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Cultural and Situational Awareness

Key Points

- Contingency contracting officers (CCO) must be familiar with the statutes, directives, treaties, and agreements that will affect contracting operations when deployed.
- Much of the business conducted by contractors overseas is by negotiation. Negotiating for lower prices should be considered a normal business practice.
- Be aware of antiterrorism countermeasures and security.
- Maintain information operations security in all your activities.

Introduction

As a CCO, your travels will take you to many places around the globe. With that in mind, this chapter was written to provide you with an understanding of foreign acquisitions, business advisor considerations, antiterrorism and security, antiterrorist countermeasures, and operations security (OPSEC) issues that are inherent with doing business in a foreign country.

Cultural Awareness



Cultural Awareness. Try to learn as much as possible about the country you'll be visiting (<http://catalog.janes.com/catalog/public/html/subject.html>):

- Try to understand the culture and customs.
- An informed visitor is a safer visitor.

- Recognize other nations may not have lifestyles and habits similar to our own. Resist the temptation to make value judgments.
- Establish a rapport with local nationals. If you do so, they can forewarn you about suspicious activities and may even ward off impending attacks. They may also prevent you from making grave social errors that might offend other local nationals.
- Try to learn as much of the local language as possible, but especially know key phrases such as “I need a policeman,” “Help,” “Fire,” or “I need a doctor.”
- Avoid becoming involved in local politics and steer clear of civil disturbances.
- Know how to use local telephones and keep sufficient pocket change on hand to use them.
- Try to blend in with your environment as much as possible. Rather than going to popular, American-frequented restaurants and bars, try local establishments suggested by your *trusted* local national friends, as the tourist attractions can become targets.
- If major attractions in the country are experiencing security problems—stay away. Instead, try to keep a low profile by visiting less frequented places.

Ethics. CCOs should always ensure that the appropriate ethics regulations are observed. When ethical or procurement integrity requirements conflict with local practices, CCOs should explain to contractors the restrictions placed on United States (US) procurement officials. All personnel should be conscious of the fact that many business cultures expect *kickbacks*, *finder's fees*, exchange of gifts, or other gratuities that are illegal for US personnel to provide or accept. Be aware that many business cultures encourage the use of deceptive techniques during negotiations; the rule of law and corruption level influence outcomes. Further, in austere areas contractors may promise more than

they can deliver or faster timelines than are actually possible. CCOs should conduct site inspections and see the products whenever possible. CCOs must be vigilant in advising US commanders, requirements personnel, and CCO appointed representatives about practices which may violate standards of conduct as prescribed in Department of Defense (DoD) Regulation 5500.7-R, *Joint Ethics Regulation*. Personnel should obtain the assistance of the legal office for guidance with respect to ethics matters. For more information on ethics see Chapter 1.

Negotiating Practices. Much of the business conducted by contractors overseas is by negotiation. When setting the price of an item, keep in mind the first price quoted is usually only a starting position for negotiations. Be advised most of the foreign contractors with whom you will be dealing can be shrewd negotiators. Negotiating for lower prices should be considered a normal business practice. Two or three rounds of exchange may be the most prudent and effective way to reduce prices proposed. For supplies, services, and construction, experience in the USCENTCOM (United States Central Command) theater has shown that the price drops dramatically whenever discussions are opened up with an offeror. The CCO's bargaining position is enhanced when the product or service is available elsewhere, or the requirement is not urgently needed. If these two factors are reversed and the contractor is aware of that, the CCO may be hard pressed to negotiate a better deal.

CCOs must ensure that the government pays a fair and reasonable price. The availability of the needed supply or service in the local marketplace, the feasibility of meeting the need from outside the local area, the ability to secure delivery within the requested time frame, the urgency of the need, and consideration for the need to build the local economy are all part of the determination of a fair and reasonable price. As the contingency environment is dynamic, it is important to document what conditions were like to support the determination of fair and reasonable price. For additional information on negotiating practices see Chapter 5.

Oral Agreements. It is prevalent in many countries to conclude an agreement or contractual understanding with nothing more than a handshake. This may occur at the outset of the contingency, humanitarian assistance, or peacekeeping operation, but should be quickly followed with a written contract. Contracts written in English may be viewed by vendors with suspicion and sometimes anger. Obtaining a vendor's signature on a contract may become a challenge. When a local businessman or provider refuses to sign contractual documents, the ordering officer (OO), field ordering officer (FOO), and the CCO must document the file with a memorandum for record or annotate the contractual document (document not signed). CCOs, OOs, and FOOs, should ensure that another US government official countersigns the document. Once a contract has been performed and the contractor has received payment, relations should improve. CCOs should always remember to keep oral communications simple and straightforward.

Local Business Practices. Local business practices in a less than stable environment, and the contractor's lack of knowledge of DoD's payment procedures may require contracting officers to arrange for immediate payment after completion and acceptance of work. See Chapter 5 for payment procedures.

Interpreter Services. Often CCOs will be deployed to locations where the local contractors speak little or no English. In these situations CCOs will need the services of interpreters. Some interpreters are deemed by the contracting officer, in consultation with the requiring activity, as mission essential contractor employees. They are considered as a contractors authorized to accompany the forces (CAAF). Mission essential interpreters have managerial or technical skills not commonly found in the general population. If CAAF interpreters are not available, CCOs should contact the US embassy for a list of approved interpreters. In absence of embassy support, CCOs may check with hotels, find a phone book, or ask bus drivers for tour operations. You will probably be successful contacting local schools (teachers, senior students, and so forth) for interpreters. CCOs

should be cautious of utilizing interpreter services from unapproved sources.

Limitations. Deployed CCOs do not have the authority to negotiate or to enter into agreements with foreign governments. If an agreement is already in existence, the CCO may obtain authority through the head of contracting activity to work with the host nation support office to write priced delivery orders against the agreement. If an agreement is needed, the CCO may request the establishment of an agreement through the host nation support office.

Multinational Programs. It is highly likely that a deployment will involve coalition forces and greater emphasis on multinational perspectives. Be aware that the international environment is governed by a myriad of statutes, directives, treaties, and implementing arrangements for conducting transactions. Guidance concerning these matters should be sought from the host nation support team, combatant command J4, and US embassy. For contingency and exercise operations in a foreign country and acquisition under provisions of mutual support logistics between the US and governments of eligible countries, be aware of host nation support agreements, assistance in kind agreements, the status of forces agreement (SOFA), and acquisition and cross-servicing agreements. CCOs should ensure they understand the role of each of these agreements, how they work, and what they can provide.

Customs and Taxes. Many times the SOFA will address contracting support related to legal obligations (such as taxes and customs), and the process and documentation needed for exemption. If procedures have not been established, contact the customs office or US embassy for guidance.

Do's and Taboos. The book *Do's and Taboos of Hosting International Visitors* by Roger E. Axtell is an excellent reference. Use it as a reference when hosting international visitors from other countries or when visiting these countries. Additionally, several Web sites are available to assist you in familiarizing yourself with the host culture:

<http://www.cia.gov/cia/publications/factbook/index.html>

<http://www.globalbusinessleadership.com/>

Additional guidance on cultural awareness is listed below.

- The US Marine Corps Center for Advanced Operational Culture Learning (CAOCL) provides information about regional cultures and languages to help planning and operations in a Joint expeditionary environment. The CAOCL Web site (<http://www.tecom.usmc.mil/caocl/>) provides specific cultural links related to Operation Iraqi Freedom, Operation Enduring Freedom, United States Africa Command (USAFRICOM), United States Pacific Command (USPACOM), United States Southern Command (USSOUTHCOM), and United States Central Command (USCENTCOM).
- The Defense Language Institute Foreign Language Center offers culturally based education in more than 40 languages. The center's Web site offers downloadable products for predeployment training, deployment use, or refresher training (see <http://www.dliflc.edu/products.html>).
- The Air Force Air University Web site offers sociocultural and language resources at <http://www.au.af.mil/culture/index.htm>. One such resource is the Air Force Culture and Language Center's Expeditionary Skills Training Portal at <http://www.culture.af.edu/estPortal.html>.

Situational Awareness

Operations Security Awareness. Your awareness of the security fundamentals allows you to focus attention on security measures needed during emergencies and in certain peacetime operations. OPSEC is a broad-based security program designed to prevent all types of sensitive information from getting into the wrong hands. Such information can be

extremely valuable to our adversaries. It can provide intelligence indicators of our daily operations and more importantly, of our future plans and activities.

OPSEC Defined. OPSEC is the process of identifying critical information and subsequently analyzing friendly actions attendant to military operations and other activities to:

- Identify those actions that can be observed by adversary intelligence systems
- Determine indicators that an adversary's intelligence systems might obtain that could be interpreted or pieced together to derive critical information in time to be useful
- Select and execute measures that eliminate or reduce to an acceptable level the vulnerabilities of friendly actions to adversary exploitation

The key to successful OPSEC is identifying indicators that are tip-offs of impending activities, such as stereotyped standard operating procedures or, in some cases, observable deviations from normal operations.

The OPSEC Process. OPSEC is a continuous, systematic process involving security and common sense. It is used to analyze operational plans or programs to detect any weakness which could provide adversaries or potential adversaries useful information. The most important steps in the process are as follows:

- Knowing your unit's mission
- Recognizing the adversary's intelligence threat to your unit
- Being aware of unit's critical information—essential elements of friendly information
- Identifying indicators which might disclose this information

- Developing protective measures to eliminate these indicators
- Being constantly alert for vulnerabilities in your unit

Communication with Vendors (Elicitation, Espionage, and Subversion)

Over time, you will develop a rapport with most of the foreign vendors you deal with. However, be wary of what you say to even the most trusted of contractors. You may find them soliciting information that might be of possible intelligence value. For example, you might be asked: Is there an exercise happening soon? How many people are on the base? Are more personnel coming in soon? Immediately report any suspicious activities to Army's CID [Criminal Investigation Division], Air Force's OSI [Office of Special Investigation], NCIS [Navy Criminal Investigation Service], or local security unit.

Always be wary of what you say when corresponding with your vendor base, either directly or indirectly, as it could be overheard by another person. Additionally, information within contract requirement documents could disclose operational information (completion dates, troop movement, and delivery locations).

You should be cautious when using satellite, cellular phones, and electronic e-mail. These methods of communication are generally not secure.

Contractor Security.



CCOs must be aware that many contractors live in the local area and that doing business with the US government can be dangerous for them and their families. All precautions must be taken to ensure that a contractor's personal information is protected. Prior to publicizing award notifications and other contracting information, check the local policy on what needs to be posted.

Antiterrorism and Security

Threat Factors. There are eight factors you should consider to understand the threat in your environment. These factors are as follows:

- Are there terror groups in the area?
- Are they violent?
- Do they attack Americans?
- How active are they?
- How sophisticated are they?
- How do they operate?
- What is their level of popular support?
- Are there common tactics?

The Department of State publishes an annual report identifying terrorist groups and describing their actions against Americans. You should also ask your intelligence officer or your chain of command for information on terrorist groups in your area. What other sources of information could you use? Be alert to news stories in the paper, on radio, or on television.

If there are terrorist groups in your area, how sophisticated are they? Do they use highly targeted, carefully planned attacks? Or do they explode bombs randomly in public places? If you know how they operate, you may be able to avoid danger spots and detect evidence of an attack before it occurs. For example, some terrorists study their targets for a month or more to carefully plan an attack. If you know how to look for this type of surveillance, you can take steps to protect yourself and report it to your intelligence officer.

It is important to know whether a terrorist group has local popular support. If they do not have popular support, the local population is more likely to warn Americans about things leading up to an attack. The Defense Department and agencies of the US government study these factors to

increase protection of US forces. Your personal awareness can contribute to these efforts by the US government. Always be attentive to what is happening around you. If you are traveling abroad, you should always be aware of your surroundings and be ready to react at the first sign of danger.

Target Selection and Target Identification. Try to see yourself as a terrorist might. Do you stand out as an American military person? Do you hang out with large groups of American troops in public? Does your behavior and the behavior of people you are with draw attention to you as Americans? Could a terrorist see you as an important person? Large groups of Americans can be an inviting target. Terrorists also identify and target specific individuals by name. You should protect your personal information to minimize your exposure. Finally, terrorists might target individuals because they appear important. Terrorists might perceive you to be important even if you do not think you are. To attack you, terrorists generally must perceive you, your associates, or your location as a target. Do not be an easy target. See accompanying DVD: “DoD Terrorism Threat and Force Protection Levels.”

Antiterrorist Countermeasures



Apply antiterrorist countermeasures to the following:

- Air travel
- Government facilities
- Ground travel
- Hostage survival
- Hotel security
- Individual protective measures
- Protecting residence

Personnel Recovery

Personnel Recovery Defined. Personnel recovery is the sum of military, diplomatic, and civil efforts to prepare for and execute the recovery and reintegration of isolated personnel.

Isolated Personnel. US military, Department of Defense civilians and contractor personnel (and others designated by the President or Secretary of Defense) who are separated from their unit (as an individual or group) while participating in a US sponsored military activity or mission, and are (or may be) in a situation where they must survive, evade, resist, or escape.

Personnel Recovery Requirements. The geographic combatant commander and subordinate commands must plan for the possible isolation, capture or detention of contractors by adversarial organizations or governments. Contractors must be included in the personnel recovery plan as demonstrated in JOPES [Joint Operation Planning and Execution System] and subordinate operational orders and plans, as well as contractor integration plans. Regardless of the threat environment, contracts should require contractors to be personnel recovery trained, to prepare *Department of Defense Form 1833, Isolated Personnel Report (ISOPREP)*, and to prepare an evasion plan of action (EPA). The contract should also clearly identify the organization and responsibility for ensuring personnel recovery training is accomplished and the ISOPREPs and EPAs are included in the theater's personnel recovery plan, and recovering and reintegrating isolated contractors.

See *JP 3-50, Personnel Recovery*, for more information on personnel recovery planning, and ISOPREP, and EPA development.

See Chapter 4 for additional information on personnel recovery.

Chapter Acronyms

CAAF – Contractors Authorized to Accompany the Forces
CAOCL – Center for Advanced Operational Culture Learning
CCO – Contingency Contracting Officer
CID – Criminal Investigation Division
DoD – Department of Defense
EPA – Evasion Plan of Action
FOO – Field Ordering Officer
ISOPREP – Isolated Personnel Report
JOPES – Joint Operation Planning and Execution System
NCIS – Navy Criminal Investigation Service
OO – Ordering Officer
OPSEC – Operations Security
OSI – Office of Special Investigation
SOFA – Status of Forces Agreement
US – United States
USAFRICOM – United States Africa Command
USCENTCOM – United States Central Command
USPACOM – United States Pacific Command
USSOUTHCOM – United States Southern Command

