



DEPARTMENT OF STATE  
ACTION MEMORANDUM

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AF/W-<sup>AM</sup>PK'S  
→ Mr. Loughran  
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January 5, 1974

TO: The Secretary  
FROM: AF - David D. Newsom *DDN*

Policy for Air-to-Air Missile Sales  
to Africa

The Problem:

The U.S. Government has to date had a policy of not furnishing the Sidewinder air-to-air missile to African countries. In three of these countries -- Ethiopia, Libya and Morocco -- we have provided F-5 aircraft without providing a major weapon for the aircraft, the Sidewinder.

On November 5 you agreed that, if we believed it necessary, we could provide the Sidewinder to Ethiopia. The final decision on whether this is the best response to Ethiopian concerns has not yet been made.

The problem now arises on an urgent basis with respect to the possible FMS cash sale of F-5E aircraft to Nigeria. The manufacturer (Northrop) contacted the Nigerians before consulting with us and is pressing us for counsel. The Nigerians would undoubtedly demand the Sidewinders and to deny them would cause a serious irritant in our relations with this major energy-producing country. We believe that DOD would favor this sale. The NSC Staff has been informed.

The question of Sidewinders has not yet arisen in connection with Morocco and the situation in Libya is moot.

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PA/HO Department of State  
E.O. 12958, as amended  
May 4, 2006

Analysis/Background:

We have refrained from providing a sophisticated system such as the Sidewinder to African countries because of Congressional sentiment and our own reluctance to raise the level of arms sophistication and expense burdens in the developing countries of Africa.

Congress has expressed its views on the U.S. Government furnishing sophisticated weapons systems to underdeveloped countries in Section 504 of the FAA and section 4 of the FMSA. These amendments (the Conte-Long Amendments) prohibit the use of appropriated funds to finance the furnishing of sophisticated weapons (either by grant or sales credit) unless the President determines it important to the national security of the U.S. and reports his determination to the Congress. Nothing in the legislation prohibits the cash sale under FMS procedures of such equipment to an LDC. The Act does contain a statement of policy that the sales program be implemented with regard to the "impact of the sales on programs of social and economic development and on existing or incipient arms races." We have explicitly assured the Congress that these considerations are taken into account. Sales must be reported to Congress under various provisions of law.

Part of our past reluctance to provide Sidewinders has been to avoid prompting local arms races and to keep the level of spending for armaments in Africa, as far as our role as a supplier went, as low as would be consistent with the internal security of African countries. We are conscious that some countries might be tempted for prestige purposes to contract for more weapons than they could afford.

The Sidewinders are nevertheless part of a weapons system, the Northrop F-5E, which is in competition for a share of the African aircraft market with the Soviet MIG 21, the French Mirage, the Swedish Viggen and the British Jaguar. All of these have an air-to-air missile capability. Without the Sidewinder, the F-5 is less competitive, and our refusal to sell the F-5/Sidewinder weapons system may no longer accomplish our previous objectives.

In Nigeria Northrop is, according to our Embassy, in direct competition with Soviet efforts to sell the MIG 21. Northrop success would have not only commercial advantages but would give us, rather than the Soviets, a major role in the Air Force of this significant African country.

In determining whether we agree to provide the Sidewinder to Nigeria or to any other major African country we need also consider the possible impact on our relations with the Portuguese. Nigeria has publicly called for the liberation of the Portuguese African territories. We have no evidence that the Nigerians presently intend to employ their Air Force in this objective but providing them with the Sidewinder could complicate our efforts to maintain an embargo on weapons for the Portuguese in Africa. The provision of sophisticated weapons to an African country would in no way diminish African opposition to our supplying weapons of any sort to the Portuguese in Africa.

The Sidewinder is a classified weapon. The furnishing of it (together with maintenance and operational technology) to countries with which we do not have established security of information procedures will require changes in or exceptions to the National Disclosure Policy.

The Options:

1. Maintain our present policy of no Sidewinder sales to Africa.

Pro: This option does not risk Congressional criticism and should cause no new concerns on the part of South Africa and Portugal in regards to our weapons policy.

Con: The basis for this policy has eroded and it is no longer accomplishing what we intended. In addition, we will be gradually phased out of a part of the military aircraft market in Africa as competing firms from other countries offer what African governments want.

2. Relax our policy completely against Sidewinder cash sales to Africa (with certain exceptions, e.g., South Africa, Libya and countries without diplomatic relations with us.)

Pro: This option has the commercial advantage of encouraging the sale of Northrop F-5s.

Con: The disadvantages are almost certain Congressional criticism for an indiscriminate arms sales policy, the difficulty of implementing it as each sale would require an exception to the National Disclosure Policy and might create African pressures (such as in Morocco) for receiving Sidewinders under FMS credits or MAP.

3. Relax our policy selectively against Sidewinder cash sales to Africa, where air forces are now equipped primarily with U.S. aircraft designed to carry that missile.

Pro: We would be able to respond better to African requests for a complete weapons system and remain competitive in this market with F-5s/Sidewinders. Pressures to provide Sidewinders widely throughout Africa with FMS credits would be less than in Option 2 and as the Sidewinders would be related to U.S. aircraft and cash sales, only a limited number of African countries would qualify.

Con: We might receive a certain amount of Congressional criticism and the Portuguese might express some concern about some Black African countries being better equipped than they are in their African possessions.

Recommendation:

That you approve the selective relaxation of our present policy against FMS cash sales of Sidewinders to Africa (Option 3).

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

If you approve this option, I will inform Northrop

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representatives, who will be calling on me January 9, of this change in policy so that they can pursue a proposed sale of 15 F-5s to Nigeria.

Drafted:

AF/PA:AJNavez/AF:DDNewsom:chg  
1/5/74; ext 22530

Concurrences:

NEA/PA - Mr. Chase  
AF/W - Mr. Loughran  
AF/E - Mr. Coote  
L/PM - Mr. Michel  
PM - Mr. Weiss  
EUR - Mr. Stoessel

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