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WASHINGTON, DC 20350-3000

MCO 5710.7
PLU

16 JAN 2007

MARINE CORPS ORDER 5710.7

From: Commandant of the Marine Corps
To: Distribution List

Subj: USMC FOREIGN AND MARINE LIAISON OFFICER PROGRAMS

Ref: (a) DOD Directive 5230.20, "Visits and Assignments of Foreign Nationals," 22 June 2005
(b) MCO 5700.4E
(c) DOD Directive 5530.3, "International Agreements," 11 June 1987
(d) SECNAVINST 5710.25B
(e) Secretary of Defense Security Cooperation Guidance
(f) MCO 5510.20
(g) 1 U.S.C. 112b ("The Case-Zablocki Act")
(h) Navy Foreign Disclosure Manual
(i) CJCSM 6510.01 "Defense-In-Depth: Information Assurance (IA) and Computer Network Defense (CND)," 25 March 2003
(j) MCO 5320.16
(k) MCO 5311.1C w/CH-1

1. Situation. Reference (a) established the Foreign Liaison Officer (FLNO) Program, separate from Defense Attaches, to allow foreign government representatives to act on behalf of their governments in direct, official dealings with the DoD in connection with programs, projects, or international agreements. The United States Marine Corps uses Marine Liaison Officers (MLNO) to accomplish the same objectives with foreign defense establishments. The FLNO and MLNO Programs are separate and distinct from the Personnel Exchange Program (PEP), implemented by reference (b) and the exchange of military liaison teams in support of operations, exercises, or training.

2. Mission. To promulgate the Marine Corps policy on the FLNO and MLNO programs in order to support the Secretary of Defense (SecDef), Geographic Combatant Commanders' (GCC), and Commandant of the Marine Corps's (CMC) Security Cooperation (SC) initiatives.

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3. Execution

a. Commandant's Intent. USMC utilizes the FLNO and MLNO programs to increase interoperability and cultural understanding between the Marine Corps and specific foreign partners by allowing for an increase in the number of Marines exposed to foreign militaries and cultures both at home and abroad. The programs are designed to support the Theater Security Cooperation Plans (TSCPs) of the GCC and the Marine Component (MarFor) commanders.

b. Concept of Operations

(1) Per reference (a), all assignments of FLNOs to DoD components and MLNOs to foreign governments shall be established in a legally binding international agreement, or an annex to such an agreement, which shall be negotiated pursuant to reference (c). This agreement will establish the legal basis for the FLNO or MLNO position and will cover such matters as the responsibilities and obligations of the governments, authorized activities, security requirements, financial arrangements, and claims. As an exception to this policy, FLNOs to be assigned to DoD components in support of Foreign Military Sales (FMS) may be assigned pursuant to the terms of a Letter of Offer and Acceptance (LOA) or LOA annex, provided there is a General Security of Information Agreement in place with the FLNO's government and the LOA contains appropriate elements of information.

(2) Per references (a) and (c), SecDef has delegated authority to negotiate and conclude certain international agreements to the Secretaries of the military departments. Per reference (d), the Secretary of the Navy (SecNav) delegated to CMC the authority to negotiate and conclude certain international agreements, to include liaison program agreements.

(3) Per reference (c) the authority to negotiate and conclude all FLNO and MLNO international agreements is hereby delegated to the Deputy Commandant for Plans, Policies, and Operations (DC, PP&O). This authority may be redelegated in writing, but not below the general officer level, and then solely for purposes of concluding FLNO and MLNO agreements. Negotiations between the Marine Corps and a foreign government for the creation of a FLNO/MLNO position shall be conducted per references (a), (c), and (d).

(4) FLNOs may be assigned to Marine Corps activities to provide interface between the Marine Corps and their parent organizations for programs, projects, or agreements of mutual interest to the two services.

(5) MLNOs are normally assigned to foreign defense organizations in direct support of GCC and/or MarFor SC goals and objectives. However, CMC, in consultation and agreement with the GCC and MarFor commander, may directly assign MLNOs to coordinate service programs, projects, or agreements of mutual interest in support of specific objectives listed in reference (e).

c. Tasks

(1) Deputy Commandant, Plans, Policies, and Operations (DC, PP&O)

(a) Administer and manage the USMC FLNO and MLNO programs.

(b) Assign an Office of Primary Responsibility (OPR) for the FLNO and MLNO programs that will:

(1) Coordinate with the applicable MarFors regarding the establishment, maintenance, and dissolution of FLNO and MLNO billets.

(2) Manage, in coordination with the Director of Marine Corps Intelligence, all certifications, disclosure authorities, and contact officer information required for the administration of the FLNO program.

(3) Draft the FLNO and MLNO agreements in consultation with the foreign partner nation and obtain approval of the draft agreement from the Office of the Under Secretary of Defense for Policy (USD(P)) and Office of the General Counsel (DoD GC). After receiving USD(P) approval, forward a copy of the draft agreement to the partner nation. Any proposed substantive changes to the agreement made by the partner nation, must be re-staffed to the USD(P) and DoD GC before concluding.

(4) Function as the billet sponsor for all CMC directed MLNOs assigned in support of service programs.

(2) Deputy Commandant, Combat Development and Integration (DC, CD&I)

(a) Coordinate the requirements to create MLNO billets within the Total Force Structure process with DC, PP&O as required.

(b) Coordinate with DC, PP&O on all issues regarding FLNOs assigned to your command and with DIRINT if the FLNO billet pertains to intelligence or counter-intelligence programs or activities.

(c) Per reference (f), assign a contact officer for any FLNO assigned to your command.

(3) Deputy Commandant, Manpower and Reserve Affairs (DC, M&RA)

(a) Coordinate with DC, PP&O and the appropriate MarFor commander to fill approved MLNO billets.

(b) Coordinate with DC, PP&O on all issues regarding FLNOs assigned to your command and with DIRINT if the FLNO billet pertains to intelligence or counter-intelligence programs or activities.

(c) Per reference (f), assign a contact officer for any FLNO assigned to your command.

(4) Director of Marine Corps Intelligence (DIRINT)

(a) Coordinate with DC, PP&O and MarFors regarding the establishment, maintenance, and dissolution of FLNO and MLNO billets pertaining to intelligence and counterintelligence programs and activities.

(b) Per reference (f), assign a contact officer for any FLNO assigned to your command.

(c) Coordinate with DC, PP&O all certifications, disclosure authorities, and contact officer information required for the administration of the FLNO program.

(d) Coordinate any FLNO activity involving Marine Corps Radio Battalions with Director, National Security Agency/Chief Central Security Service.

(e) Conduct liaison with national representative FLNOs.

(5) Inspector General of the Marine Corps (IGMC). Coordinate and conduct applicable assessments as may be required or requested by CMC.

(6) Staff Judge Advocate to the Commandant

(a) Provide required legal support for all efforts associated with FLNO and MLNO international agreements, based on the policy and procedures outlined in references (a), (c), and (d).

(b) Review all FLNO and MLNO international agreements or associated international agreements before negotiation and again before their conclusion to ensure compliance with domestic and international law, and DoD regulations.

(c) Provide legal counsel to the program manager and billet sponsor during the negotiation of proposed international agreements.

(d) Forward certified copies of all concluded FLNO and MLNO international agreements, and/or associated international agreements, along with all accompanying papers, agreed minutes, exchanges of notes or side letters, or background estimates to the Judge Advocate General of the Navy, pursuant to references (c), (d), and (g). These should include information explaining the agreement, the negotiating history, and the effect of the agreement along with a precise citation of legal authority.

(7) Other Deputy Commandants, HQMC and Supporting Establishment Commands

(a) Coordinate with DC, PP&O on all issues regarding FLNOs assigned to your command and with DIRINT if the FLNO billet pertains to intelligence or counter-intelligence programs or activities.

(b) Per reference (f), assign a contact officer for any FLNO assigned to your command.

(8) Regional Marine Component Commanders

(a) Exercise/provide Administrative Control (ADCON) and Operational Control (OPCON) for any MLNO assigned in your Area of Responsibility (AOR).

(b) Coordinate with DC, PP&O on all issues regarding MLNOs assigned to and FLNOs provided by nations within your geographic AOR.

(c) Coordinate with DC, PP&O on all issues regarding FLNOs assigned to your command and with DIRINT if the FLNO billet pertains to intelligence or counter-intelligence programs or activities.

(d) Per reference (f), assign a contact officer for any FLNO assigned to your command.

(e) Function as billet sponsor for any MLNOs established at the GCC or MarFor commander's request.

d. Coordinating Instructions

(1) A FLNO is a foreign government military member or civilian employee who is authorized by his or her government, and is certified by a DoD component, to act as an official representative of that government in its dealings with a DoD component in connection with programs, projects, or agreements of interest to the governments. There are three types of FLNOs:

(a) A Security Assistance FLNO is a foreign government representative who is assigned to a DoD component or contractor facility pursuant to a requirement that is described in a FMS LOA.

(b) An Operational FLNO is a foreign government representative who is assigned to a DoD component pursuant to a documented requirement to coordinate operational matters, such as combined planning, training and education.

(c) A National Representative FLNO is a foreign government representative who is assigned to his or her national embassy or legation to conduct liaison activities with the DoD or DoD components.

(2) A MLNO is an operational Marine Corps representative assigned to a foreign government pursuant to a documented

requirement to coordinate programs, projects, or agreements of interest to the governments.

(3) Per reference (f), a contact officer knowledgeable in the policies regarding FLNOs shall be designated for foreign nationals assigned to Marine Corps organizations or cleared contractor facilities.

(4) Per references (f) and (h), a FLNO may have access to U.S. Classified Military Information (CMI) or Controlled Unclassified Information (CUI) only after a Delegation of Disclosure Authority Letter (DDL) has been issued by a Designated Disclosure Authority.

(a) It is the responsibility of the contact officer to control the FLNO's access to CMI and CUI in strict accordance with the DDL.

(b) Extended visit authorizations are required for all FLNOs. These authorizations, submitted through the DoD Foreign Visit System (FVS), are normally limited to the command or activity to which the FLNO is assigned and any subordinate commands. All visits by FLNOs to commands and activities other than the one to which they are assigned require the approval of a foreign visit request submitted by the visitor's sponsoring government or international organization via the FVS.

(c) FLNOs may not assume custody of documentary information except as couriers. FLNOs may only act as couriers when they are authorized in writing to serve their government as couriers and when the documentary information has been approved for release to their government.

(5) FLNOs shall wear their parent service uniforms, if they are military personnel, or appropriate civilian attire, if they are civilians.

(6) FLNOs must wear a USMC or DoD installation pass or badge that clearly identifies them as foreign nationals. Reference (i) provides authority to the local command to grant access to the Navy-Marine Corps Intranet (NMCI) by FLNO personnel. Email accounts established for FLNOs must clearly identify the user as a FLNO. All DoD naming conventions shall be observed.

(7) All FLNO activities are limited to representational responsibilities for their government as described in the international agreement.

(a) They may not perform activities that are a responsibility of any employee of the organization to which assigned or represent the organization in any capacity, nor will they perform any activities or execute any duty of PEP personnel.

(b) All FLNOs shall be required to identify their status as foreign nationals in all oral and written communications with any party outside their command. In practice, this means that the first line of any conversation or written communication should be, "I am the (country) liaison officer at (command)."

(c) A FLNO may not represent the DoD or United States Marine Corps in any capacity. An FLNO may not enter into contracts on behalf of the DoD or the Marine Corps.

(d) A FLNO may not be provided with nametags, badges, email addresses, codes, or titles that would imply that they are U.S. Government personnel or acting on behalf of U.S. Government personnel.

4. Administration and Logistics

a. Creation, Maintenance, and Dissolution of a FLNO position

(1) FLNO positions will be at no cost to the U.S. Government.

(2) Reciprocity is not required for an FLNO assignment.

(3) The USMC originator of a request for an FLNO position will seek CMC approval via DC, PP&O. DC, PP&O will staff the request and submit for CMC decision. Once the request has CMC approval, DC, PP&O will prepare the necessary documentation to begin negotiations with the foreign military service for the FLNO position.

(4) Prior to submission of a draft FLNO agreement to a foreign partner nation, the final draft must be approved by USD(P). The agreement is then concluded by CMC, or his designee, and the appropriate foreign official.

(5) Once the FLNO position has been created, the contact officer at the Marine Corps organization at which the FLNO is assigned shall contact DC, PP&O regarding any necessary changes to the agreement that might require renegotiation. This includes the dissolution of the billet, should the position no longer meet the mutual needs for which it was created.

b. Creation, Maintenance, and Dissolution of a MLNO position

(1) Reciprocity is not required for a MLNO assignment.

(2) The originator of a request for a MLNO position will seek CMC approval via DC, PP&O. DC, PP&O will staff the request and submit for CMC decision. Once the request has CMC approval, DC, PP&O will prepare the necessary documentation to begin negotiations with the foreign military service for the MLNO position.

(3) Prior to submission of a draft MLNO agreement to a foreign partner nation, the final draft must be approved by USD(P). The agreement is then concluded by CMC, or his designee, and the appropriate foreign official.

(4) Staffing of MLNO positions shall be in accordance with references (j) and (k).

(5) For all MLNO positions, the appropriate MarFor commander shall contact DC, PP&O regarding any necessary changes needed to the agreement that might require renegotiation, to include the dissolution of the billet, should the position no longer meet the mutual needs for which it was created. If the MLNO is assigned by CMC in support of a service program, DC, PP&O will coordinate with the regional MarFor commander for any necessary changes needed to the agreement that might require renegotiation to include dissolution.

(6) Funding. Inherent in the staffing process for the creation and maintenance of a MLNO billet is the identification and programming of the requisite funding. Since most MLNOs directly support GCC and regional MarFor SC efforts, the regional MarFor is responsible for the planning, programming, budgeting, and execution of funding and fiscal support for MLNOs in their AOR. However, a designated sponsor (e.g. DC, PP&O for certain operational billets or Commanding General, Marine Corps Systems Command for a MLNO supporting an equipment program) may

program financial resources for some CMC-directed MLNOs. If appropriate, funding for such MLNOs will be provided directly to the MarFor to support the requirements of the MLNO billet.

5. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

b. Signal. This Order effective date signed.

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