
FEATURE ARTICLE

The Defense Institute for International Legal Studies

By

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[The following article was completed just as the International Training Detachment (ITD) of the Naval Justice School on 1 October 1997 became the Defense Institute for International Legal Studies (DIILS). The Institute is still physically located at the Naval Justice School in Newport, Rhode Island, and this article, which employs the former ITD designation, describes its various training programs.]

The network television action series *JAG* capitalizes on the American fascination with both lawyers and adventure. The series, which is seen in several other countries as well as the United States, depicts military lawyers saving the world from a variety of threats—terrorists, malevolent dictators, and a host of would be villains who threaten world order and the security of the United States. Although *JAG* may feature plots that are hard to imagine as plausible, there are JAGs who have a mission that is far removed from the traditional role of the military lawyer.

Beginning in 1992, military lawyers from each of the uniformed military services began a training venture that would take them into various developing nations in which the “rule of law” is often tenuous and sometimes non-existent. Since 1992, these JAGs have served as members of U.S. mobile education teams (METs), presenting legal seminars in 61 different nations throughout the world. At times their missions have involved threats from terrorists, civil war, and insurrection. More often, these legal teams were faced with foods of dubious origin, disease, contaminated drinking water, and a grueling travel schedule. While the major reason for these METs being in a country is to conduct training, every member of the MET also tries to build personal relationships in countries in which language, gestures, and conduct could easily be misinterpreted.

The Naval Justice School in Newport, Rhode Island took the lead in developing this legal training program which has become the most successful program under the Expanded International Military Education and Training (E-IMET) initiative launched by Congress in 1991. Responding to a world which had changed dramatically in a few years, the United States Government had to initiate new relationships with the many emerging democracies which included the new independent states of the former Soviet Union, the former Warsaw Pact countries of Central and Eastern Europe, ex-dictatorships, and other developing countries which were redefining themselves. In particular, the militaries in these foreign countries presented special legal training challenges, including:

- Ill-defined military justice systems—often mixed with the civilian legal system;
- Use of corporal punishment as the preferred method of discipline;
- Horrendous records of human rights abuses; and,

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- A need to redefine the historic relationships between the military and the civilian population.

As democracy spread as the preferred method of governance in these politically and economically developing countries, Expanded IMET was developed to address the military-related challenges faced by these nations. The Naval Justice School International Training Department began building a program that would address three basic goals of Expanded IMET:

- Creating understanding and fostering civilian control of the military;
- Improving military justice systems; and,
- Fostering human rights principles.

In true entrepreneurial fashion, the International Training Department was initially established with only one officer and no dedicated support staff. Never having been involved in the training of international students proved to be both a blessing and a burden. Starting with a survey visit to Guatemala in July 1992, a system evolved which was both minimalist and flexible. Instead of a large permanent staff, a core group of officers—military lawyers—would serve as country coordinators, with training team members selected from throughout the military services. A country coordinator was responsible for:

- Communicating with the host nation, embassy personnel, and the Navy Education and Training Security Assistance Field Activity (NETSAFA);
- Developing a curriculum and scheduling a course;
- Preparing the course in both English and in the language of the host country;
- Selecting a training team;
- Carrying the equipment needed to instruct a specific country, such as translation gear, projection systems, computer, and overhead slides;
- Teaching as many as six different subjects;
- Coordinating social events; and,
- Undertaking everything and anything that was needed to successfully accomplish the goals of Expanded IMET.

In 1993 the International Training Department was renamed the International Training Detachment (ITD) with a core staff which, by 1994, consisted of five military lawyers—two from the Navy and one each from the Air Force, Army, and Marine Corps—and a civilian support staff consisting of a curriculum developer and a secretary.

While the detailed planning prior to conducting a seminar involves few legal matters, the ability to organize and relate to people are key factors in the eventual success of the METs. A MET consists of three to five members who are selected because of the unique skills and background they possess. JAGs from the various services' JAG schools, line officers, non-commissioned officers, military and civilian lawyers, judges, and investigators have all served as members. The team members may be located in or out of CONUS. Attempting to carry out a mission in a distant land with a team which is widely scattered creates many problems which could be "show stoppers." Passports and visas need to be obtained for countries that sometimes rarely see Americans. Arrangements need to be made for travel to out of the way

places that are served by airlines with names unknown to frequent flyers. Itineraries of team members have to be matched to be sure that the team and all of its equipment arrive in ample time to recover from jet lag and set up for the busy week or weeks ahead. Usually, the teams travel to a major city to present the seminar. However, many countries lack a suitable transportation infrastructure, thereby making it more expedient to send the team into the countryside, rather than to bring 40-60 participants into the city. This, of course, further complicates the conduct of the seminar.



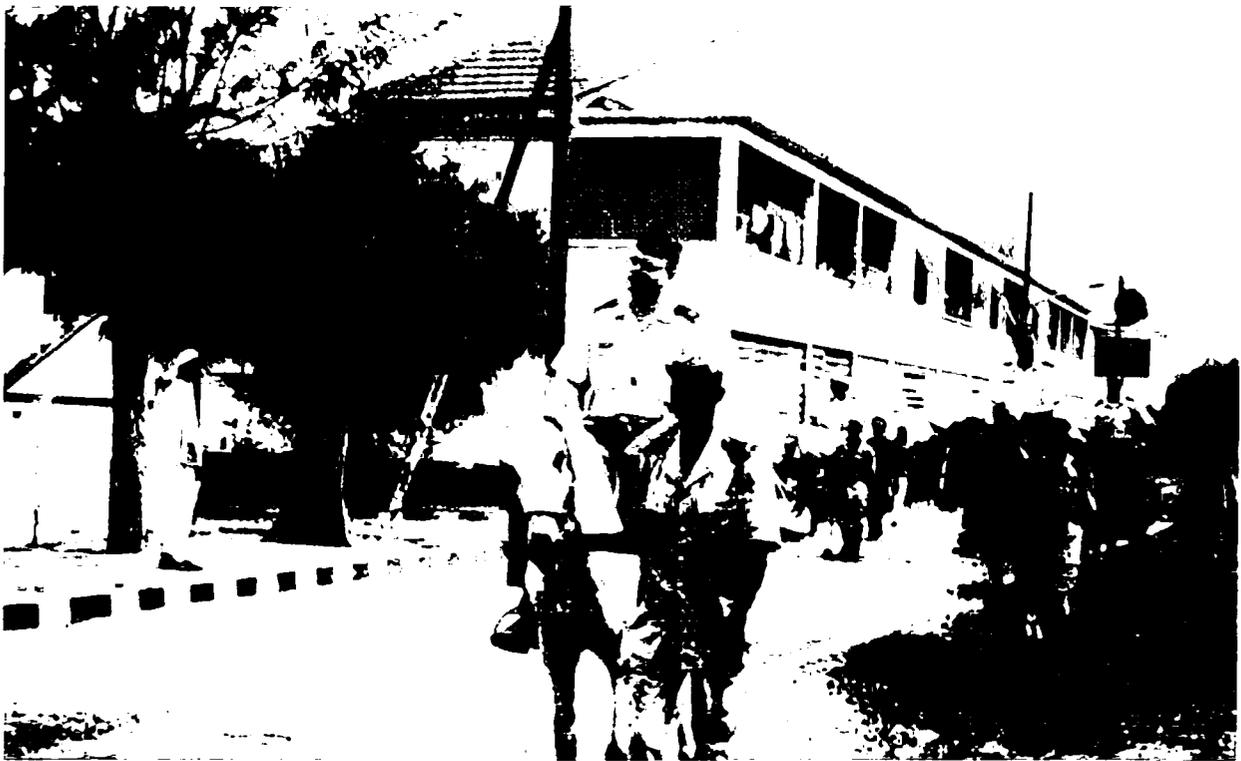
A MET "classroom" in Rwanda

Semper Gumby [always flexible, *USN coll.*] might best be selected as the motto of ITD if one considers the many twists which have happened that have made even the best made plans come apart. Consider these travel misadventures of our METs:

- All of the translated teaching materials and translation gear needed to communicate were lost in transit on the way to the seminar;
- Weather delaying the arrival of all but one member of the teaching team until after the scheduled seminar start;
- Flying to a remote location on a helicopter which is overloaded with people, equipment, and farm animals;
- Customs officials who demand a bribe before admitting the team into the host country;
- Translation equipment being held at customs, because customs officials believe it may be "spy" equipment; and,
- Frequent bouts of a variety of travelers' ailments.

Once a MET arrives in-country at the teaching location, the challenge begins of conducting a seminar with an audience that speaks another language. It would be easy to stand and lecture to the audience and then return to the United States, but real dialogue can not happen unless difficult topics—human rights, legal systems, disciplinary techniques, rules of engagement, and others—are addressed. The topics have already been mutually decided upon in the early phases of curriculum planning which takes place well before the actual seminar. Throughout the process of curriculum development, the host country has had a voice in determining the content of the seminar. In this manner, a sense of ownership and partnership is created that will set the tone for the seminar.

Discussion problems are employed to involve the audience as direct participants during the seminar. The training team breaks the seminar participants into small groups. Each group is then assigned a “real” life problem based on subject matter presented in the seminar and customized to the specific problems confronting the country. These discussion groups often present an opportunity for members of the group—military and civilian—to seek solutions in a non-threatening arena. The U.S. training teams are well received in these discussion groups. A high level of trust exists because U.S. military personnel are presenting ideas to their fellow foreign military members. Further, as outsiders, the U.S. team can provide a forum that may not otherwise be available in a particular country for persons with varying viewpoints. Most importantly, the audience benefits significantly through the free exchange of ideas between the U.S. team and the participants.



MET members “saddle up” in Senegal

The training audience varies greatly from country to country. Although the program is designed for 40-60 participants, it is not unusual for a seminar room to be filled to capacity and overflowing. In one Eastern European country, 96 participants, mostly civilian, crowded the room, because this was the first U.S. sponsored program to be conducted in their country since the demise of Communism. In Asia, an all-military audience of 85, including 12 generals,

participated in a seminar. ITD was then invited to present the same seminar in every province in the country and has since returned 14 times. Representatives of non-governmental organizations often participate, both as part of the audience and as co-presenters. Local television and press representatives frequently cover the opening and closing ceremonies. ITD teams have been reported on news shows in every continent, have made the headlines in half a dozen languages, and have taken part in impromptu discussions on everything from U.S. foreign and security policy to the unique features of American culture. The formal aspects of the seminars usually involve a country's Minister of Defense and the US Ambassador. But, on several occasions, the President of a country or the Prime Minister has visited the seminar to say a few words, present graduation certificates, and to lend even greater significance to the program.

Perhaps, most important are the personal contacts which are made during the course of these seminars. Discussions of seminar topics continue well after the official daily conclusion of class. Students arrive early and stay late. Lunch time is a continuation of class. Any one who has traveled with a team has been awed by the hospitality and friendship of their hosts. Evenings might involve a dinner in a restaurant, a night at the sauna, a hunting expedition, a site-seeing tour, or an officially sanctioned banquet. But, even these informal events are opportunities for continued discussion. Team members are often invited to visit the families of participants with whom friendships have developed. In one country, the visiting team was invited to a wedding. Friendships continue long after the conclusion of the seminars through e-mail and letters. While participating in these unofficial events, the training teams have found that the interest in topics raised during the seminars has caused greater curiosity in possible solutions, opened communications within the host country, and enhanced the image of the United States.



Sri Lankan students prepare for classroom presentation.

A major goal of the MET program is to have the seminars become annual events. Starting with the phase 1 survey, emphasis is placed on developing new methods of assistance. At the

conclusion of a seminar, the topic is "what topics should be included in the *next* seminar?" Twenty-six of the countries that participated in FY1997 were hosting phase 4 or later seminars. Most of these seminars were for two-week periods. An initial seminar offers topics that are more general, such as Military Justice, Law of Armed Conflict, Administrative Measures, and Nonjudicial Punishment. These topics are usually aimed at mid-grade and higher ranking officers and civilians involved with the military. Later seminars are focused on more specific audiences, such as lawyers and judges, or on one military group, such as air force commanders. Team makeup also changes for these seminars. General officers, senior judges, and civilian homicide detectives have all been members of such teams. Several countries have hosted eight or more seminars.

On October 1, 1997, the International Training Detachment was renamed the Defense Institute for International Legal Studies (DIILS). This name change represents recognition of the hard work by the military members and civilian support staff, as well as acceptance of the subject matter and the techniques used over the past five years in establishing a new program. As of 30 September 1997, 61 nations had taken part in this program. A total audience of 7,900 has participated, one fourth of which were civilians. Has the program had a valuable impact? Consider the following comments:

"We don't normally report on all the military programs and visits that take place in Ulaanbaatar, but the just finished IMET funded program was too good to keep to ourselves. The team of four lawyers from the International Training Division at the Naval Justice School . . . spent four days working closely with an enthusiastic and appreciative group of over 40 Mongolian lawyers and judges, both civilian and military." US Embassy Ulaanbaatar, Mongolia

"The Albanian Armed Forces are confronted by immense change, the most complex portions of which are neither tactical nor strategic, but rather philosophical. Indeed Clausewitz noted that an army is most susceptible to change when it is not in transition. The Albanian Armed Forces are a case in point. The exposure to new concepts, values, and most important, people, is of inestimable value. ITD contributions apropos the modernizing of our legal codes, have been without parallel." Ministry of Defense, Albania

"At times during the six months of preparation for this seminar, we asked ourselves if it would turn out to be worth the effort and whether the subject matter would be appropriate and well-received. The answer is a resounding "yes" on both counts. Perhaps the greatest benefit was to bring nationwide positive attention to the military and security forces, elements of Central African society which are largely overlooked except when they are blamed for indiscipline and heavy-handedness." US Embassy Bangui, Central African Republic

Perhaps none of the real military JAGs will ever make television, but the impact that this program is having exemplifies the highest ideals envisioned by the Expanded IMET program. Who knows, maybe there will be a plot or two which could make the show. Now, if they can only find a suitable role for me, my acting career will be launched!

ABOUT THE AUTHOR

Mr. Munroe, a former U.S. Army officer, joined the staff of the Naval Justice School Detachment, International Training in October 1994, as Curriculum Developer. In 1997 he was named Academic Director for the International Training Detachment which is now known as the Defense Institute for International Legal Studies (DIILS). He holds a B.A. in History and Education from the University of Rhode Island, Kingston, RI and a M.A.T. in History from Rhode Island College, Providence, RI.

Table 1

Achievements of the Defense Institute for International Legal Studies since 1992.

During FY97:

A total of 43 countries participated in this fiscal year.

The cumulative total of countries since the inception of the program was 61.

Nine countries were new to the program this fiscal year.

Ten of the 28 countries that are "repeat customers" in FY1997 signed up for multiple weeks of training.

The first major revision of modules occurred, along with the creation of new courses in Peacekeeping, Status of Forces, and Law of the Sea.

The total number of international students for the year was 2,713. Military students numbered 2,239 (82%) and civilian students 474 (18%). [Note: data correct as of 24 September 1997.]

The staff as of 30 September included 4 Navy officers, 1 Coast Guard officer, 1 Marine officer, 1 Air Force officer, and 3 civilians. The Army slot was vacant since 1 August and is expected to be filled by 1 November 1997.

Materials had been translated into 23 languages.

Advanced topics included training for judges in Mongolia, war crimes investigators in Rwanda, and judge advocates in South Africa and Papua New Guinea.

During FY96:

A total of 45 countries participated in this fiscal year.

14 of these countries were new to the program.

8 of the 31 countries that are "repeat customers" signed up for multiple weeks of training.

The total number of international students was double the total trained by ITD in the previous 4 fiscal years combined.

Approximately 25% of the participants were civilians.

ITD teams traveled 2,421,539 air miles to complete their mission.

By the end of FY95:

A total of 38 countries participated in training between July, 1992 and September, 1995.

2,256 international students had participated, of which 1300 were in FY95 alone.

1652 military and 604 civilian participants had been students.

Two countries had instituted new Military Justice codes as a result of METs.

Staff included 2 Navy officers, 1 Marine officer, 1 Air Force officer, 1 Army officer, 1 GS-11 Curriculum Developer, and 1 GS-7 Administrative Assistant.

14 countries were new to the program in FY95.

23 countries were repeat participants during FY95.

48 overseas trips were made in conjunction with the program.

The number of available teaching modules had doubled to 70.

Newly developed programs in Peacekeeping, Maritime Law, and Human Rights Trainer were offered.

Table 2

Country Participation in International Legal Studies METs

<u>Participant Countries</u>	<u># of METs</u>	<u>Participant Countries</u>	<u># of METs</u>
Albania	5	Lithuania	4
Angola	1	Macedonia	4
Argentina	3	Madagascar	6
Bangladesh	4	Mali	4
Belarus	4	Moldova	3
Bolivia	5	Mongolia	5
Bosnia	3	Morocco	1
Bulgaria	4	Mozambique	5
Burundi	2	Niger	3
Cambodia	18	Papua New Guinea	7
Cameroon	1	Paraguay	3
Central African Republic	4	Peru	5
Chad	2	Philippines	4
Chile	2	Poland	5
Colombia	8	Romania	7
Czech Republic	4	Russia	5
Ecuador	2	Rwanda	8
El Salvador	7	Senegal	5
Estonia	5	Sierra Leone	4
Ethiopia	5	Slovakia	5
Georgia	3	South Africa	7
Ghana	3	Sri Lanka	2
Guatemala	4	Suriname	5
Guyana	3	Thailand	4
Honduras	6	Togo	1
Hungary	11	Uganda	3
Ivory Coast	1	Ukraine	9
Kazakstan	3	Uzbekistan	3
Kyrgyzstan	3	Zambia	1
Latvia	6	Zimbabwe	7
Lebanon	3		