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## ***FEATURE ARTICLE***

### **The Growing, Unlimited Mission of the Defense Institute of International Legal Studies**

**By**

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**and**

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*Newport, Rhode Island is beautiful and historic, but it is also the launching point from which teams from the Defense Institute of International Legal Studies (DIILS) travel the world advocating the importance of democracy and the rule of law. DIILS is the number one provider worldwide of training under the Congressionally mandated expanded international military education and training (E-IMET) program. On 16 June 2000, the Deputy Secretary of Defense transferred DIILS from the Navy to being a Joint Agency Activity under the direct command of the Director, Defense Security Cooperation Agency (DSCA). This article discusses the transition of DIILS to DSCA, its current initiatives, and how they relate to the objectives of the State Department and the regional commanders-in-chief. The article concludes with a few recent anecdotes from DIILS teams in the field.*

#### **Formative Stages Lay Solid Foundation**

In 1991 Congress created a new program designed to train international civilian and military officials abroad. This program sought to build on the success of the international military education and training program (IMET). The new program made international training more affordable by sending U.S. teams to foreign countries to train in critical areas and develop an ongoing dialogue, thereby reaching a larger audience than resident courses in the United States. Responsibility for E-IMET was given to the Department of State and execution of the program assigned to the Department of Defense. In 1992, the Judge Advocate General of the Navy and the Naval Justice School accepted the challenge of developing a rule of law program demanded by this new E-IMET legislation. The Naval Justice School juggled billets and other resources to establish the International Training Detachment (ITD), originally just one officer. Demand grew, a second officer was added, and by 1994, the ITD had two civilians and officers from each service. This small, founding group created an interactive program to provide training on the rule of law and military justice to emerging democracies throughout the world. To more properly reflect its mission, three years later the ITD changed its name to the Defense Institute of International Legal Studies.

Through the ingenuity and dedication of the original staff, DIILS launched a training program that now is the world's largest provider of E-IMET, conducting 451 programs for 13,688 participants in 75 countries from Albania to Zimbabwe. Through repeated contacts over a period of years, DIILS and the host nations have developed a dialogue, a trust, and a common purpose.

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Host nation officials and U.S. team members share democratic principles and ideals during the DIILS seminar. Both sides learn from the experience. The process works.

A three-phase approach is used for the initial contact with a nation. During the first phase, a two-person DIILS team sponsored by the U.S. embassy travels to the country to learn about its legal system and political concerns through a series of meetings with civilian and military officials, as well as representatives from certain non-governmental organizations. For the second phase, selected representatives visit the United States and observe first-hand the principles of our democratic institutions and society. They also plan the follow-on seminar. Finally, the actual seminar, or third phase, occurs in the host nation with four DIILS faculty and approximately 30-60 military and civilian officials from the host nation. Seminars consist of a mixture of classroom presentations, practical exercises and small group discussion problems. One hallmark of the DIILS methodology through the years is its ability to foster dialogue among seminar participants. Whatever the topic, DIILS brings civilian and military officials together.

Early seminars focused primarily on the topics of rule of law and military justice. As planned by DIILS founders, their personal contacts, flexible approach and ability to create new materials to meet the specific needs of the host country led to successive seminars in most countries. Many DIILS countries have held ten or more seminars with new annual seminars tailored to meet developing legal challenges and needs as the country continues its transition to democracy. The scope of DIILS' mission today far exceeds the vision of its original founders.

### **Shifting Paradigms: New Curriculum and Tangible Products**

Because of its growing reputation for producing high quality, informative seminars, demand continually mounts for DIILS' services. Success and popularity, however, also bring challenges. Our customer nations are not content with the same basic military justice or human rights seminar time and again, especially when seminars fall within the same year. To meet this challenge, DIILS treats each seminar as a new chapter in an ongoing relationship with one chapter building upon another as this year's disciplined military operations course becomes a peace support operations course the next year. As relationships have evolved, not only do nations request more sophisticated seminar topics, they also have turned to DIILS to help solve some of the problems of democratization. One of the earliest examples of such assistance is DIILS' technical aid to several nations engaged in drafting or re-drafting their military justice codes. To meet the rising need for rule of law training in all areas of military operations and democratic development, the increasing sophistication of seminar participants, and countries' demands for problem solving, DIILS constantly develops new curriculum, refines existing material and carefully tailors training to the specific requests of each country.

This requirement manifests itself in DIILS' transition from the abstract to the practical. As the bipolar, Cold War world disintegrated, a more complex international community emerged. The role of the law in the military and the role of the military in the international community both correspondingly became increasingly complex. Governments worldwide realize the important role their militaries must play in international peace efforts. There is growing interest in, and a corresponding need for, a better understanding of, how to best conduct military operations within the rule of law. New respect emerged for incorporating the law of armed conflict, the newly developing body of international humanitarian law, and other international laws into all aspects of military operations.

Even traditional bread-and-butter topics such as military justice take on a new light. DIILS sees many nations realizing the critical importance of developing a working military justice system and learning how to prepare and use rules of engagement in a coalition environment. The legal aspects of command and control of coalition operations are an essential part of all professional militaries. Understanding that forward-deployed coalition forces require a new legal

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infrastructure is only the first step; the real work begins with integrating that infrastructure into a military force without compromising the mission's primary goals. Countries such as South Africa have always had a strong legal component in their militaries, but little experience with international operations to prepare them for coalition operations. Through working with DIILS, the South African military actively sought to develop operational law skills to improve their performance on better international missions. This skill-building program has developed into specific, practical training for South African officers selected to deploy to the Democratic Republic of the Congo. Similarly, Zambia viewed its legal aspects of peace support operations seminar as essential to supporting its forces in Sierra Leone. Such support requires DIILS to monitor the pulse of current peacekeeping operations. A DIILS country program manager, Captain John Cooper, USA, traveled to Kosovo in February 2001 to cull some of the latest lessons learned from our troops deployed there.



**Admiral Malouf of the Lebanese Navy hosts DIILS team. Beirut, Lebanon**

In addition to the practical aspects of coalition training, DIILS continues its strong efforts to create tangible products to complement the dialogue that occurs during and after a seminar. DIILS has worked with several countries in the past few years to develop rules of engagement, to create investigator or prosecutor guidelines and handbooks for investigating and prosecuting war crimes, and to draft legislation to integrate women into their armed forces. Practical exercises such as mock courts-martial, model Security Council debates, and on-camera interviews and press conferences for military officers discussing legal matters assist in the DIILS goal of making the law a more tangible entity based on practical application.

As previously mentioned, DIILS assisted several nations with writing codes of military justice, but this is just one example of the legislative assistance DIILS provides. DIILS runs an entire program, the Coast Guard's model maritime service code, devoted to assisting coastal nations create a strong legislative foundation for their maritime services. Country program manager, Major Chris Supernor, USAF, brought a team of senior Croatian government officials to Northern California to expose them to a variety of interagency response mechanisms, including the Unified Command/Incident Command System. The federal government uses this system to coordinate responses to everything from oil spills to wildfires. This visit was the first step toward drafting legislation to create a Croatian national operations center that will coordinate both defense operations and responses to natural disasters.



#### **Mongolian leaders address recent Peace Operations Seminar**

One final example of creating a tangible product is DIILS inaugural resident course for 43 members of the Iraqi National Congress (INC). This seminar on “War Crimes: Investigation and Prosecution” was designed to present to the INC the legal requirements to successfully investigate and prosecute war crimes, crimes against humanity, genocide, and other violations of human rights. After establishing the legal requirements, the class separated into three groups to create:

- a request to the international community for an Ad Hoc Tribunal
- a draft statute establishing a domestic Iraqi court system to prosecute war crimes, crimes against humanity and genocide
- a proposed new investigative process and investigative manual detailing how to effectively gather evidence to properly preserve it for a successful eventual prosecution .

The INC continues to work on these projects and is using this new expertise to prepare an investigative and legal report detailing the crimes they believe are being committed by the current regime in Iraq.

In FY2002, DIILS will begin sponsoring and hosting the international resident programs previously offered by the Naval Justice School.

#### **The Future of DIILS under DSCA**

Under DSCA, DIILS is fully resourced. The shift to DSCA resulted in a change in the leadership structure at DIILS and an increase in personnel to accomplish the mission. The DIILS director now reports directly to the director, DSCA. Beginning in the summer of 2001, the director’s billet, traditionally a Navy O-6 billet, will rotate every two years among the Air Force, Army, and Navy. The next DIILS director will be an Air Force colonel. When the hiring and assignment process is complete, the full-time DIILS staff will increase from twelve to eighteen. A Navy O-5 will assume the deputy director’s position. The Coast Guard officer who manages the Coast Guard’s model maritime service code program currently handles the deputy director duties as well. Billets have been obtained for the active duty officers from the Army, Navy, Air

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Force, and Marine Corps who serve as country program managers. DIILS will also have four enlisted personnel, and one from the Army and three from the Navy. The Academic Department gains two new civilian attorneys to improve its ability to create and enhance curriculum.

Twelve Army, Navy, and Marine Corps reserve attorneys now drill with DIILS. Air Force reservists are expected to begin drilling in FY2002. These reserve judge advocates bring with them years of active and reserve military experience, often overseas, as well as language skills valuable to DIILS. Their civilian careers range from law school professors to federal and state prosecutors to corporate attorneys and private practitioners. All draw on a wealth of contacts in both the civilian and military worlds, adding significant depth to the DIILS expertise. These officers are fully integrated into DIILS.

All the new resources and billets allow DIILS to provide more innovative, cutting-edge seminars, either for a single nation or a regional group. DIILS now meets specific requests from embassies and host nations worldwide with seminars on hot topics such as legal concerns of counter-drug operations, advanced legal issues in military-media relations, environmental law, investigation and prosecution war crimes, operational law, and government ethics. In March 2001 in Latvia, DIILS presented a new seminar on the role of the non-commissioned officer in military justice.

The entire request, assessment, planning and presentation process can take place quickly. Argentina has a long-standing relationship with DIILS and requested a new seminar topic, environmental law, for the year 2000. In May 2000, DIILS country program manager, Lieutenant Sandra L. Jamison, JAGC, USN, traveled to Argentina with an environmental law expert to conduct an in-depth assessment of the Argentinean environmental law program in the military. Six Argentine and four American environmental law experts later visited Washington, DC, to develop the curriculum for the later seminar. In September, 2000, a DIILS team of civilian and military environmental lawyers conducted a week-long environmental law seminar on environmental law in Argentina with thirty-three military and twenty-eight civilian participants. The seminar addressed the following subjects: U.S. and Argentine environmental law as it relates to the military; federal and local jurisdiction over environmental issues on military bases or in military operations; how to clean up oil spills; how to transport and dispose of hazardous military wastes; and how to integrate these procedures into an existing military infrastructure in the most cost-effective manner.

Interagency cooperation is a priority for future security assistance training, and DIILS is leading the E-IMET charge. DIILS and the Center for Civil Military Relations (CCMR) are now coordinating their efforts to work with the enhanced international peacekeeping capabilities (EIPC) program and peace support operations seminars. DIILS will play a key role in the EIPC effort and will directly support CCMR with the legal component of their program. As an example, country program manager, Major D. J. Riley, Jr., USMC, traveled with CCMR to Romania in March 2001. In August 2000, DIILS and the Institute of Health Resource Management (IHRM) created a joint seminar on HIV and HIV legislation in the military in response to a need in Sub-Saharan Africa. These interagency cooperative efforts will continue as DIILS and other E-IMET providers continue to realize the benefits that our countries gain as we work together.

DIILS also partners well with other federal agencies, e.g., in 1999, DIILS presented a trial advocacy seminar in Nicaragua. Major Riley led a DIILS team that included an assistant U.S. attorney and the in-country U. S. Agency for International Development (USAID) team. Their goal was to assist Nicaragua's military and civilian attorneys with the transition from a civil law court-martial system to a common law based, adversarial system. To continue to promote this type of cooperation, in October, 2000, several officers from DIILS met with USAID officials at

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DSCA to discuss how both agencies could work together and support one another. The meeting was very successful.

In FY2000, the State Department named four focus democracies: Nigeria, Colombia, Ukraine and Indonesia as “key democracies.”. DIILS turned its attention to these countries, by strengthening its ties with and conducting seminars in both Colombia and Ukraine, as well as initiating a program with Nigeria. In June 2000, DIILS country program manager, Major Riley, traveled to Nigeria to work with a group from USAID, among other agencies; this led to a seminar in Lagos, Nigeria, in September 2000. In Colombia, DIILS country program manager, Captain David Hodgkinson, USA, worked closely with the Colombian Ministry of Defense and the Office of the Vice-President on Human Rights and Accountability for Human Rights Violations. A seminar devoted to creating a system for human rights reporting and to improving the military justice system was presented in September 2000. CDR Buzz Waltman, JAGC, USN, Director, DIILS, and LT Jamison completed two seminars in Ukraine in May 2000. The first week was the third in a series of seminars with the military cadets at the National Law Academy in Kharkiv, Ukraine. According to CDR Waltman, the ability to interact with the young cadets in Ukraine ranks among “the most important things we do” at DIILS. The second week in Kiev focused on military justice in deployed, coalition operations, the law of armed conflict, and the role of military judges. DIILS was present in three of the four “key democracies” last fiscal year. The only State Department focus country DIILS did not visit, Indonesia, was not eligible for E-IMET. In FY2001, DIILS is programmed to hold seminars in all four of these countries.

DIILS also continues to support the initiatives of the commanders-in-chief while operating in their areas of responsibility. For example, DIILS worked closely with SOUTHCOM to establish curriculum for its seminars in El Salvador, Colombia and Bolivia. DIILS also works closely with EUCOM, PACOM, and CENTCOM to ensure seminars are properly coordinated, and personnel from the commanders-in-chief’s staffs frequently serve as adjunct faculty for DIILS seminars. As the number of E-IMET programs and initiatives increase, DIILS is making concerted efforts to work with other agencies to provide training that is consistent with the objectives of the State Department and regional commanders-in-chief.



**Colombian Vice President  
Gustavo Bell with Captain  
David Hodgkinson of DIILS  
and Lieutenant Colonel  
Jeffrey Addicott of  
SOUTHCOM.**

Each DIILS country program manager works closely with the U.S. embassies in developing every seminar. The SAOs, DAOs, military groups, the offices of defense cooperation, and in some countries, even the deputy chief of mission and ambassador, are directly involved in

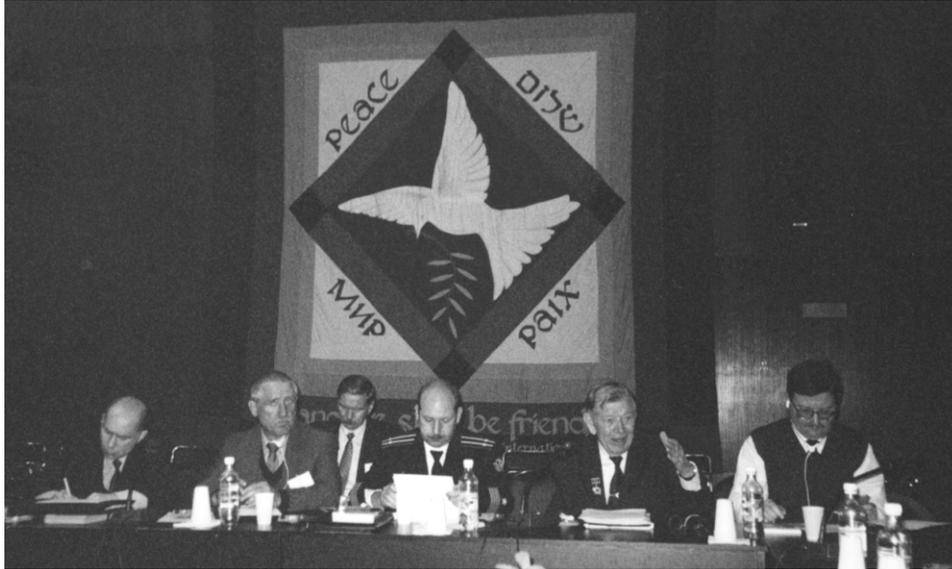
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developing the seminars. Embassy representatives also participate in the program by selecting the appropriate participants and by providing opening and closing remarks. The embassy presence plays an extremely important part in of the DIILS seminar because it demonstrates that the U.S. embassy supports the training needs of the host country's military and civilian leadership and promotes a constructive dialogue during the seminars. The United States embassy support for DIILS worldwide is outstanding, and is one reason why DIILS remains a success in so many countries.

Over the last nine years, DIILS evolved from a one-man Navy unit with limited objectives into the largest E-IMET provider and a joint agency activity reporting directly to DSCA. Although originally limited in focus to rule of law and military justice, DIILS expanded these broad themes to fit with the new international order. DIILS answers requests for new training with practical solutions that provide tangible results. The DIILS way of life, the DIILS methodology, and DIILS' ability to quickly respond, have combined through the years to bring DIILS to where it is today: The #1 provider of E-IMET Training in the World!

Some recent anecdotes illustrate the challenging role of a DIILS country program manager. For more information on DIILS, or to track the exploits of our country program managers, check out our website at [www.dsca.osd.mil/diils](http://www.dsca.osd.mil/diils).

*"I remember YOU . . . I remember you with your gun and your people in my office, you broke my computer", a member of the local press shouts at the military member. Malawi's first military-media panel discussion has begun. For the rest of the afternoon, members of the press and media speak openly with the military about improving relations. The participants explain to us that shortly before our seminar, an unflattering newspaper article reported that a high percentage of Malawi officers were HIV positive. Apparently, the military disputed the accuracy of the facts, and there was a "disagreement." The room gets loud, fingers are pointed, and I can see that there are a lot of gaps to bridge. DIILS facilitators bring the military and media to the table with discussions about the need to work together to develop a relationship of trust and mutual respect. The military needs to provide access to certain information to the press, and the press, in turn, needs to report this accurately. Now, fast-forward six months after this initial seminar. DIILS is back and the dialogue continues. There are a few smiles this time, but there are still challenges. The military and media agree to "continue" their discussions once DIILS leaves. Fast-forward another six months. DIILS is back, the seminar opens, and members of the press are invited to report, attend, and hold press conferences. The members of the press and the military greet one another with smiles and a few inside jokes. It is hard to believe that just one year earlier, this room was shaking. At the conclusion of the seminar, the Malawi press reports, "the Malawi Army learned a very important new lesson from the world military superpower . . . The lesson was that armies belong to the people who fund them through taxpayers' money, and must, therefore, be more open to the press."*



**A Russian presenter makes a point at the Conference on International Law and Combined Military Operations. Moscow, Russia**

*Two Czech guards open the gates to the NATO base at Cseke Krumlov for DIILS' second visit. The main conference room is prepared, and the room is filled with the faces of new participants who will deploy to the Balkans within a year. The Czech International Law Department asked DIILS to continue its courses to prepare Czech peace operators for United Nations' missions. Two Czech majors approach one of the returning team members. They thank him for the wonderful training last year and pass on a warm thank you from three other Czech officers who participated in last year's seminar, but cannot make it because they are in Bosnia. One major says, "These alumni send their appreciation for the training. It has given them professional training that their counterparts from other countries have not had." The senior attorney in the Ministry of Defense's International Law Department commented after the close of the seminar, "the DIILS seminars prove quite helpful in their missions. This will be a yearly event."*

*The clap, clap, clap of the helicopter whirls overhead. We know the guerrillas are within fifty kilometers of the training site outside of Bogotá. We look out the window to see who is landing. The Vice-President of Colombia steps from the helicopter and makes his way toward us. The seminar in Colombia has begun. Elected officials, cabinet members, senior government employees, military officers, and professors are seated and ready to discuss human rights and effective justice systems. On Monday afternoon, a congresswoman begins discussing how to improve the military justice system and human rights record with a senior army officer. They have never met, and their perspectives are foreign to each other. The conversation sparks debate among some other participants who join in and continue the discussion well into the dinner hour. The halls and conference rooms are alive with professional counterparts meeting for the first time discussing topical issues facing Colombia. By the end of the week, strangers leave as friends and valued colleagues. The Minister of Interior comments that the working relationships and knowledge gained in one week will help make the government more efficient and aware of how to solve the great challenges facing the Colombian people.*

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## About the Authors

Captain Hodgkinson received a Bachelor of Arts degree in political science and environmental studies from Dickinson College in 1991. In 1994, he completed his Juris Doctorate Degree from Gonzaga University School of Law and was admitted to the Florida and Washington, D.C. bars. Captain Hodgkinson served as the Judicial Clerk to the Chief Judge for the 8th Circuit of Florida upon graduation from law school. He is also admitted to practice before the U.S. Army Court of Criminal Appeals and the U.S. Court of Appeals for the Armed Forces.

Captain Hodgkinson entered active duty in the Judge Advocate General's Corps in 1995. He served the next two years with the Office of the Staff Judge Advocate, U.S. Army South, Republic of Panama. While in Panama, Captain Hodgkinson served as Trial Counsel and Chief of Legal Assistance. Following his assignment in Panama, Captain Hodgkinson moved to Honduras and served as the Command Judge Advocate, and the only U.S. military lawyer for five Central American countries, while assigned to Joint Task Force-Bravo. In November 1997, Captain Hodgkinson reported to the Defense Institute of International Legal Studies in Newport, Rhode Island. Captain Hodgkinson has traveled to over 20 countries worldwide training foreign governments in a wide range of subjects including criminal justice, international military operations, domestic military operations, military media relations, quality force management and human rights.

Lieutenant Sandra L. Jamison graduated cum laude from Tulane University in May 1992 with a B.A. in International Relations and French. During her junior year, Lieutenant Jamison studied at L'Institut d'Etudes Politiques in Paris, France. In 1992, she served as the Tulane University delegate to the West Point Student Conference on United States Affairs, and the Naval Academy Foreign Affairs Conference.

Lieutenant Jamison received her M.A. from the University of Denver Graduate School of International Studies in November 1995, in international studies and Spanish. She was the recipient of the Foreign Language and Area Studies Fellowship, and completed her thesis on the Mexican financial system under NAFTA.

Lieutenant Jamison received her J.D. from the University of Denver College of Law in December 1995. While at law school, she served as the International Trade and Capital Markets editor, articles editor and book review editor of the Denver Journal of International Law and Policy.

Lieutenant Jamison is fluent in French, has advanced reading, writing and conversation skills in Spanish, and speaks Italian professionally and conversationally. She has published four law review articles, two book reviews, and three topical bibliographies on matters of international or preventive law.

Lieutenant Jamison was commissioned in the United States Navy Judge Advocate General's Corps on September 26, 1994. In October 1996, she reported to the Navy-Marine Corps Court of Criminal Appeals, in Washington, D.C., to serve as the court commissioner. In October 1997, Lieutenant Jamison reported to the Trial Services Office, Europe and Southwest Asia, Naples, where she served as the International Law Division officer on foreign criminal jurisdiction matters and the NATO SOFA, and trial counsel. She reported to the Defense Institute of International Legal Studies in August 1999, where she currently serves as a country program manager for approximately twenty-eight countries.