

# The US government's oversight of weapons and military equipment delivered to Afghanistan

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The United States has been working to rebuild the Afghan National Army (ANA) and Afghan National Police (ANP), the two major components of the Afghan National Defence and Security Forces (ANDSF) charged with providing security for the Afghan people. Since the US government's involvement in Afghanistan after 11 September 2001, accounting for and ensuring the proper use of weapons and other military equipment provided to the ANDSF has been a major challenge.

These donated weapons and military equipment fall into two categories: those in the supply chain and those in the field. In my experience, more weapons and equipment are lost in the supply chain (for example, in production, transit, and storage) than in the field, largely because they are not used regularly in the supply chain and their absence is therefore less likely to be noticed.

The following paper reviews the relevant US legal framework and the work conducted by the Special Inspector General for Afghanistan Reconstruction (SIGAR) in the oversight and accountability of weapons provided to Afghanistan. The paper also cites work conducted by other agencies seeking to improve oversight in Afghanistan and similar work conducted in Iraq, as relevant.

## US Congressional requirements

Section 1225 of the National Defense Authorization Act for Fiscal Year 2010 (United States, 2009) requires the Department of Defense (DoD) to register and monitor 'defense articles' transferred to Afghanistan and Pakistan. According to the standard operating procedures (SOPs) of the Combined Security Transition Command-Afghanistan (CSTC-A),<sup>1</sup> Congress included these requirements in various national defence authorization acts because several reports from oversight agencies had shown weaknesses in the DoD's procedures for tracking weapons provided through the Foreign Military Sales (FMS)<sup>2</sup> programme.

The Golden Sentry End Use Monitoring (EUM) programme is designed to verify that defence articles or services that the US government transfers to foreign recipients are being used in accordance with the terms and conditions of the transfer agreement or other applicable agreement (Defense Security Cooperation Agency, DoD, n.d.). In accordance with Section 505 of the Foreign Assistance Act (United States, 2019, para. 2314) and Sections 3 (para. 2753) and 4 (para. 2754) of the Arms Export Control Act

(United States, 2018), and as reflected in the terms and conditions outlined in the Letter of Offer and Acceptance,<sup>3</sup> recipients must agree to the following:

- to use US-provided defence articles, training, and services only for their intended purpose;
- not to transfer title to, or possession of, any defence article or related training to anyone not an officer, employee, or agent of that country or of the US government without prior written consent of the government;
- to maintain the security of any article with substantially the same degree of protection afforded to it by the US government; and
- to permit observation and review by, and to furnish necessary information to, representatives of the United States with regard to the use of such articles.

The EUM programme sets forth the requirements for US oversight to ensure that these conditions are met. All potential end-use violations must be reported through Department of State channels. Monitoring the use of US-origin items is a joint responsibility of partner nations and the US government, and includes military departments, combatant commands, and security cooperation organizations. In the case of Afghanistan, this includes the CSTC-A.

## Reporting on accountability for weapons

### Afghanistan

Three oversight agencies have reported on accountability for weapons the US government has supplied to the Afghan military:

- the DoD Inspector General (Inspector General, DoD, 2009);
- the Government Accountability Office (GAO) (GAO, 2009); and
- SIGAR (SIGAR, 2014).

In its 2009 report the DoD Inspector General identified material internal control weaknesses in accounting for weapons provided to the ANA. The report found that the CSTC-A did not have a formal process in place to transfer weapons. In addition, the CSTC-A was unable to properly account for these weapons (Inspector General, DoD, 2009, p. i).

In 2009 the GAO reported that the DoD did not provide clear guidance to US personnel on accountability procedures for managing, transferring, and storing weapons procured for the ANDSF, resulting in significant lapses in accountability (GAO, 2009, p. 3). The report concluded that the weapons the CSTC-A provided to the Afghans were at serious risk of theft or loss due to:

- a lack of complete inventory records for 36 per cent of weapons procured and shipped to Afghanistan from 2004 through 2008;
- inventory records failing to include serial numbers for weapons and locations; and
- a lack of training and mentoring of ANDSF personnel on inventory maintenance and accountability procedures (GAO, 2009, pp. 3–4, 19–20).

In 2014 SIGAR reported on inaccurate data in the DoD’s databases that contained records of weapons shipped to Afghanistan for the Afghan military (SIGAR, 2014, p. 12). The department maintained information on the weapons in the Security Cooperation Information Portal (SCIP) and the Operational Verification of Reliable Logistics Oversight Database (OVERLORD). DoD personnel used SCIP to track weapons shipped from the United States and used OVERLORD to track receipts for these weapons in Afghanistan. Errors and discrepancies often occurred because the two systems were not linked, so personnel had to enter the data manually. This created a problem because no accurate record of the number of weapons given to the Afghans existed at any one time. Without such a record, no real-time evaluation of the Afghans’ weapons accountability could ever be accurately performed.

Compounding this problem, the inventory system the US government bought for the Afghans, called the Core Inventory Management System (CoreIMS), was not linked to or compatible with US systems. This required the Afghans to conduct another round of manual data entry for their weapons. The system was also plagued by internal challenges such as a lack of internet connectivity and system capacity issues (SIGAR, 2014, p. 6).

The Afghans were uncomfortable using an electronic system and often reverted to maintaining paper records. This was understandable because of frequent power outages and connectivity problems. But using paper records made it impossible for US personnel to remotely monitor inventory levels. Had the Afghans’ inventory system been fully capable of providing current, accurate records remotely—as the system was designed to do—US personnel could have generated inventory lists and conducted accurate inspections. The impact of this lack of capability became more evident after the major withdrawal of US troops at the end of 2014. From then on US advisors left in the country had less interaction with Afghan troops and were able to conduct fewer in-person inspections of weapons storage facilities, thereby increasing the likelihood that weapons could be lost due to corruption.

During SIGAR’s recommended follow-up procedures DoD personnel indicated that they had stopped using OVERLORD and had begun recording all inventory shipping and receiving data in SCIP. The DoD said it had reconciled approximately 90 per cent of its inventory records between the two systems by the end of 2016.<sup>4</sup> However, by all accounts the system is still having the same problems today as it did when SIGAR

published its report in 2014, and DoD personnel are still unable to monitor inventory levels remotely.

The last major finding of SIGAR's 2014 report was that the DoD did not have a process to retrieve weapons and equipment that the ANDSF no longer needed (SIGAR, 2014, pp. 11–12). As a result there were stockpiles of excess weapons that could be lost or stolen. For example, before 2010 the DoD issued to the Afghans both NATO-standard weapons, such as the M-16, and non-standard weapons, such as the AK-47, because manufacturers could not produce enough NATO-standard weapons to keep pace with the ANDSF's rapid growth. After 2010 the DoD and the Afghan Ministry of Defence determined that interoperability and logistics would be enhanced if the ANA used only NATO-standard weapons. However, no provision was made to return or destroy non-standard weapons, and more than 100,000 weapons that were no longer needed were kept in a large central depot (SIGAR, 2014, pp. 11–12).

The DoD and the Department of State tried to negotiate a stipulation in their 2015 Bilateral Security Agreement with the Afghan government that would require it to return or destroy unneeded weapons before the US government would provide additional ones. However, this stipulation was ultimately dropped from the agreement.

## Iraq

Other reports from the GAO and DoD Inspector General have also noted the lack of proper accountability for weapons in Iraq. For example, a February 2017 DoD Inspector General's report on equipment and weapons accountability noted that the responsible DoD entities did not have effective procedures for securing Iraq Train and Equip Fund (ITEF) weapons in Kuwait and Iraq (Inspector General, DoD, 2017). More specifically, the outgoing and incoming Kuwait commands did not consistently conduct inventories of weapons or secure weapons in accordance with Army Regulation 190-11 (Inspector General, DoD, 2017, p. i). This occurred because the first Theater Support Command and Sustainment Brigade did not maintain effective oversight of the Kuwaiti operations, including failing to establish guidance to ensure that inventories were conducted and weapons stored in accordance with army regulations.

In addition, the Iraq Combat Sustainment Support Battalion (CSSB) did not effectively secure ITEF weapons at an Iraq Building Partner Capacity site, in accordance with Army Regulation 190-11 (Inspector General, DoD, 2017, p. i). For example, the Iraq CSSB received incoming ITEF weapons at a central receiving and shipping point (a yard) that had a surrounding fence with multiple holes. This occurred because the yard in question was the only area provided to the Iraq CSSB to receive incoming ITEF weapons until an alternative designated location was refurbished.

## Conclusion

Ultimately, accountability for weapons delivered to Afghanistan has suffered greatly from these issues and has probably complicated the reconstruction effort. It is hoped that future efforts to ensure the appropriate management of weapons provided to the Afghans will take these issues into account and improve security in the country.

SIGAR is examining the possibility of reviewing weapons accountability again in the near future with a focus on how relevant US agencies are implementing the required EUM programme. This potential audit will probably focus on accountability for not only weapons, but also other military equipment provided to the ANDSF that is subject to EUM requirements.

## Endnotes

- 1 The multinational CSTC-A ‘trains, advises, and assists within Afghan security institutions to develop resource management capability, Inspector General and rule of law capability, and provides resources in accordance with the Afghan National Defense Security Forces requirements while ensuring fiscal oversight and accountability of funds and materiel delivered’. The CSTC-A focuses on ‘helping Afghanistan develop a sustainable, effective and affordable ANDSF in support of the Afghan Government’. Contributing nations are Australia, Austria, Denmark, Germany, Lithuania, Norway, Poland, Romania, Spain, Sweden, Turkey, the United Kingdom, and the United States (NATO, n.d.).
- 2 Under the FMS programme a foreign government identifies requirements for military-related items or services and then purchases them from the US government.
- 3 A Letter of Offer and Acceptance is the legally binding document that outlines the terms of each transaction for FMS goods with foreign governments.
- 4 Author email correspondence with the director of the Defense Security Cooperation Agency Central Command Country Portfolio, December 2016.

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