japan, South Korea, Australia, the Philippines and Thailand are the “...bedrock of security in Asia and a foundation of prosperity in the Asia-Pacific region.”<sup>2</sup> These countries are notably identified in this paper’s investigation as top recipients of military aid from the United States through the Foreign Military Sales program.

Additionally, a March, 2012 report produced by the Congressional Research Service titled *Pivot to the Pacific? The Obama Administration’s ‘Rebalancing’ Toward*

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<sup>1</sup> United States Department of Defense, *2014 Quadrennial Defense Review*, (March 2014), 35

<sup>2</sup> United States National Security Council, *National Security Strategy*, (May 2010), 42

*Asia* highlights the Obama Administration's stated intention in 2011 to expand the United States' role in the Asia-Pacific region.<sup>3</sup> Further, in her November, 2011 article in *Foreign Policy*, former U.S. Secretary of State Hillary Clinton provides a concise overview of the motivating factors and goals for the United States' renewed focus on the Asia-Pacific region. In this article, Secretary Clinton writes:

*"As the war in Iraq winds down and America begins to withdraw its forces from Afghanistan, the United States stands at a pivot point. Over the last 10 years, we have allocated immense resources to those two theaters. In the next 10 years, we need to be smart and systematic about where we invest time and energy, so that we put ourselves in the best position to sustain our leadership, secure our interests, and advance our values. One of the most important tasks of American statecraft over the next decade will therefore be to lock in a substantially increased investment – diplomatic, economic, strategic, and otherwise – in the Asia-Pacific region."*<sup>4</sup>

Given the stated intention to dedicate focus and resources on the Asia-Pacific region over the past several years, as observed in substantive policy documents, a central question that emerges is whether or not the U.S. "pivot" toward the Asia-Pacific region is a real phenomenon? This paper attempts to show, through an analysis of the U.S. arms trade for the period 2000-2012 that a pivot does exist in terms of U.S. security objectives. This is indicated by evidence of resources and priorities, in the form of U.S. arms sales,

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<sup>3</sup> Mark E. Manyin, *Pivot to the Pacific? The Obama Administration's "Rebalancing" Toward Asia*, (March 2012): 1

<sup>4</sup> Hillary Clinton, "America's Pacific Century," *Foreign Policy* 189 (November 2011): 57

being shifted from Europe to the Asia-Pacific, while sales to the Middle East region remain largely unaffected.

## II. ANALYTICAL FRAMEWORK

Nations that enjoy friendly relations with the United States have several available avenues to obtain arms from the U.S. One of these avenues is the Foreign Military Sales (FMS) program. Under FMS, the United States Government, through the Department of Defense and in coordination with the Department of State, provides arms directly to partner nations. As a result of this procedural framework, there is a diplomatic and foreign policy connotation with transactions conducted under the FMS program that makes its arms transaction metrics relevant to this paper's goal in determining if there is evidence of a U.S. pivot to Asia in defense relations.

The available literature tends to agree that obtaining accurate data with respect to the global arms trade is difficult. With respect to the United States and its Foreign Military Sales program, datasets that show broad metrics for US arms trade with other nations is available, primarily through Congressionally mandated reports produced by the Defense Security Cooperation Agency (DSCA). For the purposes of this paper, DSCA's *Fiscal Year Series* reports of total annual arms sales provided by the United States to partner countries was analyzed. The arms sales metrics under the program provided in these sources are used as a proxy for the general level of importance placed by the United States on recipient nations as represented by arms sales. This paper focuses on the 2000-2012 period due to the universally recognized effect that the September 11, 2001 attacks had on US defense relations with other nations. Arms data for the year 2000 is viewed as

a representation of the United States' defense relationships immediately preceding the 2001 attacks and serves as a significant relationship milestone for the U.S. that clearly begins before any discussion of a pivot in priorities toward the Asia-Pacific region. It should be noted that 2012 is the most recent year for which reliable arms trade data is currently available through the aforementioned reports that are published by the Departments of Defense. In order to fully appreciate the relevance of FMS arms transactional data, a greater understanding of the FMS program is required.

*A. Foreign Military Sales*

The Foreign Military Sales (FMS) program is a security assistance program that is authorized by the Arms Export Control Act (AECA). Through FMS, eligible foreign nations have the opportunity to receive defense arms and services from the United States. These arms and services come in several forms and sizes and can range from items such as small arms, to larger pieces of equipment with operational and strategic value, such as naval vessels and aircraft. FMS transactions also can include training provided by U.S. military personnel to partner nation militaries. Before the U.S. can provide defense articles to a foreign nation under the FMS program, the President is required to make a determination that the prospective receiving nation is eligible under the AECA. Additionally, unless exempt, notification to Congress is required in advance of any formal agreement made by the United States to provide arms to a foreign nation.<sup>5</sup>

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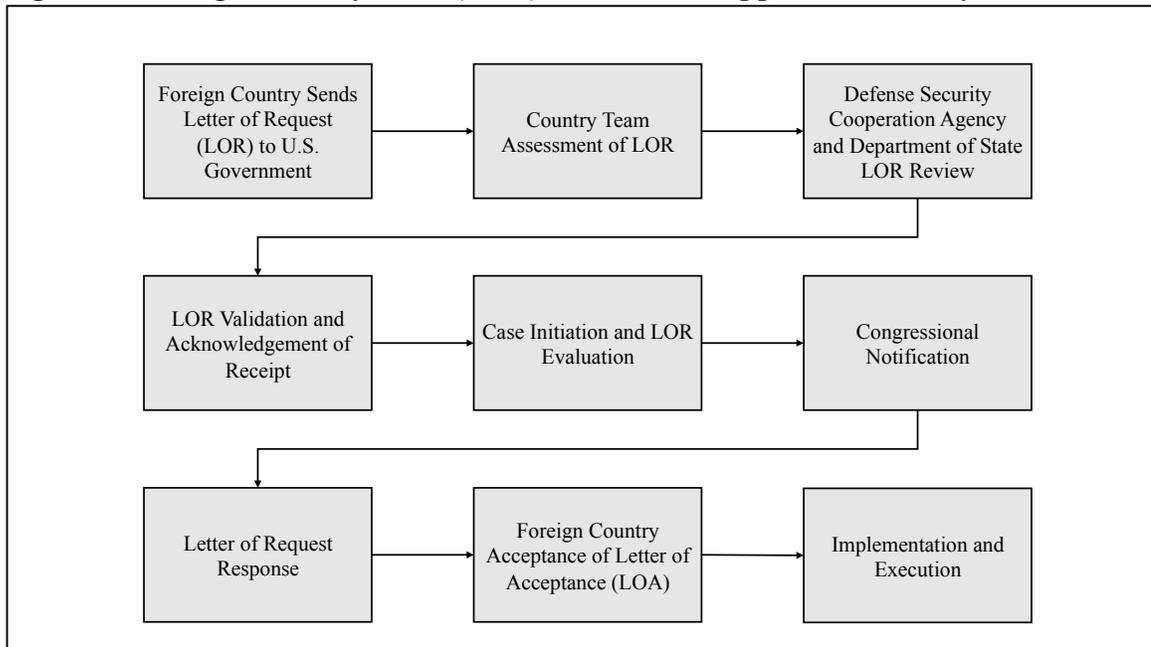
<sup>5</sup> Defense Security Cooperation Agency. "Security Assistance Management Manual." . <http://www.samm.dsca.mil/chapter/chapter-4> (accessed May 6, 2014).

Transactions under the FMS program are conducted on a government-to-government basis. On the U.S. end, the program is administered by the Department of Defense's Defense Security Cooperation Agency under guidance and input from the Department of State. DSCA serves as an intermediary agent between the U.S. defense industry sector and the partner foreign nation. The U.S. defense industrial base sells the arms that it manufactures directly to the Pentagon, who in turn provides them to the foreign partner nation; the foreign partner nation does not negotiate directly with U.S. defense industries under FMS. On the foreign nation side of the transaction, a requirement under the FMS program is that the receiving foreign partner is an entity that is "under the direction and control of the foreign government's ministry that is responsible for defense matters." This entity is generally a nation's ministry of defense.<sup>6</sup> *Figure 1* provides a visual depiction of the FMS process for arms that the United States approves for delivery to a partner nation.

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<sup>6</sup> Defense Security Cooperation Agency. "Security Assistance Management Manual." . <http://www.samm.dsca.mil/chapter/chapter-4> (accessed May 6, 2014).

**Figure 1. Foreign Military Sales (FMS) Process For Approved Delivery of Arms**



Source: Data adapted from Defense Security Cooperation Agency. "Security Assistance Management Manual." . <http://www.samm.dsca.mil/chapter/chapter-5> (accessed May 6, 2014).

The government-to-government characteristic of Foreign Military Sales transactions, as well as the specific involvement of the President and the Congress, is significant for the purposes of this paper because it illustrates the national importance that an FMS transaction represents for the United States. When arms are provided to foreign nations, they are done so with careful planning and input from numerous agencies and departments in the Executive branch, and with significant oversight from the Legislative branch. Consideration for the diplomatic, military, economic and even political factors of an FMS transaction is vital evidence that there are broad implications for such sales and that the approval, or denial, of an FMS sale is valuable evidence of the importance that the United States places on relationships with specific foreign nations and regions.

*Example 1* provides an overview of the FMS process for an approved delivery of arms or

services to a foreign military. This process is a summarization of the Security Assistance Management Manual (SAMM) produced by the Defense Security Cooperation Agency.

### *B. The Role of Arms in Defense Relations*

This paper is built upon past research that was discovered through a survey of the available literature that analyzed the US arms trade and the role that it plays in the United States' relationships with other nations. One scholarly effort that is an example of this past research was conducted by Neha Khanna and Duane Chapman, who analyzed the global conventional weapons trade between 1989 and 1999 in their 2009 paper "Guns and Oil: An Analysis Of Conventional Weapons Trade In The Post-Cold War Era." In this study, Khanna and Chapman argue that the main reason for the significant transfer of weapons to the Persian Gulf region is a result of the "enormous value of wealth there" and the "dependence of Western Economies on access to the relatively cheap and steady supply of crude oil."<sup>7</sup> The analytical framework of Khanna and Chapman's work is relevant to the purpose of this study in that they both use arms trade as a dependent variable. Where the two works primarily differ are on the time period observed and the focus of the trade. Khanna and Chapman focus on the global arms trade during the decade immediately following the end of the Cold War, whereas this paper focuses specifically on the US arms trade in the period beginning immediately before the September 2001 attacks and 2012.

A second scholarly study with relevance to this paper is John Sislin's "Arms As Influence: The Determinants of Successful Influence." In this work, Sislin "explores the

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<sup>7</sup> Neha Khanna and Duane Chapman, "Guns and Oil: An Analysis of Conventional Weapons Trade in the Post-Cold War Era", *Economic Inquiry* 48, no. 2 (April 2010): 434

conditions” under which the United States has successfully used its arms exports to “manipulate” countries that receive them.<sup>8</sup> The article’s focus on the reasons why the United States supplies arms to other nations, particularly to control or influence these nation’s actions, is directly applicable to the goal of this paper. Arms are an important tool for the United States when interacting with partner countries in the defense arena. This paper, however, seeks to explore more deeply how FMS as a specific program, helps illuminate the importance that the United States places on relationships with partner nations.

Lastly, Jonathan Caverley and Ethan Kapstein’s paper “Power or Profit? The United States and the International Arms Trade” explores the advantageous position of the United States’ arms industry to collect or forego “economic rents” to “advance its geopolitical ends.”<sup>9</sup> Caverley and Kapstein’s study cogently discusses a core element of this study which is that FMS is a tool for the United States to achieve foreign policy and security objectives. What this paper seeks to address that Caverley and Kapstein do not, is what the use of the FMS program indicates regarding the nature of the relationship between the US and partner nations.

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<sup>8</sup> John Sislis, “Arms as Influence: The Determinants of Successful Influence,” *The Journal of Conflict Resolution* 38, no. 4 (Dec. 1994): 665.

<sup>9</sup> Jonathan Caverley and Ethan Kapstein, “Power or Profit? The United States and the International Arms Trade.”

### C. “Pivot” To Asia

In addition to the scholarly literature that focuses on the role of arms trade in defense relations, the focus of this paper also required a review of the existing literature that examines the United States’ “pivot” to Asia. Several articles addressed the question of what type of relationship should exist between the United States and Asia-Pacific allies following a pivot. David W. Barno, Nora Bensahal and Travis Sharp, in their article “Pivot but Hedge: A Strategy for Pivoting to Asia While Hedging in the Middle East,” recommend that the United States focus greater attention on the Asia-Pacific region, but maintain interest in the Middle East region. Barno, Bensahal and Sharp label this strategy as “pivot but hedge” and recommends three actions to implement it. First, they recommend that the United States “exercise caution when cutting the defense budget. Second, the U.S. should “give the military services greater leadership roles in specific regions, such as assigning the naval and air forces the lead role in the Asia-Pacific, and ground forces the lead in the Middle East. Third and lastly, The U.S. should “maintain ground forces” as an effective deterrent to promote stability.<sup>10</sup> The authors recommend their strategy based on the emerging economic importance of the Asia-Pacific region and the continuing volatility of the Middle East region. In the article, the suggested strategy is framed in the context of three obstacles: declining defense budgets, current division of military responsibilities and resources dedicated to regions and nations, and availability of ground forces that could be employed against future conflicts.<sup>11</sup>

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<sup>10</sup> David W. Barno, Nora Bensahal and Travis Sharp, “Pivot But Hedge: A Strategy for Pivoting to Asia While Hedging in the Middle East,” *Orbis* (Spring 2012): 158.

<sup>11</sup> *Ibid*, 158.

Similar to Barno, Bensahal and Sharp, Kenneth D. Chase and Robert E. Hunter explore in their respective articles the ramifications for U.S.-Europe relations that are caused by a pivot to Asia. In “Trans-Atlantic Implications of the Evolving U.S. Rebalance to the Asia-Pacific Region,” Chase argues that severe financial pressure to reduce the U.S. defense budget resulted in a new “strategic defense policy” that calls for a “strategic rebalance” to the Asia-Pacific region. Chase further asserts that this rebalance will in turn have an impact on U.S. security interests in Europe, primarily affecting its relationship with the North Atlantic Treaty Organization (NATO).<sup>12</sup> The article evaluates potential future scenarios of the rebalance that includes reduced financial resources and participation in NATO as well as a shift in leadership and “operational ambition” in the alliance.<sup>13</sup>

Hunter’s article “U.S.–European Relations in the ‘Greater’ Middle East” complements the research conducted by Kenneth Chase in that it offers a view of what the United States’ future relationships and interests in Europe and the Middle East region will look like following a pivot to Asia strategy. Specifically, it argues that the U.S. will “remain deeply engaged” in Europe, but also claims that NATO will need to accept “added responsibilities” in Africa and the Middle East.<sup>14</sup>

Feng Liu conducts research that is similar to that of Chase and Hunter but offers a different perspective. In “China, the United States, and the East Asian Security Order”, Liu argues that that the United States and China have historically pursued two objectives- “security expectations and economic benefits”-which have contributed to stability in

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<sup>12</sup> Kenneth D. Chase, *Trans-Atlantic Implications of the Evolving U.S. Rebalance to the Asia-Pacific Region* (2013): 9.

<sup>13</sup> *Ibid*, 12-19.

<sup>14</sup> Robert E. Hunter, “U.S.-European Relations in the ‘Greater’ Middle East,” *American Foreign Policy Interests* 34, (2012): 125.

Asia. A main conclusion of Liu's research is that the U.S. pivot to Asia policy threatens the stability achieved by these two objectives.<sup>15</sup>

Chase, Hunter and Liu offer valuable contributions to the examination of the Asia pivot, however, their research differs from the goal of this paper in that they provide an assessment of the potential future effects on U.S. relations with other nations that the pivot to Asia could cause, but they do not evaluate if the pivot exists. Also, it can be argued that the work of Chase and Hunter is based on the premise that a pivot has, or will occur, which is not necessarily compatible with an investigation that questions whether or not a pivot exists.

In addition to research that illustrates the potential effects of a pivot, the available literature also provides investigation of the potential underlying causes of the pivot. Douglas Stuart's study "San Francisco 2.0: Military Aspects of the U.S. Pivot toward Asia" asserts that the United States' decline in economic power will force it to "convince its friends and allies to take greater responsibility for regional security" in the Asia-Pacific region and the pivot strategy is a realization of this inevitability. As part of the research study's methodology, the author employs Joseph Nye's model of evaluating the United States' various bilateral and multilateral alliances in the Asia-Pacific region in terms of "ideal" and "material" resources. In this context, ideal resources are defined as the "appreciation that members of a regional organization have for that organization," and material resources as "the capability of the organization to accomplish the tasks that it commits to."<sup>16</sup> Ultimately, the article concludes that the United States is approaching a

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<sup>15</sup> Feng Liu, "China, the United States, and the East Asian Security Order," *Issues & Studies* 49, no. 1 (March 2013): 99.

<sup>16</sup> Douglas Stuart, "San Francisco 2.0: Military Aspects of the U.S. Pivot Toward Asia," *Asian Affairs: An American Review* 39, (2012): 210.

point where it will “no longer be in a position to guarantee the stability of the Asia-Pacific by its unilateral actions and forward military presence.”<sup>17</sup>

Michael Evans complements Stuart’s research in his article “American Defence Policy and the Challenge of Austerity: Some Implications for Southeast Asia,” where he examines the implications of the U.S. domestic budget crisis and the rise of China as reasons for the U.S. pivot. A key element of Evan’s article is that he notes the skepticism of countries in Southeast Asia with respect to the United States’ fortitude to remain committed to a pivot that focuses attention on the Pacific region. This paper, in its investigation of the Foreign Military Sales program, is a natural, progressive step that builds upon the work conducted by Stuart, Evans and Liu in that they provide a foundation that explores the factors that could cause a pivot, while this study seeks evidence of whether a pivot took place or not.

In addition to research into the underlying causes for the pivot and the potential relationships that could develop should a pivot come to fruition, the scholarly literature consists of investigations into the efficacy of the pivot phenomenon. A principal example of this research is Euan Graham’s “Southeast Asia in the US Rebalance: Perceptions from a Divided Region.” In the article, Graham explores the perceptions of Southeast Asian countries regarding the Asia “pivot” and notes that the Obama administration’s strategy to date has been questioned with respect to the United States’ “durability and commitment” to the pivot.<sup>18</sup> Graham’s survey of regional attitudes draws heavily upon a National Bureau for Asian Research report on views towards the pivot as well as the

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<sup>17</sup> Ibid, 216.

<sup>18</sup> Euan Graham, “Southeast Asia in the US Rebalance: Perceptions from a Divided Region,” *Contemporary Southeast Asia* 35, No. 3 (2013): 306.

opinions of regional commentators.<sup>19</sup> A main difference between Graham’s approach and that of this study is that Graham tends to evaluate if the pivot is effective, whereas this study seeks to determine if the pivot actually exists. Additionally, Graham’s study assesses that a popular hypothesis regarding a “...transfer of resources and strategic attention from the Middle East and Europe to Asia” has turned out to be “somewhat underwhelming”<sup>20</sup> contradicts a primary conclusion resulting from this author’s analysis of Foreign Military Sales data which suggests that arms resources have actually shifted from Europe to Asia while leaving the Middle East largely undiminished.

### III. RESULTS

When the Foreign Military Sales data is analyzed in the context of the Department of Defense’s geographic combatant command organizational structure, which organizes countries into regionally grouped areas of responsibility for the military, three trends emerge that indicate the existence of a pivot as a shift in attention by the United States towards the Asia-Pacific region at the ostensible expense of Europe. These trends are visible in *Figure 2*, which is based on FMS data reported by the Defense Security Cooperation Agency in its *Fiscal Year Series* reports for Congress.

In 2012, countries that fall under the U.S. Central Command (CENTCOM) area of responsibility that is responsible for the Middle East, and the Pacific Command (PACOM) area of responsibility that encompasses the Asia-Pacific region, comprise a combined total of nine out of the top ten individual countries that received arms from the United States. The European Command (EUCOM), which is composed primarily of

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<sup>19</sup> Ibid, 308.

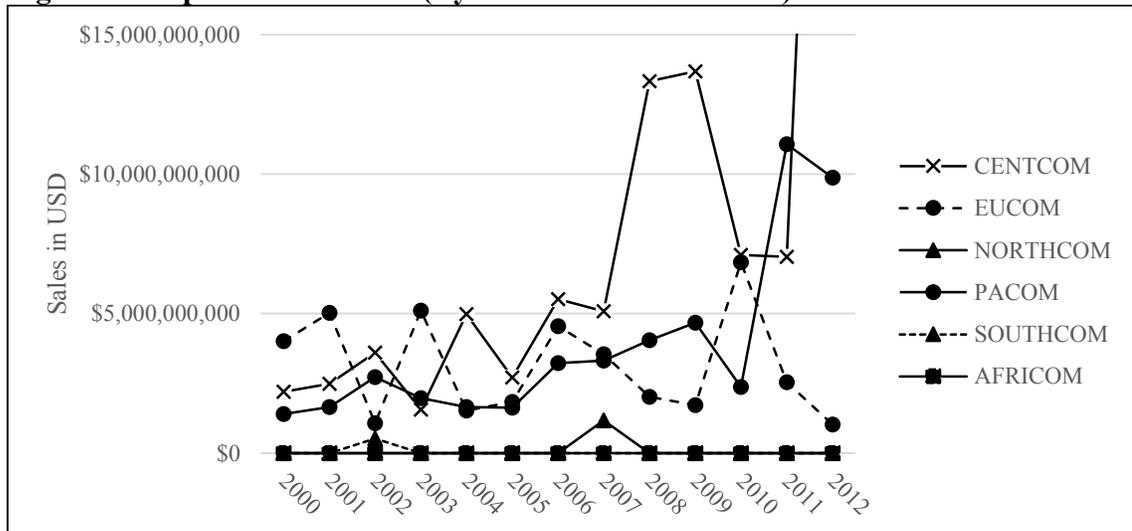
<sup>20</sup> Ibid, 307.

European nations, is somewhat ironically represented as the tenth country by Israel, which is geographically located in the Middle East region, but falls under the responsibility of the military command that covers European countries. The second trend is that since 2008, PACOM countries have collectively received more arms, when measured by total sales in USD, than EUCOM countries for every year during the 2000-2012 period, with the exception of 2008. Data for years 2011 and 2012 show the most dramatic difference between aggregate EUCOM and PACOM spending, with PACOM eclipsing EUCOM spending by approximately \$8.5 billion and \$8.8 billion, respectively, for 2011 and 2012. The third trend that indicates an emerging significance of the Asia-Pacific region to the United States is that between 2000 and 2012, among the ten greatest recipients of arms through FMS, EUCOM countries are the greatest recipient for three years; PACOM countries are the greatest recipient for one year; and CENTCOM countries are the greatest recipient for nine years. This trend clearly shows that CENTCOM remains of importance to the United States, and while PACOM only ranks as highest recipient out of all of the combatant commands only once in comparison to EUCOM, that appearance is in 2011, after the declared “pivot,” whereas all of EUCOM’s highest rankings occur nearly a decade earlier. A significant observation to note is that EUCOM never claims the top spot after 2003.<sup>21</sup>

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<sup>21</sup> Defense Security Cooperation Agency, *Fiscal Year Series: As of September 30, 2012*. Washington: Government Printing Office, 2013.

**Figure 2. Top Ten FMS Sales (By Combatant Command)**



Source: Data adapted from Defense Security Cooperation Agency, *Fiscal Year Series: As of September 30, 2012*. Washington: Government Printing Office, 2013.

When arms sales under FMS are analyzed by individual country, Asia-Pacific nations receive greater amounts of arms as measured in US Dollars than European nations, particularly from 2008 to 2012 (the latest year FMS data is available). *Table A1* contains the FMS transaction data for individual countries for years 2008-2012.<sup>22</sup> While the data indicates a trend that supports the theory that the U.S. pivot to Asia exists at the expense of Europe, there are fluctuations that are difficult to account for.

Australia and Israel are respective members of the Asia-Pacific region and Europe (for the purposes of this study, Israel falls under the European Command area of responsibility and not the Central Command which covers Middle Eastern nations) and are one of the top ten recipients for arms under the FMS program for every year from 2008 to 2012. During that time frame, Australia receives a greater amount of arms than Israel in a trend that moves upward from \$1.097 billion in 2008 to \$3.025 billion in 2012.

<sup>22</sup> Defense Security Cooperation Agency, *Fiscal Year Series: As of September 30, 2012*. Washington: Government Printing Office, 2013.

During this same period, Israel's receipt of arms declined from \$1.027 billion in 2008 to \$1.025 billion in 2012. 2010 appears to be an anomalous year where Israel outpaces Australia in the receipt of arms, where Australia continues its upward trend by increasing from \$800 million in 2009 to \$1.4 billion in 2010, while Israel shows the only increase in its otherwise downward trend by jumping from \$600 million in 2009 to \$3.9 billion in 2010, before decreasing again to \$1.4 billion in 2011. Despite the jump in sales for Israel in 2010, the country shows a dramatic decline in both list ranking, when compared to other nations, and amount of arms received for the last three years of the data when compared to the Middle East and Asia-Pacific region countries that round out the top ten countries list. In 2012, Israel is the only EUCOM country in the list of top ten arms recipients under FMS, whereas four Asia-Pacific nations, represented by Taiwan, Australia, Japan and Indonesia appear on the list.

To reiterate the statement made earlier: the analysis of individual countries as an indicator of a pivot to Asia is less conclusive than an examination of regionally grouped nations. It is not as readily apparent that a pivot exists in the data for individual nations due to the greater fluctuations in trends of countries and the limited time span that data is available, however, the final two years of the available data (2011 and 2012), do suggest that a pivot has occurred when defined in the context of defense relations as represented by arms transfers. This argument is reinforced when the more definitive metrics shown in the aggregate, regional totals as represented by the geographic combatant command nations is taken into account. Future research that has the opportunity to view data that spans a greater period of time since the Obama's administration's declared "pivot" and

beyond 2012 will ultimately determine if such a pivot actually existed from a Foreign Military Sales optic.

#### IV. CONCLUSION

What this paper contributes, through its examination of arms transactions under the FMS program, is early evidence that a U.S. pivot to the Asia-Pacific region exists in the defense relationship arena. This paper adds to the existing literature that primarily consists of research that explains the reasons for a pivot and what a pivot would, or should, look like, by offering proof that the pivot phenomena is real. Arms sales, by their nature, are an instrument of US foreign policy due to the requirement for approval by the US Departments of State and Defense for their sale to a foreign country, and the involvement of the President and Congress in these transactions. Daniel Twining, in his article “America’s Grand Design in Asia,” provides further discussion of the US emphasis on Asian nations with respect to its foreign and security policy and cogently explains that a potential goal for the United States in the South Asian region is to balance the regional influence of China. Specifically, Twining states that “U.S. policy seeks to build and bind together friendly centers of power in Asia to help maintain a regional balance that preserves U.S. interests and values as China rises.”<sup>23</sup> Twining further explains that through its policies, “The United States is trying to build strength in its Asian partners, not subordinate or contain them in Cold War-type alliance structures in which the United States institutionalizes its own dominance.”<sup>24</sup> One significant way that the United States can achieve these objectives is through the supply of arms to Asian

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<sup>23</sup> Daniel Twining, “America's Grand Design in Asia”, *The Washington Quarterly* (Summer 2007): 88.

<sup>24</sup> *Ibid*, pg. 88.

nations. Future examination of the role of these arms transfers in defense relations will further our understanding of their efficacy as an indicator of centers of gravity in other defense relationships.

## The Influence of Collective Defense Agreements on U.S. Foreign Military Sales

### I. INTRODUCTION

The United States' 2015 discretionary budget for its Department of Defense is over \$495 billion.<sup>25</sup> This is one measurement of the extensive defense relationships that the United States maintains with foreign partner nations. In 2013, the latest year that data is available, the Defense Security Cooperation Agency reported that the United States provided almost \$24 billion in arms and defense articles to partner nations under its Foreign Military Sales program.<sup>26</sup> What these two incredible statistics illustrate is that the United States is thoroughly engaged in the defense arena.

Currently, the United States is a party to seven Collective Defense Agreements that date back to as early as 1947. Fifty four individual nations are party to these seven agreements which include: *Security Treaty Between the United States, Australia, and New Zealand (ANZUS) (September 1, 1951)*; *North Atlantic Treaty Organization Treaty (April 4, 1949)*; *Mutual Defense Treaty Between the United States and the Republic of the Philippines (August 30, 1951)*; *Southeast Asia Collective Defense Treaty (Manila Pact) (September 8, 1954)*; *Security Treaty Between the United States and Japan (September 8, 1951)*; *Mutual Defense Treaty Between the United States and the Republic of Korea (October 1, 1953)*; and the *Inter-American Treaty of Reciprocal Assistance (Rio Treaty)*.<sup>27</sup> These Collective Defense Agreements are important in any examination of

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<sup>25</sup> Office of Management and Budget. *Budget of the United States Government, Fiscal Year 2015*. 2014. Washington, D.C. 57

<sup>26</sup> Defense Security Cooperation Agency. *Fiscal Year Series: As Of September 30, 2013*. 2014. Washington, D.C. 3

<sup>27</sup> U.S. Department of State. *U.S. Collective Defense Arrangements*. ONLINE. 2014. Available: <http://www.state.gov/s/l/treaty/collectivedefense/> [10 Nov. 2014]

U.S. defense relations because they formally commit the United States to come to the aid of treaty member nations in the event of armed aggression.

This study examines the relationship between the United States' Foreign Military Sales (FMS) program and the nations that are party to one of the seven Collective Defense Agreements (CDA) that the United States is also a member of. Specifically, this study observes that there is an imbalance between the level of arms, as measured in 2013 U.S. Dollars, that are provided by the United States to partner CDA nations through the FMS program. The study observed that nations that are party to the Inter-American Treaty of Reciprocal Assistance (Rio Treaty) receive significantly less arms under the FMS program than members of the other Collective Defense Agreements. The study's main hypothesis is that there is a correlation between language used in the Collective Defense Agreements and the level of arms provided by the United States to its partner nations, and observes that the Rio Treaty contains language that separates it from the other six treaties, and that this discrepancy is a contributing reason for the reduced level of arms support under the FMS program when compared to the other comparable defense treaties.

## II. ANALYTICAL FRAMEWORK

The study's methodology for examining the relationship between Foreign Military Sales transactions and Collective Defense Agreements consisted of examining the Foreign Military Sales transactions for the 54 nations that are members of one of the seven Collective Defense Agreements with the United States to identify any significant trends. The source data for the Foreign Military Sales transactions was the *Fiscal Year*

*Series (As of September 30, 2013)* published by the Defense Security Cooperation Agency. This data provides the total amount of defense articles, measured in 2013 U.S. Dollars, that was provided to other nations by the United States under its Foreign Military Sales program between the years 1950 and 2013.<sup>28</sup>

The study then analyzed the texts of the individual Collective Defense Agreements and employed a framework that identified and categorized common elements of information that formed the building blocks for the treaties. This resulted in the identification and consolidation of 11 categories of information that converge to form the basis of each treaty. These 11 elements and their description are:

#### *Preamble*

The preamble section of the treaties provide generalized justification for why the parties require a defense pact through the treaty and offers some justification for the legitimacy of a collective defense pact. For instance, in the *Security Treaty Between the United States, Australia, and New Zealand (ANZUS)*, the treaty notes that “the United States already has arrangements pursuant to which its armed forces are stationed in the Philippines, and has armed forces and administrative responsibilities in the Ryukyus...”<sup>29</sup> In the *Southeast Asia Collective Defense Treaty (Manila Pact)*, the parties indicate that their defense agreement, and the actions

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<sup>28</sup> Defense Security Cooperation Agency. *Fiscal Year Series: As Of September 30, 2013*. 2014. Washington, D.C.

<sup>29</sup> Yale Law School, The Avalon Project. *Security Treaty Between the United States, Australia, and New Zealand (ANZUS); September 1, 1951*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/usmu002.asp](http://avalon.law.yale.edu/20th_century/usmu002.asp) [10 Nov. 2014]

proposed under it, are legitimate because they are “...in accordance with the Charter of the United Nations...”<sup>30</sup>

### *Peaceful Settlement of Disputes*

Several of the treaties include articles where the member nations vow to resolve disputes peacefully. These sections of the treaty provide the following text that is nearly identical in each document: “The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.”<sup>31</sup>

### *United Nations Responsibilities*

Similar to the peaceful settlement of disputes category, several of the treaties include the following clause regarding provisions provided under the United Nations charter: “This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties

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<sup>30</sup> Yale Law School, The Avalon Project. *Southeast Asia Collective Defense Treaty (Manila Pact); September 8, 1954*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/usmu003.asp](http://avalon.law.yale.edu/20th_century/usmu003.asp) [10 Nov. 2014]

<sup>31</sup> Yale Law School, The Avalon Project. *Southeast Asia Collective Defense Treaty (Manila Pact); September 8, 1954*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/usmu003.asp](http://avalon.law.yale.edu/20th_century/usmu003.asp) [10 Nov. 2014]

under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.”<sup>32</sup>

### *Consultation*

These elements of the Collective Defense Agreements note that member nations will consult with each other whenever their territorial security is threatened.<sup>33</sup> These passages also establish and provide the framework for deliberative bodies, usually referred to as a council, where the member nations will interact to make decisions.<sup>34</sup>

### *Ratification*

These elements of the treaty identify the conditions under which the treaty is ratified and enters into force. They include administrative instructions for where signed treaties are to be deposited upon adoption by a member nation and the responsibility of the designated recipient nation for notifying other nations upon receipt of a ratified treaty.<sup>35</sup>

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<sup>32</sup> Yale Law School, The Avalon Project. *Security Treaty Between the United States, Australia, and New Zealand (ANZUS); September 1, 1951*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/usmu002.asp](http://avalon.law.yale.edu/20th_century/usmu002.asp) [10 Nov. 2014]

<sup>33</sup> Yale Law School, The Avalon Project. *Security Treaty Between the United States, Australia, and New Zealand (ANZUS); September 1, 1951*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/usmu002.asp](http://avalon.law.yale.edu/20th_century/usmu002.asp) [10 Nov. 2014]

<sup>34</sup> Yale Law School, The Avalon Project. *North Atlantic Treaty Organization Treaty; April 4, 1949*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/nato.asp](http://avalon.law.yale.edu/20th_century/nato.asp) [10 Nov. 2014]

<sup>35</sup> Yale Law School, The Avalon Project. *A Decade of American Foreign Policy 1941-1949 Rio De Janeiro Conference for the Maintenance of Continental Peace and Security, August 15-September 2, 1947*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/decad061.asp](http://avalon.law.yale.edu/20th_century/decad061.asp) [10 Nov. 2014]

### *Membership*

These treaty components outline the terms and notification procedures under which a nation cancels its membership in the treaty and its organizations.<sup>36</sup> Treaty components falling under this category also include criteria and procedures for future expansion of treaty membership.<sup>37</sup>

### *Treaty Deconfliction*

The Collective Defense Agreements generally contain articles which explain that the provisions of the treaty do not conflict with other agreements between the treaty party nations and third party nations or international organizations. Treaty deconfliction articles also commit party nations to refrain from entering into future agreements that conflict with the treaty.<sup>38</sup>

### *Treaty Review*

This provision sets the conditions for a future review of the treaty by its party nations. The review is intended to determine if a treaty requires revisions due to an emerging political and security environment.<sup>39</sup>

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<sup>36</sup> Yale Law School, The Avalon Project. *Security Treaty Between the United States, Australia, and New Zealand (ANZUS); September 1, 1951*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/usmu002.asp](http://avalon.law.yale.edu/20th_century/usmu002.asp) [10 Nov. 2014]

<sup>37</sup> Yale Law School, The Avalon Project. *North Atlantic Treaty Organization Treaty; April 4, 1949*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/nato.asp](http://avalon.law.yale.edu/20th_century/nato.asp) [10 Nov. 2014]

<sup>38</sup> Yale Law School, The Avalon Project. *North Atlantic Treaty Organization Treaty; April 4, 1949*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/nato.asp](http://avalon.law.yale.edu/20th_century/nato.asp) [10 Nov. 2014]

<sup>39</sup> Yale Law School, The Avalon Project. *North Atlantic Treaty Organization Treaty; April 4, 1949*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/nato.asp](http://avalon.law.yale.edu/20th_century/nato.asp) [10 Nov. 2014]

### *Treaty Expiration*

Treaty expiration is similar to treaty review in that they both require a review of the treaty by party nations. The main difference, however, is that treaty expiration articles set conditions for the treaty's expiration, such as the requirement for a treaty to remain in force for a minimum period of one year before expiring. Treaty review clauses provide a means for future assessment of a treaty to determine if revisions require consideration.<sup>40</sup>

### *Mutual Aid*

These are provisions within the agreements where party nations agree to support each other in “maintaining” and “developing” their “collective capacity to resist armed attack.”<sup>41</sup> These elements of the treaty focus mainly on providing material assistance in advance of or following acts of armed aggression, however, they differ from Mutual Defense provisions that focus on potential responses to armed aggression.

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<sup>40</sup> Yale Law School, The Avalon Project. *Mutual Defense Treaty Between the United States and the Republic of Korea; October 1, 1953*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/kor001.asp](http://avalon.law.yale.edu/20th_century/kor001.asp) [10 Nov. 2014]

<sup>41</sup> Yale Law School, The Avalon Project. *Southeast Asia Collective Defense Treaty (Manila Pact); September 8, 1954*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/usmu003.asp](http://avalon.law.yale.edu/20th_century/usmu003.asp) [10 Nov. 2014]

### *Mutual Defense*

These treaty elements describe the conditions for actions that constitute an armed attack, such as the NATO Treaty's declaration that an "Attack on one is an attack on all." Additionally, these elements outline the responsibilities of member states when one or more of them are attacked, and they outline specific response measures. Elements under the mutual defense category of information may also prescribe objectives for responses to armed attacks against nations states, such as "restoring and maintaining international peace."<sup>42</sup>

Lastly, the study compared the Foreign Military Sales metrics with the categorized elements of the Collective Defense Agreements identified in this study to determine if there was a correlation between these two variables.

The body of scholarly research on defense pacts and arms trade is extensive, however, little was found in the existing scholarship that connects the two subjects, particularly with respect to the United States' support of Collective Defense Agreement nations through its Foreign Military Sales Program. Areas of scholarship that have received previous focus that are relevant to this paper's research goals include treaty text interpretation, arms trade, and collective defense agreements. A survey of the relevant research in these fields follows.

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<sup>42</sup> Yale Law School, The Avalon Project. *North Atlantic Treaty Organization Treaty; April 4, 1949*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/nato.asp](http://avalon.law.yale.edu/20th_century/nato.asp) [10 Nov. 2014]

### A. *Treaty Text Interpretation*

Myres S. McDougal, Harold D. Lasswell and James C. Miller, in their book *Interpretation of Agreements and World Public Order* explore the connection between methods for interpreting international agreements among nation states and international organizations, and the global security environment. Specifically, their research examines the processes of communication, interpretation and application as they are applied to international agreements and argues that decision-makers who are responsible for the interpretation of international agreements play a significant role in affecting “world public order.”<sup>43</sup> This work is similar to the investigation attempted by this paper in that interpretation is a factor in developing the Collective Defense Agreement categories as a variable for potential correlation, however, this study seeks to connect the variables of Foreign Military Sales levels between the United States and partner nations with the interpretation of Collective Defense Agreements to determine if a meaningful relationship exists, which is something that is not attempted in McDougal, Lasswell and Miller’s work.

*Interpreting the Nuclear Non-Proliferation Treaty* by Daniel H. Joyner explores the impact that the Vienna Convention on the Law of Treaties has on the interpretation of the Nuclear Non-Proliferation Treaty. The relevance of Joyner’s research to this study is the fact that Joyner investigates how specific clauses in a treaty affect actions taken by party nations. This cause and effect approach is similar to the approach taken in this study, which attempts to explain how a Collective Defense Agreement may affect

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<sup>43</sup> McDougal, Myres, Harold Lasswell, and James Miller. *The Interpretation of Agreements and World Public Order*. New Haven: Yale University Press, 1967. 393.

Foreign Military Sales, however, where the two studies differ is the fact that Joyner's approach works with the Nuclear Non-Proliferation Treaty because the treaty contains very specific language, whereas the Collective Defense Agreements observed in this paper use both specific languages in some circumstances and fairly broad and generalized language in others, making Joyner's approach ineffective in answering the question posed by this paper.<sup>44</sup>

*Treaties and Alliances of the World* by Peter Calvert et al and *Introduction to the Law of Treaties* by Paul Reuter provide a foundation of knowledge for the subject of treaty interpretation that serves as a primer for this study's examination of Collective Defense Agreements. *Treaties and Alliances of the World* provides an overview of various treaties in force at the time of publication and categorizes them by subject.<sup>45</sup> *Introduction to the Law of Treaties* provides the accepted historical perspectives of international treaties and schools of thought on interpretation of these agreements.<sup>46</sup>

#### B. *Arms Trade*

*Arms Trade, Security and Conflict* by Paul Levine and Ron Smith examines the costs and benefits of mutual defense alliances through the lens of the global arms trade industry. The work of Levine and Smith is applicable to the goals of this study in that they both explore the role of arms trade in security pacts, however, where Levine and Smith focus on the potential benefits of arms trade as it relates to defense, this study

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<sup>44</sup> Joyner, Daniel. *Interpreting the Nuclear Non-Proliferation Treaty*. Oxford: Oxford University Press, 2011. 21-26.

<sup>45</sup> Calvert, Peter. *Treaties and Alliances of the World*. London: John Harper Publishing, 2002.

<sup>46</sup> Reuter, Paul. *Introduction to the Law of Treaties*. London: Pinter Publishers, 1989. 1-21.

examines why arms trade may occur in the first place and what may cause variances in the level of the trade.<sup>47</sup>

In *The European Arms Trade*, Martin Navias and Susan Willett explore why European nations trade arms with other countries and the mechanisms for doing so. Navias and Willett's examination of why countries trade arms is similar to the focus of this paper, with two main differences. First, Navias and Willett focus on European Trade with other countries whereas this study focuses mainly on the United States through a single mechanism (Foreign Military Sales program). Second, Navias and Willett do not analyze the effect of international agreements such as mutual defense pacts as motivating factors for selling arms, but do look at the role of arms export regulations in the European Union and their impact on arms trade.<sup>48</sup> Ian Anthony's *Russia and the Arms Trade* does explore the reasons for arms trade for a single country (Russia), which is similar to one of the objectives of this study. Anthony explores the impact of competition in the international market on arms transfers, and domestic considerations such as national policy and the relationship between the government and industry as they relate to arms trade. This study fills a gap in the literature that investigates the role of treaties, which ostensibly is missing from previous efforts.<sup>49</sup>

### C. *Collective Defense Agreements*

There is extensive scholarly literature that focuses on Collective Defense Agreements from several angles. *Organizing for Peace* by Daniel Cheever and H. Field

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<sup>47</sup> Levine, Paul and Ron Smith. *Arms Trade, Security and Conflict*. London: Routledge, 2003. 137-141.

<sup>48</sup> Navias, Martin and Susan Willett. *The European Arms Trade*. New York: Nova Science Publishers, 1996. 41-42.

<sup>49</sup> Anthony, Ian. *Russia and the Arms Trade*. Oxford: Oxford University Press, 1998. 99

Haviland, Edgar S. Furniss Jr.'s *A Re-Examination of Regional Arrangements* and K.M. Panikkar's *Regionalism and Security* outline the popular schools of thought on the subject.<sup>50</sup><sup>51</sup><sup>52</sup> Additional works explore the role of international institutions such as the United Nations in the development of mutual defense pacts, while others focus on a specific region of the world where nations have aligned for collective security reasons.<sup>53</sup> These works all provide concise studies of collective security arrangements but do not bring together the two variables of an agreement and the United States' Foreign Military Sales Program, which is an objective of this paper's research.

### III. ANALYSIS

#### A. Foreign Military Sales

An analysis of the total Foreign Military Sales (FMS) aid received by 54 member nations between 1950 and 2013 when grouped by their collective defense agreements (Table 1) shows that the Rio Treaty group consistently receives less arms through FMS than its counterparts. The Rio Treaty group is the sixth lowest recipient nation with an aggregate total of approximately \$9.8 billion in aid during the 1950-2013 time period. The only other treaty group to receive less aid than the Rio Treaty group is the Philippine Treaty, which received \$1.5 billion in FMS aid and consists of only the Republic of the Philippines. When the average amount of aid received by an individual country during

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<sup>50</sup> Cheever, Daniel and H. Field Haviland. *Organizing for Peace*. Boston: Houghton-Mifflin, 1954. Chapters 24-27

<sup>51</sup> Edgar, Furniss. "A Re-Examination of Regional Arrangements." *Journal of International Affairs* 9 (1955): 78-89.

<sup>52</sup> Panikkar, K.M. *Regionalism and Security*. Bombay: Oxford University Press, 1948. Chapters 35-36

<sup>53</sup> Padelford, Norman. "A Selected Bibliography on Regionalism and Regional Arrangements." *International Organization* (1956): 575-603.

the same 1950-2013 time frame is taken into consideration (Table 2), the Philippines received \$35,469,667 in FMS aid annually, which is over twice as much aid as an individual Rio Treaty nation, which received on average \$14,624,547 during the same time frame. On the opposite end of the recipient spectrum, the North Atlantic Treaty bloc of nations received a combined total of over \$130 billion in FMS support from the United States. These figures clearly show that there is a wide disparity between the Rio Treaty and the other Collective Defense Agreements when the United States offers aid under the FMS program.<sup>54</sup>

**Table 1. Total FMS Aid 1950-2013 (By Treaty)**

North Atlantic Treaty	\$130,905,761,000
Southeast Asia Treaty	\$61,561,730,000
Agreement Between The United States And Australia And New Zealand	\$28,508,495,000
Republic Of Korea Treaty (Bilateral)	\$22,418,477,000
Japanese Treaty (Bilateral)	\$20,978,569,000
Rio Treaty	\$9,886,194,000
Philippine Treaty (Bilateral)	\$1,596,135,000

Source: Data adapted from Defense Security Cooperation Agency. *Fiscal Year Series: As Of September 30, 2013. 2014.* Washington, D.C.

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<sup>54</sup> Defense Security Cooperation Agency. *Fiscal Year Series: As Of September 30, 2013. 2014.* Washington, D.C

**Table 2. Average FMS Aid Received By Individual Country 1950-2013 (By Treaty)**

Republic Of Korea Treaty (Bilateral)	\$509,510,841
Japanese Treaty (Bilateral)	\$466,190,422
Agreement Between The United States And Australia And New Zealand	\$316,761,056
Southeast Asia Treaty	\$228,006,407
North Atlantic Treaty	\$153,106,153
Philippine Treaty (Bilateral)	\$35,469,667
Rio Treaty	\$14,624,547

Source: Data adapted from Defense Security Cooperation Agency. *Fiscal Year Series: As Of September 30, 2013*. 2014. Washington, D.C.

The highest amount of FMS aid received by a Rio Treaty member nation was Chile, which received \$517,700,000 in 2002. This is one of the 19 individual instances when a Rio Treaty nation was among the top 10 recipients in a given year. The highest amount of FMS aid ever received by a nation that is a member of one of the seven Collective Defense Agreements was Australia, which received \$4,002,228,000 in 2011. This amount is nearly eight times the largest amount of FMS aid received by a Rio Treaty member nation as represented by Chile in 2002.<sup>55</sup>

When FMS transactions are viewed in the context of identifying which nations are the top and least recipients of aid for an individual year, a trend emerges that shows

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<sup>55</sup> Defense Security Cooperation Agency. *Fiscal Year Series: As Of September 30, 2013*. 2014. Washington, D.C

NATO Treaty nations as consistent top recipients and Rio Treaty nations as consistent bottom-end recipients. This trend holds for the entire 1950-2013 time period. In the aggregate, NATO Treaty nations are among the top ten recipients for FMS aid in a given year a total of 385 times, whereas a Rio Treaty member nation is only a top ten recipient for a given year 19 times. On average, NATO Treaty nations account for 6.3 of the 10 highest recipients for FMS aid during the 1950-2013 time frame. Conversely, Rio Treaty nations occupy, on average, 7.8 out of the bottom 10 recipients nations of FMS aid during the same time frame.<sup>56</sup>

### *B. Collective Defense Agreements Interpretation*

Using the treaty categories developed for this study, the analysis of the treaty texts identified that the contents of the Rio Treaty are comparable to its six peers in every area with the exception of its discussion of treaty elements that fall under the “consultation” category. The Rio Treaty’s treatment of this consultation category is significantly more extensive and detailed than the other six Collective Defense Agreements. The Rio Treaty dedicates 10 out of 26 of its articles to matters of consultation which explain how decisions will be made under the auspices of the Rio Treaty.<sup>57</sup> This discussion of decision making potentially weakens the strength of the treaty in its ability to organize a collective defense pact among member nations and therefore may serve as a contributing reason for why the United States fails to provide the same level of arms support to these

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<sup>56</sup> Defense Security Cooperation Agency. *Fiscal Year Series: As Of September 30, 2013*. 2014. Washington, D.C

<sup>57</sup> Yale Law School, The Avalon Project. *A Decade of American Foreign Policy 1941-1949 Rio De Janeiro Conference for the Maintenance of Continental Peace and Security, August 15-September 2, 1947*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/decad061.asp](http://avalon.law.yale.edu/20th_century/decad061.asp) [10 Nov. 2014]

treaty nations that it provides to the other six CDA countries, as shown in the FMS transaction data for 1950-2013.<sup>58</sup>

The consultation articles of the Rio Treaty also establish a governing body, referred to as the “Organ of Consultation,” which is responsible for several functions in the defense pact. One main function is that this body decides “...the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the continent.”<sup>59</sup> Three additional treaties, including the *Security Treaty Between the United States, Australia, and New Zealand (ANZUS)*, the *North Atlantic Treaty Organization Treaty*, and the *Southeast Asia Collective Defense Treaty (Manila Pact)* also establish councils where collective defense matters under the auspices of the treaties can be deliberated by member nations.<sup>60</sup><sup>61</sup><sup>62</sup> The difference between these three treaties and the Rio Treaty with respect to the functions of these governing councils is that the former treaties use language that establishes a broad, general framework for the governing bodies, which allows for flexibility in how the bodies function and what their mission functions are; whereas the Rio Treaty is fairly specific in what the responsibilities of its governing bodies are. An example of this

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<sup>58</sup> Defense Security Cooperation Agency. *Fiscal Year Series: As Of September 30, 2013*. 2014. Washington, D.C

<sup>59</sup> Yale Law School, The Avalon Project. *A Decade of American Foreign Policy 1941-1949 Rio De Janeiro Conference for the Maintenance of Continental Peace and Security, August 15-September 2, 1947*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/decad061.asp](http://avalon.law.yale.edu/20th_century/decad061.asp) [10 Nov. 2014]

<sup>60</sup> Yale Law School, The Avalon Project. *Security Treaty Between the United States, Australia, and New Zealand (ANZUS); September 1, 1951*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/usmu002.asp](http://avalon.law.yale.edu/20th_century/usmu002.asp) [10 Nov. 2014]

<sup>61</sup> Yale Law School, The Avalon Project. *North Atlantic Treaty Organization Treaty; April 4, 1949*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/nato.asp](http://avalon.law.yale.edu/20th_century/nato.asp) [10 Nov. 2014]

<sup>62</sup> Yale Law School, The Avalon Project. *Southeast Asia Collective Defense Treaty (Manila Pact); September 8, 1954*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/usmu003.asp](http://avalon.law.yale.edu/20th_century/usmu003.asp) [10 Nov. 2014]

specific language is found in Article 6 of the Rio Treaty which states that "...the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent." Similar specificity in actions taken by the Organ of Consultation can be found in Article 8 of the Rio Treaty which describes specific measures that may be taken in response to armed aggression directed against a member state, including: "...recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; and use of armed force."<sup>63</sup>

None of the other six Collective Defense Agreements are as specific in their language for potential responses to armed attacks against member nations. The provisions for a council established by the Rio Treaty are significantly more descriptive and limited than comparable provisions found in other Collective Defense Agreements. The *Security Treaty Between the United States, Australia, and New Zealand (ANZUS)* simply establishes a council, however, the treaty mainly stipulates that it will consist of "...Foreign Ministers or their Deputies, to consider matters concerning the implementation of this Treaty" and that "the Council should be so organized as to be able

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<sup>63</sup> Yale Law School, The Avalon Project. *A Decade of American Foreign Policy 1941-1949 Rio De Janeiro Conference for the Maintenance of Continental Peace and Security, August 15-September 2, 1947*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/decad061.asp](http://avalon.law.yale.edu/20th_century/decad061.asp) [10 Nov. 2014]

to meet at any time.”<sup>64</sup> This language leaves greater flexibility than that found in the Rio Treaty.

In addition to the specificity surrounding the roles and responsibilities of a governing council established by the Rio Treaty, the treaty also provides power to an entity outside of the Rio treaty when the Organ of Consultation is not immediately available. Specifically, Article 12 states that “The Governing Board of the Pan American Union may act provisionally as an organ of consultation until the meeting of the Organ of Consultation referred to in the preceding Article takes place.” Article 15 further explains that “The Governing Board of the Pan American Union, shall act in all matters concerning this Treaty as an organ of liaison among the Signatory States which have ratified this Treaty...” Further, Article 16 states that “The decisions of the Governing Board of the Pan American Union referred to in Articles 13 and 15 above shall be taken, by an absolute majority of the Members entitled to vote.”

What is significant about these provisions is that the Governing Board of the Pan American Union has the authority to make decisions on behalf of Rio Treaty member nations, however, these decisions are not necessarily done within the framework for a governing body that is established by other elements of the Rio Treaty. Specifically, Article 17 states that two-thirds of signatory states must agree on decisions made by the Organ of Consultation, however, Article 16 notes that decisions under the Governing Board of the Pan American Union require only a majority. This is tempered by provisions in Article 20 which notes that “no State shall be required to use armed force without its consent,” however, other actions, such as the “recall of chiefs of diplomatic

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<sup>64</sup> Yale Law School, The Avalon Project. *Security Treaty Between the United States, Australia, and New Zealand (ANZUS); September 1, 1951*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/usmu002.asp](http://avalon.law.yale.edu/20th_century/usmu002.asp) [10 Nov. 2014]

missions” or the “interruption of economic relations” as referenced in Article 8 would still, technically apply.

These examples of complicated provisions of the Rio Treaty are one of the main elements that separates it from the other six Collective Defense Agreements that the United States is party to and may be one factor for the imbalanced supply of arms to the other six Collective Defense Agreement member nations under the Foreign Military Sales program. The defense relationships established under these other six agreements are arguably more cohesive and less complicated than the relationship formed on the basis of the Rio Treaty.<sup>65</sup>

What is evident in an analysis of the language and contents of the Collective Defense Agreements is that treaties that use specific and extensive language for outlining the decision making processes and institutions for the defense pacts are less likely to receive arms support from the United States under its Foreign Military Sales program. Conversely, treaties that use non-limiting language for deliberative processes tend to receive greater arms support. No definitive explanation for why Collective Defense Agreements such as the Rio Treaty receive less arms from the United States is offered in the data examined, however, one plausible argument for this is that treaties that use extensive and specific language to outline roles and responsibilities with respect to responding to armed aggression may be indicative of defense pacts that are weak and lack cohesiveness. One of the main purposes of a Collective Defense Agreement is to demonstrate to potential adversaries that its member nations are unified in their willingness to counter armed aggression. A defense agreement that uses specific

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<sup>65</sup> Yale Law School, The Avalon Project. *A Decade of American Foreign Policy 1941-1949 Rio De Janeiro Conference for the Maintenance of Continental Peace and Security, August 15-September 2, 1947*. ONLINE. 2008. Available: [http://avalon.law.yale.edu/20th\\_century/decad061.asp](http://avalon.law.yale.edu/20th_century/decad061.asp) [10 Nov. 2014]

language on what can and cannot be accomplished by its respective member nations may be viewed by the United States as one that is less effective than its peer defense agreements. The United States, therefore, would reasonably devote its limited resources, as demonstrated by the costs (in U.S. Dollars) of the Foreign Military Sales program, to those defense agreements that use broader, more flexible language that is indicative of a stronger, more resolute defense pact.

An alternative hypothesis for why Rio Treaty member nations receive less arms than their Collective Defense Agreement counterparts is that Rio Treaty nations have less extensive defense requirements than counterparts such as NATO and South Korea, which results in less arms received under the FMS program as is observed in the data. This is a valid argument, however, it does not disprove the theory that collective defense agreement treaty language affects Foreign Military Sales support.

#### IV. CONCLUSION

The examination of Collective Defense Agreements and Foreign Military Sales metrics shows that there is a plausible connection between these two entities, however, there is scarce publically available data that definitively illustrates the reasons for this connection. The lack of publically available data is not a new obstacle in the study of international relations, but it remains one that must be overcome to advance understanding of this field. Other variables, such as foreign policy decision-making processes, diplomatic communications, geopolitical goals and military force composition are all elements that could potentially help advance understanding of the connection between collective defense agreements and foreign military sales, if data were available

for these variables. The data for some of these variables may not be available today but sometimes become publically available in time. An example of this type of data is the *Foreign Relations of the United States* series that is compiled and published by the U.S. Department of State, which provides a “...historical record of major U.S. foreign policy decisions and significant diplomatic activity.”<sup>66</sup> This type of information, which is only available thirty years after the events occurred, may provide additional insight into why the United States provides arms under the Foreign Military Sales program to some nations and not others. Additional data such as this would be valuable in determining if a relationship between collective defense agreement language and Foreign Military Sales statistics is real or not, and determining this would significantly advance understanding of defense relations in general.

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<sup>66</sup> U.S. Department of State. *Historical Documents: Foreign Relations of the United States*. ONLINE. 2014. Available: <https://history.state.gov/historicaldocuments> [11 Nov. 2014]

## Defense Trade in the United States-India Defense Relationship

The Department of Defense's recent Defense Strategic Guidance issued in January, 2012 reaffirms that in a post Cold-War era, the United States maintains global interests and responsibilities, but the document also emphasizes that the future security interests of the United States require a "rebalance toward the Asia-Pacific region."<sup>67</sup> This renewed emphasis on the importance of Asia necessitates that the United States build and maintain positive relationships with several nations concurrently. Within this framework, India is unquestionably an Asian nation that the United States will need to partner with in order to achieve desired security objectives. Doing so will undoubtedly require a productive defense relationship between the two nations.

Descriptions such as *defense relationship* or *defense partnership* can reasonably be used when referring to the type of interaction that is sought by the United States and India, but terms such as *alliance* are too strong. Relationship and partnership indicate that there is a mutually understood use and need by both nations for collaboration on some level when interests conveniently align, but the term "alliance" takes this collaboration to a level that is uncomfortable for either nation. India has a history of not aligning itself with global factions and the United States does not wish to be entangled into potential conflicts between India and its regional neighbors if it can avoid it. The important fact here is that the United States does want a meaningful and productive defense relationship with India, however, there are several obstacles that make this difficult.

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<sup>67</sup> Department of Defense, "Sustaining U.S. Global Leadership: Priorities for 21<sup>st</sup> Century Defense," Accessed October 23<sup>rd</sup>, 2012 [http://www.defense.gov/news/Defense\\_Strategic\\_Guidance.pdf](http://www.defense.gov/news/Defense_Strategic_Guidance.pdf)

### *I. U.S. Defense Relationship Goals*

Based on the available literature, the United States has two primary categories of goals for a relationship with India in the realm of defense matters: security and trade. With respect to security, the United States seeks to ensure the “free flow of commerce” through the Indian Ocean.<sup>68</sup> It also seeks to counter terrorism in the South Asia region, an area where Sumit Ganguly and Andrew Scobell argue the United States could learn from India’s “extensive” experience combating domestic insurgencies and apply these lessons to current situations in Afghanistan.<sup>69</sup> Lastly, in the category of security goals, the United States wishes to foster stability in Asia, particularly with respect to China and its emergence as a global power.

In addition to security, the United States also seeks the economic benefits that come with a positive relationship with India in the defense arena. Russia has served as India’s traditional supplier when it comes to procuring weapons and military equipment, but India has always coveted western military technology that has generally been unavailable in the absence of positive, defense relations with the United States. For the United States, there is significant pressure from its defense industry base to ease restrictions on the export of U.S. defense technology to India in order to tap into the world’s most lucrative and fastest growing market for military equipment.<sup>70</sup>

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<sup>68</sup> Greg Winston, “Defense Cooperation with India,” *Journal of International Security Assistance Management* 27, no. 4 (Summer 2005): 5.

<sup>69</sup> Sumit Ganguly and Andrew Scobell, “India and the United States,” *World Policy Journal* 22, no. 2 (Summer 2005): 43.

<sup>70</sup> Mira Kamdar “The Real Prize in India-U.S. Relations,” *World Policy Journal* 23, no. 4 (Winter 2006): 61

The issue of trade is an important factor in the context of the U.S.-India defense relationship because it is a common thread that is interwoven with each of the main barriers to the type of defense relationship that both the United States and India seek. The available scholarship indicates that this defense relationship is inhibited by three main challenges. The first obstacle revolves around the respective geopolitical relationships of India and the United States. Specifically, each country's respective relationship with Russia and Pakistan and the resulting impact of these relationships on the U.S.-India dynamic. The second obstacle in the U.S.-India relationship involves India's nuclear ambitions in the context of the United States' longstanding opposition to the proliferation of nuclear weapons. The final obstacle is the role that the trade of military technology plays in U.S.-India defense relations. The main goal of this paper is to better understand the complex nature of the U.S.-India defense relationship in the context of these three important issues. Through examination of these three areas, a clearer picture of how U.S.-India defense relations can be improved may emerge.

To better understand the U.S.-India defense relationship and the potential avenues to improve it, this paper will analyze the current theories surrounding the three main impediments to the relationship. As previously discussed, these impediments surround Russia and Pakistan's role in the U.S.-India paradigm, nuclear proliferation and the trade of defense related technology. This paper will then argue that while Russia and Pakistan's function and nuclear proliferation are important factors in the U.S.-India relationship, it is the issue surrounding the trade of defense technology that stands out as most significant in terms of obstacles to the relationship. Finally, this paper will argue that an improvement in the trade of defense technology between the United States and

India is likely to lead to improved relations between the two nations in the defense arena. This hypothesis is based on observations of India's defense relationships with other nations, particularly Russia and Israel, and an investigation of resources such as the Foreign Military Sales (FMS) program that are available to the United States to enhance relationships.

## *II. Defense Relationship Impediments*

The United States and India's respective relationships with other countries significantly affect their collaboration on defense matters. Following the 9/11 attacks, the United States found it necessary to partner with Pakistan, India's traditional rival, on security matters related to Afghanistan. While this relationship has never been a particularly easy one for either the U.S. or Pakistan, it has been substantive enough to irk India, and serve as an obstacle to a productive United States-India partnership. Unfortunately, the United States has a history of partnering with Pakistan with the unintended consequence of offending India.

When the Soviet Union invaded Afghanistan in the 1980s, the U.S. provided military aid to Pakistan as a counter to Soviet aggression. While the intent of the U.S. was not to threaten India or put it at a disadvantage militarily in the region, that is precisely what occurred.<sup>71</sup> In this context, Sharif Shuja has correctly identified a contributing factor to the deficient U.S.-India defense relationship as the United States' forced position to appease both Pakistan and India in order to achieve its regional

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<sup>71</sup> Sumit Ganguly and Andrew Scobell, "India and the United States," *World Policy Journal* 22, no. 2 (Summer 2005): 41.

objectives.<sup>72</sup> This appeasement is a delicate balancing act, because the United States must derive some benefit that warrants its involvement in the long-standing rivalry between Pakistan and India. The course of action that the United States has frequently taken has arguably been one of parity. For example, when the U.S. has offered sales of F-16 planes to Pakistan, it has also offered F-18 planes to India shortly after.<sup>73</sup>

Many authorities on U.S.-India-Pakistan dynamics understandably offer differing views on the complex relationship. Shehzad Qazi argues that the United States should move away from parity and establish separate relationships with India and Pakistan that reflect the current and predicted future environment, rather than treat them both equally. Specifically, Qazi suggests that the relationship with Pakistan should focus mainly on common, regional security goals, while the U.S. relationship with India should be more robust, encompassing trade and security issues while also embracing common democratic values.<sup>74</sup> Paul Staniland, however, argues that it is “unrealistic” for the United States to fully “escape the muddle” of the complex U.S.-India-Pakistan relationship.<sup>75</sup> Essentially, Staniland argues that Pakistan is important to other U.S. regional goals, such as the stability of Afghanistan, and any shift in attitude toward India that comes at Pakistan’s expense will jeopardize attainment of other U.S. objectives in the region. As a result, any attempt to improve US-India cooperation in defense matters is likely to incur a cost in U.S.-Pakistan relations.

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<sup>72</sup> Sharif Shuja, “The United States and India,” *International Journal on World Peace* 23, no. 2 (Jun2006): 43.

<sup>73</sup> Sharif Shuja, “The United States and India,” *International Journal on World Peace* 23, no. 2 (Jun2006): 44.

<sup>74</sup> Shehzad Qazi, “Hedging Bets: Washington's Pivot to India.” *World Affairs* (November/December 2012): 24.

<sup>75</sup> Paul Staniland, “Caught in the Muddle: America’s Pakistan Strategy,” *The Washington Quarterly* (Winter 2011): 134.

The hesitation on the part of the United States to provide India with military technology, such as aircraft, is not strictly related to U.S. relations with Pakistan and the latter's rivalry with India. In fact, it is India's historic relationship with the Soviet Union, and today's Russia, that has arguably played a greater role than Pakistan in impeding defense relations between the U.S. and India. The available literature is in agreement that India has a desire for sophisticated, American military hardware, but Russia has always been a concern for the U.S. The fear of sensitive U.S. technology falling into Russia's possession has always been a clear obstacle to the type of defense relationship that both India and the United States seek, but this may not necessarily be as much of an obstacle today for two reasons. First, Shuja argues that the United States is more "accepting" of India's defense procurement relationship with Russia.<sup>76</sup> This acceptance will necessarily fluctuate with the current state of relations between the U.S. and Russia, but it may be a requirement for any productive relationship with India since one of the main reasons that India consistently seeks out Russian military hardware, as opposed to U.S. hardware, is the belief that the United States is not a reliable supplier of technology.<sup>77</sup> The second reason why India's relationship with Russia should not be of significant concern to the United States is the 2002 signing of the General Security of Military Information Agreement between India and the United States. This agreement prohibits the transfer of military technology and information by each nation to third parties, thus alleviating a primary concern for the United States.<sup>78</sup>

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<sup>76</sup> Sharif Shuja, "The United States and India," *International Journal on World Peace* 23, no. 2 (Jun2006): 43.

<sup>77</sup> Greg Winston, "Defense Cooperation with India," *Journal of International Security Assistance Management* 27, no. 4 (Summer 2005): 12.

<sup>78</sup> Sumit Ganguly and Andrew Scobell, "India and the United States," *World Policy Journal* 22, no. 2 (Summer 2005): 44.

In addition to the geopolitical issues involving Pakistan and Russia, a significant barrier to defense relations between the United States and India surrounds the issue of nuclear proliferation. Given the high premium that the United States places on preventing the proliferation of nuclear weapons, military cooperation between the U.S. and India came to a virtual halt following India's 1998 nuclear test. The sanctions imposed on India by the U.S. following the test essentially prevented any military-to-military interaction or trade of defense technology from taking place, however, this obstacle has been reduced considerably over the past 10 years.

Since the administration of George W. Bush, the United States has arguably treated India differently than other nuclear equipped nations with respect to non-proliferation issues. The traditional benchmark for the United States has required that countries agree to abide by the provisions of the Nuclear Non-Proliferation Treaty (NPT), however, the Bush administration took steps to go outside of this traditional requirement in order to devise a framework where cooperation between the United States and India could be possible without the latter having to strictly adhere to the treaty. While this was, and remains, a controversial strategy, it shows that the issue of nuclear proliferation is not necessarily a deal breaker and that there is room for a defense relationship to exist between the United States and India that accommodates each nation's nuclear requirements.<sup>79</sup>

Several scholars have offered motivations for the unique path that the United States has taken in its approach to India on the nuclear proliferation issue. S. Paul Kapur suggests that limits to India's expansion of nuclear weapons could result in the desired

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<sup>79</sup> Sharif Shuja, "The United States and India," *International Journal on World Peace* 23, no. 2 (Jun2006): 45.

goal of increased regional stability, particularly with respect to nuclear neighbors Pakistan and China, and also a reduction in the possibility of a nuclear weapon falling into the hands of terrorist organizations.<sup>80</sup> While Kapur focuses mainly on the security implications of the United States' nuclear non-proliferation efforts, Mark Fitzpatrick approaches the issue with a broader view in mind.

Fitzpatrick indicates that the nuclear non-proliferation issue is important, not only for reasons of security, but also for its ability to overcome a long-standing obstacle to greater, strategic cooperation between the United States and India in other areas, such as trade.<sup>81</sup> Fitzpatrick's viewpoint is important because it identifies the overarching obstacle to the U.S.-India defense relationship, but it does not, however, provide the granular reasoning that links the nuclear non-proliferation issue directly to the desired defense relationship.

Mira Kamdar offers a different perspective for U.S.-India cooperation in nuclear matters. Kamdar argues that a significant reason for U.S. engagement with India is to gain access to India's growing defense sales market.<sup>82</sup> While trade is not the only reason for U.S. engagement with India, it is a tangible benefit for removing the proliferation obstacle from the US-India relationship. Kapur, Fitzpatrick and Kamdar offer valid viewpoints on the role of nuclear non-proliferation in the overall relationship between the United States and India, but the issue's direct impact on defense cooperation warrants further examination. Kamdar's views on the nuclear issue's impact on the trade of

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<sup>80</sup> S. Paul Kapur, "More Posture Than Review," *Nonproliferation Review* 18, no. 1 (March 2011): 69-83.

<sup>81</sup> Mark Fitzpatrick "US-India Nuclear Cooperation Accord: Implications for the Non-Proliferation Regime," *Asia-Pacific Review* 15, no. 1 (2008): 76-85.

<sup>82</sup> Mira Kamdar, "The Real Prize in India-U.S. Relations," *World Policy Journal* (Winter 2006/2007): 60-63.

defense technology between the United States and India provide a logical reason for exploring the role of defense trade itself in the U.S.-India defense relationship.

### *III. Significance of Defense Trade*

Nuclear proliferation, Pakistan and Russia, are not inconsequential obstacles to a productive relationship between the United States and India, but the standard schools of thought regarding these respective issues tend to indicate that they can be resolved, or at least managed, on some level that allows for collaboration on defense issues to take place. Therefore, greater attention should be placed on exploring the trade aspect of the U.S.-India relationship that allows for the exchange of military technology.

Military technology is important to India since it does not have an advanced capability to develop and produce military hardware indigenously. As a result, India is forced to rely upon other nations for desired military equipment for its security needs. This reliance is particularly important given that two of India's nearest geographic neighbors, China and Pakistan, are two of its greatest rivals.

Traditionally, India's most significant partner and supplier of military hardware has been Russia, and its predecessor, the Soviet Union. India's relationships with both the Soviet Union and Russia are significant to the hypothesis that defense trade can lead to broader defense relations with India because India's initial relationship with the Soviet Union was based primarily on a strong need for access to military technology.

Access to advanced military hardware has been important to India since its independence, but with respect to India's approach to relationships in defense matters, India has always strived to not only obtain sophisticated military hardware, but also to

develop the capability to produce these items itself. This is an important point because acquisition and production of military equipment tend to form the limits of the types of defense partnerships that India seeks with other nations. Holding true to its longstanding policy of non-alignment in international relations, India often confines itself from engaging in bilateral security alliances with other nations; especially dominant political powers such as the Soviet Union and the United States. As a result of this, Ramesh Thakur characterizes the India-Soviet Union relationship as a “limited association.”<sup>83</sup>

Beyond access to military hardware through purchase, a key benefit for India in its relationship with the Soviet Union was the ability to produce Soviet equipment in India under license. This provided India with several advantages and is a relationship that it continued with Russia following the collapse of the Soviet Union. Through the ability to produce military equipment domestically, India would slowly be able to develop the technical expertise that is necessary to move away from reliance upon foreign nations for technology and move towards a self-sustaining capability to develop and produce equipment internally. A key reason why India gravitated towards the Soviet Union in this respect is that the United States and other Western nations were wary of losing control of sensitive technology by allowing their products to be produced by India.<sup>84</sup> As a result of India’s initial supplier-buyer relationship with the Soviet Union for defense technology, its relationship with the Soviets, and today’s Russia, slowly expanded to involve joint research and development of military items. One key example

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<sup>83</sup> Ramesh Thakur, “The Impact of the Soviet Collapse on Military Relations with India,” *Europe-Asia Studies* 45, no. 5 (Sep 1993): 831.

<sup>84</sup> Ramesh Thakur, “The Impact of the Soviet Collapse on Military Relations with India,” *Europe-Asia Studies* 45, no. 5 (Sep 1993): 831.

of this is the Brahmos anti-ship missile that has been jointly developed by India and Russia.<sup>85</sup>

The example of India's relationship with the Soviet Union, and later Russia, in defense matters shows that military technology and self-sufficiency have long formed the core of India's meaningful defense relationships with other nations. Another key example of this fact is India's defense relationship with Israel. Israel is arguably not as politically or militarily dominant as the former Soviet Union once was, yet it enjoys a similar defense relationship with India. This relationship, based on the trade and joint development of military technology, is significant to the hypothesis that defense trade can improve defense relations with India because it shows that these types of defense relationships with India can progress along a similar track, regardless of the size or prominence of the country on the world stage. What matters most is the quality of the nation's military technology and its willingness to serve as a supplier to India without restriction.

Efraim Inbar and Alvite Singh Ningthoujam indicate that India's defense relationship with Israel was founded on realist principles.<sup>86</sup> Specifically, they note that "similar goals and rationales behind arms modernization, buildup and export brought the two nations closer together."<sup>87</sup>

Building upon the theme of the importance of defense technology in the relationship, Harsh V. Pant shows that one of the strengths of the India-Israel defense

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<sup>85</sup> Harsh V. Pant, "Indian Defense Policy at a Crossroads," *Asia-Pacific Review* 17, no. 1 (2010): 129.

<sup>86</sup> Efraim Inbar and Alvite Singh Ningthoujam, "Indo-Israeli Defense Cooperation in the Twenty-First Century," *Mideast Security and Policy Studies*, 93 (Jan 2012): 3.

<sup>87</sup> Efraim Inbar and Alvite Singh Ningthoujam, "Indo-Israeli Defense Cooperation in the Twenty-First Century," *Mideast Security and Policy Studies*, 93 (Jan 2012): 3.

relationship, and a key reason for why India is willing to partner with Israel in the defense arena, is the latter's record of reliability for supplying India with vital military equipment during times when other nations, namely the United States and Western Europe, have been unwilling to do so for political reasons. India's several conflicts with neighboring Pakistan form the majority of these instances.<sup>88</sup>

Russia and Israel's willingness to supply military technology to India during periods when other nations have been unwilling to do so is an important factor in India's defense relations with these respective nations. Equally important is the path to self-sufficiency in the production of sophisticated military technology that comes with a relationship with each of the countries, particularly Israel.

According to Pant, a relationship with Israel provides two specific advantages for India. First, Israel's expertise with upgrading Soviet and Russian military technology allows for diversification of India's defense suppliers to mitigate risk. When Moscow objects to India's course of action, India can turn to Israel to repair or upgrade its predominantly Russian-made military equipment.<sup>89</sup> The second advantage is the expertise and self-sufficiency that India derives from joint development endeavors with Israel. The India-Israel defense relationship that initially began as a "buyer-seller" arrangement has evolved into a more robust association where the two countries are jointly developing and producing antimissile systems, high-tech radar and night-vision equipment.<sup>90</sup> This shows that despite other variables, such as India's large Muslim

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<sup>88</sup> Harsh V. Pant, "Indian Defense Policy at a Crossroads," *Asia-Pacific Review* 17, no. 1 (2010): 130.

<sup>89</sup> Harsh V. Pant, "Indian Defense Policy at a Crossroads," *Asia-Pacific Review* 17, no. 1 (2010): 131.

<sup>90</sup> Harsh V. Pant, "Indian Defense Policy at a Crossroads," *Asia-Pacific Review* 17, no. 1 (2010): 131.

population, India can have a pragmatic defense relationship with Israel that is based primarily on trade.<sup>91</sup>

The examples of Russia and Israel show that defense trade is important to India, thus making it possible for the United States to leverage its own Foreign Military Sales (FMS) program as a resource to improve its defense relationship with India. FMS can be employed by the United States as a powerful tool to enhance US-India defense relations due to its unique role in transferring U.S. military technology to foreign nations. J.P. Poon explains that unlike other nations, where the private sector deals directly with the foreign government, the trade of military technology between the United States and other countries takes place on a “government-to-government” basis.<sup>92</sup> Through FMS, the US Department of Defense acts as the main agent to procure military equipment for foreign entities.<sup>93</sup> As a result, military technology and its availability to foreign nations such as India fulfill more of a diplomatic role rather than a mainly economic one. Since access to desired U.S. military technology is dependent upon Pentagon approval, that access can be conditioned upon enhanced collaboration in other defense areas, such as joint training or regional counter-terrorism activities.

Though it is a powerful tool, the Foreign Military Sales program is not without its disadvantages. Because the sale of military hardware under the program is controlled by the US Government, it directly ties into India’s concerns of the ability of the United States to serve as a reliable supplier of military technology. Amer Latif explains the

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<sup>91</sup> Efraim Inbar and Alvite Singh Ningthoujam, “Indo-Israeli Defense Cooperation in the Twenty-First Century,” *Mideast Security and Policy Studies*, 93 (Jan 2012): 15.

<sup>92</sup> Jessie P.H. Poon, Suksawat Sajarattanachote, and Sharmistha Bagchi-Sen, “The Role of US Defense Exports in Asia Pacific Regionalism,” *Political Geography*, 25 (2006): 717

<sup>93</sup> Jessie P.H. Poon, Suksawat Sajarattanachote, and Sharmistha Bagchi-Sen, “The Role of US Defense Exports in Asia Pacific Regionalism,” *Political Geography*, 25 (2006): 717

United States' reluctance to transfer sensitive military technology to India as a significant obstacle in the defense relationship of the two countries. Specifically, Latif portrays the United States' views of its technology as a "strategic commodity," where decisions regarding its availability to foreign partners are made primarily from a national security standpoint.<sup>94</sup> In contrast, Latif further explains that one of the main reasons why Europe and Russia have greater success when dealing with India in the defense trade arena is because they view military technology primarily as a "commercial commodity" that is developed with the intent that it will eventually be sold to foreign countries.<sup>95</sup> The United States has a well-founded reason to keep its advanced military technology secure, though it will need to reconcile its technology safeguarding practices with its other national security objectives if it wishes to advance in its defense relationship with India.

An additional weakness of the Foreign Military Sales program in the context of use as a negotiating tool for improved defense relations with India is India's strong tradition of non-alignment in international affairs. While sophisticated US military technology may be enticing to India, it may not be enough for India to collaborate with the United States in defense matters on a level that the latter seeks.

#### *IV. Conclusion*

Several factors affect the defense relationship between the United States and India. Nuclear proliferation and diplomatic relations are considerable challenges, but they are not insurmountable ones. The main reason why trade stands out from issues such as

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<sup>94</sup> S. Amer Latif, *U.S.-India Defense Trade: Opportunities for Deepening the Partnership*, Center For Strategic & International Studies, (June 2012):38

<sup>95</sup> S. Amer Latif, *U.S.-India Defense Trade: Opportunities for Deepening the Partnership*, Center For Strategic & International Studies, (June 2012):38

nuclear proliferation or the United States' and India's respective relations with Pakistan and Russia, is that it is both a desired end goal for the United States and an obstacle to defense relations. It is also affected, in part, by each of the previously identified obstacles. The relationship between the United States and India with respect to military technology is not entirely hampered by the relationship between the U.S. and Pakistan. India would likely procure American military hardware, if available, for its quality and effectiveness regardless of whether the U.S. was friendly with Pakistan or not. At a minimum, India would want access to the same military technology as its rivals. India's main concern surrounds the issue of supply reliability. Also, with respect to nuclear weapons, limiting their proliferation is a well-known goal for the United States, however, the US relationship with Israel provides precedent for the existence of a healthy defense trade relationship between the U.S. and another nation whose nuclear policy is considered ambiguous at best.

The trade of defense technology is a primary component of the defense relationship between the U.S. and India, and also contains elements of both a goal and an obstacle that other barriers lack. The U.S. and India each want to benefit from exchanging military technology, which represents a core element of the defense partnership, but this issue of trade is also an obstacle in itself. Some issues regarding defense trade have been identified and partially overcome, such as the issue of the protection of military technology and the signing of the General Security of Military Information Agreement as a solution, yet the ideal defense relationship does not yet exist. Further research that focuses specifically on defense trade may identify and explain the barriers that prevent this type of defense relationship from occurring and show that an

improvement in the trade of defense technology will likely result in an improvement in the defense relationship. More broadly, investigation of the unique role of defense trade in international relations may illuminate how it is considered as a factor in the relationships of other nations and if it has a significant role in international relations theory.

## Conclusion

The research and analysis demonstrated in this thesis portfolio illustrated the significance of defense trade in defense relations. The portfolio has shown that defense trade data can illustrate the importance that a country places on its defense relationship with another. The portfolio has also shown that defense trade statistics are one of the few types of publically available data that is quantifiable and directly relates to defense relations, particularly in the case of the United States.

*The Asia “Pivot”:* *Indications of Existence Through Analysis of Foreign Military Sales* effectively demonstrates that Foreign Military Sales arms transaction metrics can serve as a proxy for the general level of importance that the United States places on recipient nations. The study interestingly showed that U.S. attention, with respect to arms sales, shifted from Europe to the Asia-Pacific region, while its interest in the Middle East remained largely unaffected.

*The Influence of Collective Defense Agreements on U.S. Foreign Military Sales* continued the overall portfolio’s interest in Foreign Military Sales and focused on language used in the seven collective defense agreements that the United States currently participates in. This research identified the potential causal relationship between how subjects are addressed in defense pact treaties and the effect on defense trade. Future research in this area should seek to explore aspects of the links between defense trade and collective defense arrangements. The research in this portfolio approached questions from the perspective of the United States, however, the findings in this portfolio may or may not be replicated when other nations are examined. Additionally, a significant

variable that should be examined, for which data is not readily available, is the specific type of arms and military equipment that is traded. Having data that shows the relative type and cost of military equipment that is trade would significantly improve understanding of arms trade. Unfortunately, given the nature of this information, it is not readily available, and what little is accessible to the public is mainly found in Western democratic nations.

*Defense Trade in the United States-India Relationship* focuses less on defense trade metrics and primarily explores the role of defense trade in a significant relationship. This paper shows that the United States and India have security interests that align, yet their relationship is plagued with significant obstacles. The paper finds that despite these impediments, defense trade is an area where both nations can improve their relationship, and that both nations have the ostensible motivation to do so. Since the interest of both nations in improving relations in the defense arena was largely formed in the George W. Bush administration, and therefore is in fairly nascent stages, little information is available that would indicate if the relationship is improving, declining or remaining steady. The research and findings provided in the other two studies in this thesis portfolio lay a potential foundation for beginning to answer this question. The proven effectiveness of using defense trade data as a proxy for illustrating the state of a defense relationship would be effective in an examination of United States-India relations. Only within the last decade has the United States provided India with military technology and equipment. This would indicate that the two countries have improved defense relations, however longer term evaluation of the state of their arms trade will indicate if the increase that is observed now is an anomaly or indicative of a positive relationship.

The individual research in this thesis portfolio is complimentary in nature. Each of the three studies explores a different facet of the relationship between defense trade and defense relations. As with any field of study, there are always questions that remain and new sets of data and variables to explore, however, what has been achieved in this body of work is additional progress, however incremental, in advancing existing knowledge of the nature of defense relationships.

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