



# PROPOSED US FOUNDATIONAL AGREEMENTS BETWEEN US AND INDIA

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The proposal from the US Govt for conclusion of the three Foundational Agreements with India has been under discussion since at least 2011.

These agreements are:-

- (a) Communications Compatibility and Security Agreement (COMCASA), formerly known as the Communications and Information Security Memorandum of Agreement (CISMOA).
- (b) Logistical Exchange Memorandum of Agreement (LEMOA) formerly known as the Logistic Support Agreement (LSA).
- (c) Basic Exchange and Cooperation Agreement (BECA).

The drafts of these Agreements have been under deliberation since long and fresh inputs have reportedly been recently forwarded to the Indian Government for consideration. The US govt has emphasised that for optimal utilisation of US supplied defence equipment, as well as for

efficient conduct of joint training, the conclusion of these Agreements is recommended.

## COMCASA

COMCASA becomes necessary in case classified military information is required to be exchanged between US and Indian defence forces. Typically, the systems employed are secure radios, secure video teleconferencing and tactical data links. Classified equipment needs to be protected under US Law through Communication Security devices, commonly referred to as COMSEC. Therefore, prior to release of COMSEC devices to India, the COMCASA agreement becomes necessary. Without COMCASA, only commercial grade communication security equipment would be made available to India; COMCASA, therefore, actually provides for a legal framework for the transfer of COMSEC devices and aids compatibility between armed forces of the two nations.

The point that needs to be considered is that if COMCASA were not to be signed would it in any way vitiate the operational engagement between the two armed forces, say, a joint training exercise? It is understood that the signing of the COMCASA is not expected to limit Indian flexibility in procurement of equipment from other countries, nor obligate India to procure communications equipment or purchase technology exclusively from the US. Notwithstanding this, as in procurement of certain other sensitive military equipment from the US, COMSEC equipment obtained under this agreement could invite EUM/EEUM measures; this matter needs to be discussed with the US.

### LEMOA

LEMOA is an agreement for the exchange of logistics support and supplies that are generally required during combined exercises, port calls and cooperative efforts in unforeseen exigencies like in an HADR situation. This agreement essentially facilitates the provision of services and support that either party may need when in an out-of-country situation. It also ensures that the financial transactions and billing is correct and timely. The agreement is not expected to serve as a mutual defence treaty, authorise US armed forces a presence on Indian soil or commit India to US operations; on the contrary, India could stand to benefit if there is a need for seeking assistance for its military while in transit through US bases, as on deployment for exercises

abroad or for conducting HADR operations like the one the IAF did in Philippines. The support/services list is typically expected to cover rations, clothing, POL, medical services, spares and other non-lethal equipment.

### BECA

BECA provides for sharing and data gathering of geospatial information. It is expected to provide access to unclassified geospatial data that improves navigation planning for exercises and geospatial training for coproducing geospatial products; this is an area where India has limited technical/technological expertise.

### Analysis

The contentious issues pertaining to signing of the agreements could be:

- (a) Whether these agreements ally India to the US or could be seen to be such.
- (b) Whether they will obligate India to source equipment from the US.
- (c) Would they commit India to jointly exercise with US in perpetuity?
- (d) Provide for stationing of US troops and/or warehousing on Indian soil.
- (e) Would they in any way compromise India's operational security?

In respect of LEMOA, the option of exchange of logistics services and supplies would be available to our forces at the same rates as

applicable to US forces. This is useful during bilateral exercise, port calls and HADR missions. Cost savings will accrue and precious time would be saved, particularly in situations requiring an urgent turn around. BECA provides for improving the geospatial information bank; what India would gain in terms of access to terrain data would be significant in refining mission planning. Equipment under COMCASA can be separately negotiated under Foreign Military Sales procedure with the US govt, should we feel the need to procure such equipment; COMSEC equipment becomes important in an exercise scenario not only with US forces but also with forces which use US sourced communication equipment. Essentially, it would enhance security of information as well as provide an improved operational area picture through secure means.

It is understood that COMCASA is complex and there are genuine apprehensions. However, the nature of the agreement is sound as it provides for operating in a secure communication environment. Notwithstanding this, it still needs a clearer understanding of the obligations through deeper examination of the contents.

## Conclusion

Indo-US military cooperation is progressing steadily. To enhance defence cooperation and gain from the increased engagement, the signing of some agreements may become necessary. Of

the three agreements, LEMOA and BECA are the least complex, and appear to have adequate safeguards to protect our interests. LEMOA is the least contentious and can be concluded early. BECA can be targeted next after having had the experience of working in an agreement scenario with the US. COMCASA needs a deeper understanding and detailed examination of the obligations that would have to be discharged. It is for consideration that the three be made acceptable to both parties by suitable tailoring of the inherent clauses and not just a lift from the agreements with other countries.

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