



Potomac Institute for Policy Studies

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Operationalizing Pillar 2 of the Australia – United Kingdom – United States (AUKUS) Partnership: Issues in Electronic Warfare

A Roundtable Summary

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August 2024

Global Competition Project (GCP) White Paper Series

About the Potomac Institute for Policy Studies

The Potomac Institute for Policy Studies is an independent, non-partisan, 501(c)(3), non-profit science and technology policy research institute. The Institute identifies and leads discussion on key science and technology issues facing our society. From these discussions and forums, we develop meaningful policy recommendations and ensure their implementation at the intersection of business and government.

About the Global Competition Project

The Potomac Institute for Policy Studies regularly engages with a spectrum of experts to elevate insights on the primary challenges and opportunities associated with technology policy and national security. The Institute's Global Competition Project (GCP), focused on societal level competition, develops foundational references for national security professionals, policymakers, industry leaders, and others while driving awareness in how the U.S. might address the most consequential aspects of the globally competitive environment. The Project has delivered on that goal through its research, publications, panels, and continuous dialogue, all through the lens of the Institute's mission intersecting science and technology, business, and government.

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INTRODUCTION

The Australia – United Kingdom – United States (AUKUS) security partnership, announced on September 15, 2021, was a watershed moment for the coalition’s competition with China in the Indo-Pacific region. Intended to “promote a free and open Indo-Pacific that is secure and stable,”¹ the trilateral initiative consists of two primary lines of effort. Pillar 1 of the agreement, which hinges on the US and UK sharing nuclear propulsion technology and the delivery of nuclear-powered submarines to Australia, has received the lion’s share of attention.² Pillar 2, focused on the joint development of advanced technological capabilities, is gaining traction and arguably has far greater potential for economic and security impact and cooperation among the AUKUS partners.

The Potomac Institute for Policy Studies, in collaboration with 401 Tech Bridge, hosts a series of closed-door virtual roundtables with representatives from government, industry, and academia, to address key challenges and opportunities associated with the co-development of advanced capabilities under Pillar 2 of AUKUS. On July 18, 2024, Potomac Institute convened experts from across the three countries to discuss implementation issues related to electronic warfare.

KEY ROUNDTABLE THEMES

Electronic warfare (EW) is one of the eight working groups under Pillar 2.³ Although a high priority for the partnership, coordinating electronic warfare efforts across the three nations remains a major challenge. All three nations must work to increase familiarity and use of joint capability development processes and related authorities, to include liberalized information sharing and applying lessons learned from successful programs.

- DOD is most familiar with working with Allies and Partners through Foreign Military Sales (FMS) cases and cooperative international research, development, test and evaluation (RDT&E) agreements. FMS is fundamentally a transactional process where DOD sells a capability, product, or service to a Foreign Partner. From a development standpoint, it is not a cooperative endeavor. Cooperative RDT&E is facilitated by legally binding agreements under treaty-level, bilateral or multilateral government to government framework agreements. Cooperative RDT&E agreements can be used as vehicles to enable US purchases of foreign capabilities under “dependable undertakings” (contracts awarded on behalf of the other party).⁴

¹ The White House. (2023, March 13). *Joint Leaders Statement on AUKUS*. Whitehouse.Gov. <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/13/joint-leaders-statement-on-aukus-2/>.

² Eckstein, M. (2024, May 9). *What has the AUKUS alliance accomplished in the last year?* Defense News. <https://www.defensenews.com/naval/2024/05/09/what-has-the-aukus-alliance-accomplished-in-the-last-year/>.

³ The seven other working groups focus on undersea capabilities, quantum technologies, artificial intelligence and autonomy, advanced cyber, hypersonic and counter-hypersonic capabilities, innovation, and information sharing. Parrish, P., & Nicastro, L. A. (2023). *AUKUS Pillar 2: Background and Issues for Congress* (No. R47599). Congressional Research Service. <https://crsreports.congress.gov/product/pdf/R/R47599>.

⁴ Programs like the F-35 Joint Strike Fighter (JSF), Multifunctional Information Distribution System (MIDS), SM-2 Missile, and ESSM Missile, were all collaboratively developed through multilateral research and development (R&D) under Title 10 and, as dependable undertakings were required (contracting on behalf of a partner), under Title 22. The E-7 Wedgetail, a Boeing airframe, was sold to the Australian DOD (ADOD) under Defense Commercial Sales (DCS). Now



- A culture entrenched in FMS-as-default remains a challenge and contributes to delayed timelines for EW capabilities. Pivoting towards a more cooperative paradigm will require aggressive, consistent leadership and accountability across the interagency, not just the Departments of Defense and State.
- The US defense industrial base (DIB) produces exquisite systems and platform-centric EW capabilities that are primarily driven by DOD's EW program requirements. High-end assets will be critical to a peer/near-peer conflict. Yet, as the conflict in Ukraine has demonstrated, a contemporary fight requires a high-low mix of capabilities that ranges from exquisite multi-domain solutions to individual soldier borne EW. This demand for a spectrum of EW capabilities represents joint development opportunities between the three AUKUS partners, as each has significant and unique expertise in developing and fielding EW systems.
- Fear of International Traffic in Arms Regulations (ITAR) violations and resulting severe penalties have led industrial bases in all three AUKUS nations to take a conservative approach to capability development and information sharing with partners. Overcoming this hurdle necessitates earnest policy changes. The authority for such changes has been in place for some time, but implementation will also require cultural acceptance (e.g. leadership support).
- Information sharing problems with partners remain acute for EW capabilities. Data and intellectual property (IP) are frequently and unnecessarily labeled "No Foreign Nationals" (NOFORN) by bureaucratic habit rather than via thoughtful adjudication. This instantly sidelines potential collaboration and prevents exchange personnel working on development programs from accessing that information. NOFORN designations affect a spectrum of material from technical data to classified information, including Top Secret Special Compartmentalized Information (TS/SCI) and Special Access Program (SAP) materials as well as threat information associated with some of the most promising capabilities on the horizon. As result, the ability to share information among partners is one of the highest hurdles for cooperative development and next generation capabilities.
 - Specifically, the United States Munitions List (USML) under Category XI (Military Electronics) prohibits the transfer of technical information regarding EW systems and equipment that provide tactical situational awareness, automatic cueing, targeting, electronic order of battle planning, electronic intelligence (ELINT), communication intelligence (COMINT), or signals intelligence (SIGINT). These prohibitions on the transfer of EW technology extend to Surface Vessels of War and Special Naval Equipment (Category VI), Aircraft and Related Articles (Category VIII) and Submersible Vessels and Related Articles (Category XX). This impacts and

that ADOD (and other allies) have de-risked the aircraft, USAF is buying Wedgetail from Boeing, not Australia's Department of Defence (which would conceptually be "Reverse FMS"). An example of DOD/ADOD EW cooperative development is the Project Arrangement (PA) for Electromagnetic Maneuver Warfare (EMW) Capability Development under the DOD/ADOD EW Maritime RDTE&P memorandum of understanding. The PA went into effect on January 4, 2019. Appendix 1 references five Candidate Capabilities, DOD and ADOD will develop. These capabilities will be developed under Technical Planning Documents (Tech Plans) to the PA.



exacerbates EW information sharing problems like NOFORN for data, IP, and other elements.

- Education across the interagency and industry is required so that people trying to collaborate can better understand how to use the existing system more broadly and do not operate in fear of policy.

INITIAL CONCLUSIONS

- Partners need to be able to work at the requirements level with each other as a starting point for collaboration on EW solutions. Coalition solutions need to be “baked in” from the start. Barriers to cooperative development across government, industry, and academia must therefore be identified and removed to meet the intent of the agreement and fulfill the goals of Pillar 2.
- The authority to make exceptions to ITAR constraints should be pushed down closer to the working level. For example, the Navy International Program Office (NIPO) placed exception authority for EW programs at the O-6 level, with the Naval Air Systems Command (NAVAIR), Program Manager Air (PMA).
- One solution for NOFORN barriers is to establish a DOD single “point of entry” - an ultimate arbiter on NOFORN definition and practice, to include UK and Australia cases, instead of changing individual documents and programs.
- The efforts of representatives working on AUKUS Pillar 2 issues and capabilities from across the interagency, along with U.S. and coalition industry partners, will benefit from closer ties and engagement with the Defense Technology Security Administration (DTSA), specifically via the National Disclosure Policy Committee (NDPC).

