



# PKSOI BULLETIN

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## Director's Corner

### Stability Operations; The Education and Training Conundrum for Interagency and International Partners

Welcome to a new year and the latest edition of the PKSOI Bulletin. This quarter, we are addressing the monumental but essential challenge of formulating an education and training construct that will prepare Stability Operations and Peacekeeping practitioners to operate effectively using a comprehensive approach. Challenges to accomplishing this include: lack of clarity on mission objectives, incomplete determination of required knowledge and skill sets, limited



COL John Kardos

time available for civilian training, and varying deployment schedules, among others. To succeed in these complex operations, US military and civilian organizations and our partners must institutionalize an education and training construct that provides the necessary knowledge and skill sets and supports civil-military integration, while maximizing the capabilities of each organization.

## In This Issue

- 2 [Annual Training and Education Conference](#)  
by Colonel Scott Main
- 3 [Carpe PRTiem: Developing the Potential of Provincial Reconstruction Teams](#)  
by Professor Raymond Millen
- 7 [Perspective: A Legal Education in the Complex World of Peace and Stability Operations](#)  
by Brandon Pierce
- 9 [Challenges Forum 2009](#)  
by Dr. William Flavin
- 10 [PKSOI Perspectives: Renewing the United Nations Military Staff Committee](#)  
by Colonel (R) Patrick Murray
- 11 [New at PKSOI](#) features two new book reviews
- 12 [In the News](#) other PKSOI published articles
- 13 [SOLLIMS](#)

The authors for this edition of the PKSOI Bulletin provide perspectives on the varied mission sets inherent in stability operations, thus highlighting key issues that we need to consider when developing an education and training construct for this diverse community.

Ray Millen provides a thought provoking article on the merits of Provincial Reconstruction Teams (PRTs) in Stability Operations. In turn, he outlines the national security rationale for their use, the role of PRTs in counterinsurgency, their influence on multilateralism, and the practical issue of organization.

*What do you think? Do you have something to say?*

*Something to add to our Event list?*

*The next bulletin topic will look at Transition in Stability Operations*

*Send your letter or articles for submission to PKSOI Publications Coordinator @ [e-mail](#) or through the "Contact Us" at the [PKSOI Website](#) no later than 15 March 2010 for our next Bulletin. Provide sufficient contact information. Bulletin Editor may make changes for format, length, and inappropriate content only and in coordination with original author.*

*There is no suspense for submissions related to our Peacekeeping and Stability Operations Topic List. You may send your manuscript directly to the Chief, Policy and Knowledge Management Division (PKM), PKSOI.*

[Contact us](#)

*If you are a "blogger" and would like to check out our blogs related to Peace and Stability Operations please visit our website and make comments. You may also visit our Book Review section where we feature comments by the author and topical Subject Matter Experts.*

[PKSOI Blogs](#)

[Book Review](#)

Brandon Pierce highlights the degree to which recent law school graduates are able to transpose their legal research and analytical training to the muddled divergence of law and strategic level policy faced in practice. While suggesting that a legal degree by itself does not provide the requisite knowledge to grasp the intricate and interconnected nuances of the practical application of Rule of Law principles in stability operations, he outlines ways to mitigate this by carefully selecting from available courses.

Bill Flavin's article discusses the International Forum for the Challenges of Peace Operations that met in New York City during 12-13 November 2009 to discuss the implications of the United Nations *New Horizons* document. The aim of the session was to address the future of peace operations, identify the challenges, and generate recommendations and solutions for national and international actors to consider as a way ahead.

The fourth article, authored by Patrick Murray, focuses on the United Nations (UN) emerging as one of the largest military force protectors for peacekeeping operations (PKO), despite their being woefully ill-equipped to meet mission mandates. The author suggests that civilian diplomats have relegated UN military commanders to ineffective roles and infused UN PKO mission mandates with the political interests of the diplomat's country. This results in an unattainable conglomeration of mismatched objectives. He writes that the Military Staff Committee must interface with military planners in the UN Secretariat and cogently assess the 'Troop Contributing Countries' capabilities to create a more holistic operational UN PKO force.

To cultivate novel approaches and resolutions to the challenges outlined in the lead paragraph above, PKSOI gathered leading experts in the field of Peace and Stability Operations educators, trainers, and practitioners at the 4<sup>th</sup> annual Stability Operations Training and Education Workshop during 27-29 Oct 2009 at National Defense University, Fort McNair, Washington, DC. Our readers are encouraged to review the adjoining column and related website links to learn more about current efforts to improve stability operations training and education.

The articles in this edition of the PKSOI Bulletin will likely prompt a variety of reactions among our readers. While these good ideas are fresh in your mind, take the opportunity to share them with us and the greater community in the PKSOI SOLLIMS lessons learned website or in one of our blogs. If you're even more ambitious, consider contributing to our future editions.

*John A. Kardos*

John A. Kardos  
Colonel, U.S. Army  
Director



National Defense University's Lincoln Hall  
Fort Lesley J. McNair, Washington D.C.

### PKSOI Conducts Annual Training and Education Conference at the National Defense University

PKSOI conducted its 4th annual Stability Operations (SO) Training and Education (T&E) Workshop at the National Defense University at Fort McNair, Washington, DC, during October 27-29, 2009. PKSOI conducted this workshop in concert with Deputy Assistant Secretary of Defense (DASD) for Partnership Strategy and Stability Operations, Office of the Coordinator for Reconstruction and Stabilization (S/CRS), USIP, Center for Complex Operations (CCO), Combined Arms Center (CAC), Naval Postgraduate School (NPS), George Mason University Peace Operations Policy Program (GMUPOPP) and Leader Development & Education for Sustained Peace (LDESP). The workshop provided a forum for trainers and educators from within U.S. Government (USG) civilian and military agencies, academic institutions, and international and non-government organizations to discuss best practices in SO T&E, in order to develop future collaborative projects in management, delivery, and evaluation tools. The goal is to create synergistic effective training and education plans throughout the community, while reducing redundancy along common task lines. One hundred twenty-five workshop participants from a broad spectrum of organizations around the world involved in training and education in support of Stability Operations attended the conference.

The workshop was designed with four distinct working group focus areas:

- ◆ **Management of SO T&E Programs** intended to design administrative and management systems that could keep up with the rapidly changing Interagency approach to SO training.

- **Evaluation of T&E Programs** focused on effective assessment tools for Interagency SO T&E as a whole.
- ◆ **Delivery Mechanisms for T&E** emphasized the identification of various means to implement SO T&E through distance education and other venues.
- ◆ **Current efforts of International Partners in T&E** include identifying future collaborative education and training exchanges.

The goal of the work groups was to develop objectives and project proposals that would help define the next year's efforts and lead to the collaborative development of tangible deliverables. The workgroups presented their findings to the Interagency Training, Education, Exercises, and Experimentation Sub-Interagency Planning Committee (TE3) with the intent of receiving guidance on specific implementation plans for each work group's findings.

### Key work group findings

1. **Work Group One:** Identified a lack of T&E commonality across the R&S community; no apparent lead for R&S T&E activities; insufficient resources allocation for effective R&S T&E
2. **Work Group Two:** Identified a lack of common understanding of doctrine and the set of standards. Who should conduct the course assessments and what are the assessment parameters?
3. **Work Group Three:** Identified the need to build a common operating picture; methods for managing effective face-to-face education and training; technological innovations for delivering T&E through different phases
4. **Work Group Four:** Identified a need to develop an existing training library of international programs; a shared electronic calendar of events; establish informal groups to facilitate developmental ideas; identify gaps in training subjects, enhance functional training, develop joint exercises and simulations

PKSOI conducted an In-Progress Review (IPR) with Stability Operations (SO) T&E stakeholders and reviewed conference findings. They agreed to pursue several issues over the next year such as: a review of FEMA's National Incident Management System (NIMS) training plan for developing interoperability schemes; define common skills needed by IA partners to develop WoG solutions from an interagency, rather than organizational perspective; and research the most effective virtual delivery method for deployed personnel.

**For the full report including video-clips of the Noon-time lectures and guest speakers please follow the link:**

[Go to complete conference report](#)

## Carpe PRTiem: Developing the Potential of Provincial Reconstruction Teams

by *Raymond Millen*

One of the more intriguing yet generally arcane initiatives to emerge from the interventions in Iraq and Afghanistan is the provincial reconstruction team (PRT). Conceived as civil-military organizations, PRTs have served for years in remote regions of Iraq and Afghanistan for the stated purpose of improving local stability. They are structured to permit engaged states to apply the instruments of national power (e.g., diplomatic, informational, military, and economic), adjusted to the local situation.

Assessing the performance and merits of PRTs, particularly in the midst of the on-going conflicts in Iraq and Afghanistan, is problematic. In terms of improving stability, some PRTs have had greater impact than others. Their contribution to counterinsurgency is questionable as well because their integration into a counterinsurgency strategy appears to have been an afterthought. This article briefly explores the potential merits of PRTs for stability operations, whether in a peacekeeping capacity or as part of a counterinsurgency; the rationale for such organizations in the national security realm; the direct role PRTs can play in counterinsurgency; organizational considerations to support expanding roles; and the value of PRTs for multinational operations.

An inquiry into the potential of PRTs is necessary now because they may not receive due attention as the conflicts in Iraq and Afghanistan fade from the U.S. national security agenda. Once shrinking budgets and concomitant cuts absorb the attention of the government bureaucracy, PRTs could fall victim to short-sighted parochialism. This development, as this article contends, would be a strategic error.

### National Security Rationale for PRTs

In terms of national security, PRTs have the potential to serve the purposes of security sector reform (SSR). As one of the most expansive and complex of foreign policy enterprises, SSR comprises "the set of policies, plans, programs, and activities that a government undertakes to improve the way it provides safety, security, and justice." Due to the fragility of the state in question, SSR normally addresses such reform issues as governance, development, rule of law, and economics.



SSR is inherently complex due the number of actors involved—that is to say, the departments and agencies of the U.S. government, intergovernmental and nongovernmental organizations, multinational partners, and other involved parties—each with different agendas, approaches, and capabilities. Under such circumstances, achieving and maintaining unity of effort becomes a daunting task, requiring an extensive investment in organization, process, and procedures. As a conduit for funneling critical assistance, reconstruction, and development projects, PRTs serve as the *sine qua non* for SSR. The PRT conduit possesses the agility that a centralized bureaucracy lacks, bypassing layers of organizations, circumventing corruption and delays, and leading to streamlined management and systematic process. Equally important, PRTs can help a host nation government “out administer” the political infrastructure and shadow governments of insurgent forces such as the Taliban in Afghanistan. In short, PRTs palliate the problems associated with strong central government; to wit, larger deficit spending, greater opportunities for corruption, and the tendency towards tyranny.

In the realm of counterinsurgency, PRTs can serve a pivotal role in securing military gains and expanding SSR initiatives. No other organizations or combination of systems can match the capabilities and the promise of PRTs in terms of exploiting the opportunities presented by military success. Ambiguity of progress is the *bête noir* of counterinsurgency. Military clearing operations are fleeting indicators of secured areas because insurgents often infiltrate back into previously cleared areas, go underground until the military moves on, or operate in areas where government authority is weak. PRTs serve as tangible and transparent measurements of success, adding proof of cleared areas for public scrutiny.

PRTs provide functional focus and specialization, currently lacking in counterinsurgency. The counterinsurgencies in Iraq and Afghanistan reveal that military forces are charged with both military operations and SSR operations, leading to dispersal of effort and, no doubt, frustration among junior leaders. Is it possible for unit officers and non-commissioned officers (NCOs) to plan and conduct small unit actions, conduct stability operations, meet frequently with local authorities, collect data for higher headquarters consumption, mentor local officials, and garrison villages in their area of operations? Yes, but not well. Counterinsurgency commanders, who task their units to do everything, end up accomplishing little.

### **The Role of PRTs in Counterinsurgency**

PRTs are designed to operate as an instrument of security sector reform, permitting donor countries and organizations to establish a secure presence in remote areas for the purpose of providing direct assistance to the populace.

This mandate does not necessarily tie PRTs to counterinsurgency, but neither does it prohibit PRT support of counterinsurgency operations. The question is whether PRTs can contribute to counterinsurgency operations without stepping into the realm of combat (kinetic) operations. It’s an important point because many of the actors comprising PRTs do not wish to be associated with military operations; instead, they demand to keep their image of impartiality. Conversely, the military command may view PRTs as a resource, demanding they participate in combat operations or operate as intelligence collectors. Thus, this ambiguity of roles and missions can lead to severe friction. If counterinsurgency strategy is sequenced and integrated properly, then the line of separation between kinetic operations and PRT initiatives can remain intact.

Counterinsurgency strategy in abstract pursues the separation of insurgents from the population through a series of operations radiating from strategic bases (i.e., national and provincial capitals)—sometimes described as an oil spot strategy. The counterinsurgent leadership keeps insurgents off balance by choosing the timing and location of counterinsurgency operations, as well as launching continual raids and strikes into insurgent sanctuaries, to target insurgent leaders and supply bases. In this manner, insurgents are irrevocably pushed farther away from population centers until the threat becomes manageable by local police or security forces.



**Feyzabad Afghan National Police with the Author**

Counterinsurgency operations describe the ways and means in which targeted areas (e.g., districts or provinces) are cleared, secured, and invigorated. As such operations are iterative in nature, a counterinsurgency paradigm is needed for uniform performance among coalition forces and as a basis for taking corrective actions as the situation changes.

The sequencing of the counterinsurgency paradigm is as follows:

1) maneuver forces clear population centers in the targeted area to eject paramilitary insurgent forces; 2) training teams enter the cleared population centers immediately for the purpose of generating local police forces; 3) maneuver forces conduct small unit operations in the surrounding countryside for the purpose of pushing residual insurgents farther away from the population centers; 4) the assigned PRT focuses resources and programs on the liberated areas for immediate impact assistance; 5) maneuver forces move on to the next targeted area; 6) PRT shifts to security sector reform programs.

The paradigm distinguishes between combat operations and PRT functions. This does not suggest that PRTs do not engage in security operations when threatened. PRTs need a security element for self protection and to extend security to liberated areas when called upon. Generally though, the PRT security element can provide routine security support for projects and escort duty.

While U.S. PRTs are amenable to these roles, allied PRTs require approval from their home governments. This issue is addressed below.

### Organizing for Maximum Impact

SSR is too expansive and complex for centralized management and implementation. PRTs by design are ideal to assume these essential functions in a decentralized manner. At a minimum, each province and large city needs a dedicated PRT. The coalition in Afghanistan maintains 28 PRTs out of 34 existing provinces. About 34 major Afghan cities could qualify for PRTs as well. Hence, the coalition is experiencing a significant shortfall in organizations ideally suited for implementing SSR initiatives. So in this sense, it appears the coalition has an unbalanced counterinsurgency strategy, which can be corrected with the addition of another 40 PRTs.

In Afghanistan, not all PRTs are alike. Some have robust capabilities, providing significant development and reforms. Others are so meager they are nothing more than pins on a map, barely large enough to provide security for the camp and only able to provide a handful of advisors to the police and governors. More disturbing, national caveats limit the amount of activities PRTs can perform. Force generation conferences are the logical place to remedy these deficiencies. In order to make a positive impact, PRTs require a minimum capabilities package to permit them to implement SSR and to support counterinsurgency operations when needed.

A minimum capabilities package for PRTs reflects SSR mission needs. First, an infantry battalion provides the guard force for the camp, security for daily SSR initiatives, and a quick reaction force (QRF) against significant insurgent attacks.

Although indigenous police and army forces are the first line of defense for the province, the QRF provides insurance against virulent threats. The PRT emphasizes that the security battalion is a defensive force, underscoring the right of self-defense. In no manner is the battalion to participate in military clearing operations with coalition forces. Thereafter however, responding to insurgent or criminal activity should be an acceptable operation. It's a nuanced difference from offensive operations, so the PRT chief needs to shape perceptions to obviate criticism.

Second, the development, construction, and reform component requires sufficient office space and accommodations for representatives of government departments and agencies, nongovernment organizations, international organizations, UN organizations, engineer and construction units, civil affairs units, mentor teams, local officials (e.g., governors, police, and army) and so forth. Some organizations may not desire a permanent office in order to maintain the image of neutrality, but a couple of offices should be reserved for visitors.

Weekly SSR meetings with all the representatives are necessary for the cooperation, coordination, management, and exchange of information. In short, the meetings are the instrument for unity of effort. Sufficient space for warehouses ensures the PRT can provide the necessary goods and services year around. Additionally, some warehouses should remain empty in support of disaster response missions, although a cache of disaster response material may be prudent.

Finally, PRTs serve as a base camp for mentor teams and SSR-oriented organizations. The communications center would provide radio, telephone, and internet access. A finance center for safeguarding various funds for projects, assistance, etc. permits organizations to retrieve needed funds for disbursement. It also permits greater oversight of funding projects. The camp serves as a refuge for small teams and individuals affected by insurgent attacks and natural disasters. A sufficiently large medical center not only provides services to camp personnel and visitors, but also be capable of medical civic action programs (MEDCAP) on occasion.

Beyond the minimum capabilities package, camps need to be built for expansion. A secure but separate area of the camp with classrooms and workshops provides a means for the PRT to bring in province locals for skills training (i.e., carpentry, masonry, electrical, plumbing, welding, vehicle maintenance, etc.). It is a good opportunity to sell tools and material to the students. This training pays dividends for construction and development projects to local villages, in which construction units hire local labor for projects.

Moreover, paid salaries stimulate local economies, creating an expansion of supporting institutions and spin-off functions.

As the fragile state transitions to independence and the coalition withdraws, provincial governments can take over the camps and continue the programs seamlessly. At some point, the PRT chief should begin an orientation program for provincial and district government officials in order to familiarize them with the structure, procedures, and processes of services and assistance to the local communities. This approach promotes the continuation of meaningful programs rather than their deterioration once the international community or coalition diminishes its presence.

### Invigorating Multilateralism

The call for dozens of PRTs is a tall order, especially in view of the prodigious manpower and resource requirements. It is entirely logical that coalition partners would embrace PRTs as suitable vehicles for stability operations and counterinsurgency, without suffering a political backlash from domestic partisans. Given the wealth and population of European states alone, the formation of 68 PRTs for Afghanistan is easily achievable and much more palatable for allies wishing to avoid military offensive operations. However, the fact that a gap exists between allied declarations and actual contributions, in spirit or deed, gives pause. The average American might look askance that the United States is providing twice the number of troops and forty percent of the total PRTs in Afghanistan. The basis of the problem goes beyond the changes in the security situation after 2005, in which several allied governments charged they had signed up for a peacekeeping mission and not a counterinsurgency. The deeper issues reside in the way states behave in a coalition in general and specifically, the ill-defined expectations of PRT activities vis-à-vis counterinsurgency strategy.

In his landmark book, *The Logic of Collective Action*, Mancur Olson premised that states participating in a coalition limit contributions below their capacity (sub-optimality) and shift a disproportional burden onto larger members because the common good of security which the coalition provides is available to all (non-rivalness) and cannot be denied to non-contributors (non-exclusiveness). In *Friendly Rivals*, Wallace Thies applied this theory to his study of the NATO alliance, concluding that member states frequently shifted security burdens onto other members (especially onto the United States) while claiming they were shouldering more than their fair share of the collective burden. Curiously, the United States accepted this chicanery (despite numerous attempts for equitable burden sharing) because the goal of a non-communist Western Europe was more consequential. Ironically, the end of the Cold War did not change member state behavior,

with the exception of the new NATO members. Concerning Afghanistan, the sub-optimal participation of the other twenty-five NATO members may signal the end of the integrated military structure (but not NATO as an institution) since member state governments have consistently refused to reinforce their contingents in response to deteriorating security, in addition to subverting unity of command and unity of effort through national caveats.



Author caught in blizzard, Salang Pass Afghanistan

PRTs could serve to ameliorate the dilemma of burden sharing, serving as a model for future coalitions. Because this is essentially a political issue, a NATO summit meeting is the proper venue to broach the subject. As a practical matter, a U.S. request for additional PRTs and agreement on their fundamental composition is more compelling than ambiguous demands for more troop contributions. The merits of the PRT concept are not self-evident, so the United States must persuade coalition leaders that PRTs are in the best interests of their countries.

First, as multinational organizations, PRTs distribute the burden equitably with member states contributing units according to their capabilities (contingent size and composition) and desires (type of units). Furthermore, the shared aspects of multinational contingents reduce expensive redundancies (i.e., logistics, guard force, medical facilities, dining facilities, etc.).

Second, smaller partner states can make a more visible contribution, especially if they assume lead-nation status of the PRT. A PRT permits a smaller coalition partner to provide direct assistance, avoiding the bureaucratic entanglements of larger organizations and their own national agendas. Of particular importance is the need for domestic audiences to see the deeds of their deployed citizens through their own media and military public affairs. Accordingly, PRTs can become commodities of prestige/ permitting smaller countries to bask in the lime light.

Third, using PRTs as a measurement of contribution rather than troop numbers avoids the usual bickering over burden sharing. The valuable role PRTs play in counterinsurgency gains greater currency if folded into the overall strategy. In this regard, the United States must articulate the phases of the counterinsurgency strategy and the expectations of PRTs in supporting it. It is paramount that the U.S. combatant commander brief the details of the counterinsurgency strategy to coalition political leaders so as to convince coalition partners of the efficacy of PRTs. Once agreement is reached, then the coalition must hold a series of force generation conferences to establish contingent sizes, roles, and missions. The results of these conferences require a public airing to mitigate the practice of commitment breaking. Force generation conferences require seasoned negotiators, so this effort cannot be an afterthought.

In conclusion, the positive effects of more PRTs are manifold. All coalition partners are intimately involved in the enterprise rather than operating in the shadow of larger powers. Providing direct assistance, reconstruction, and development to the local communities bypasses layers of bureaucracy, diminishing the amount of corruption and patronage associated with fragile states. Because of the decentralized nature of PRTs, they are in a better position to serve as watchdog and ombudsman for contractors and other organizations operating in their provinces or cities. PRTs allow contributing states to funnel services and resources directly to the local communities within their areas of responsibility, giving them a greater sense of achievement. When properly integrated into a counterinsurgency strategy, PRTs contribute to the hold and build phases, sustaining the momentum of sovereign liberation. Lastly, PRTs serve as the implementation organizations for security sector reform. Without them, the tasks and missions associated with SSR would be overwhelming. PRTs afford fragile states the greatest opportunity to evolve into functional states through a bottom-up approach. Hence, they are a nation-building multiplier.

<sup>1</sup>The United States appears more attentive to applying the instruments of power than other coalition partners though. Department of the Army, *Stability Operations: FM 3-07* (GPO: October 2008), F-1. <sup>2</sup>FM 3-07, 6-1. <sup>3</sup>The author details the operational paradigm in "Aligning a Counterinsurgency Strategy in Afghanistan," *Small Wars Journal* (22 January 2009). <sup>4</sup>My first inclination was to give away the tools and materials, but people put greater value in things they have purchased and will not likely sell them. Of course, most individuals cannot afford to purchase tools, but the PRT can loan the money for the purchase. The expectation is not to recover the loan but to have the person's name on record to prevent scams (accruing multiple loans for tools which might be sold). <sup>5</sup>Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (USA: Harvard College, 1965). <sup>6</sup>Wallace J. Thies, *Friendly Rivals: Bargaining and Burden-Shifting in NATO* (Armonk, New York: M.E. Sharpe, 2003). <sup>7</sup>U.S. military domination during the conflicts in Bosnia, Kosovo, Iraq, and Afghanistan substantiate this continued state of affairs. <sup>8</sup>The coalition consists of 42 nations in aggregate. If the NATO countries bore their share of the burden, it might induce non-NATO members to contribute more.

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## Perspective: A Legal Education in the Complex World of Peace and Stability Operations

By Brandon J. Pierce, Esq.

*More and more people are coming to realize that peace must be more than an interlude if we are to survive; that peace is a product of law and order; that law is essential if the force of arms is not to rule the world." -- Anonymous<sup>1</sup>*

Peace and stability operations are one of the cornerstones of international security and harmony. Unstable or fragile states can threaten not just neighboring states or an isolated region, but the international community at large. Peace and stability operations are now being increasingly viewed as a first-order, integral component to American success in nation-building and military operations abroad.<sup>2</sup> The U.S. Army, one entity that is seriously addressing peace and stability operations, has promulgated an entire Field Manual (FM) relating to the issue. It quotes the joint doctrine definition for stability operations as the foundation for its role, defining stability operations as encompassing "various military missions, tasks, and activities conducted outside the United States in coordination with other instruments of national power to maintain or reestablish a safe and secure environment, provide essential governmental services, emergency infrastructure reconstruction, and humanitarian relief."<sup>3</sup>

As indirectly recognized in the above definition, one of the critical components to any successful peace and stability operation is confronting rule of law issues. In keeping with the theme of the U.S. Army's Peacekeeping & Stability Operations Institute's (PKSOI)<sup>4</sup> current Bulletin—focusing on education and training—this article is intended to discuss whether, and how, law school prepares an individual for a career in peace and stability operations, and more specifically, in a rule of law capacity. It first discusses the basics of rule of law, defining the concept and highlighting the key elements. The article then delves into several of the specific rule of law concepts and juxtaposes those concepts with the knowledge garnered during the law school experience. The conclusion then recaps and provides closing thoughts on the relationship between a legal education and peace and stability operations.



In its most simplistic form, rule of law is the notion that there are laws to which all people and entities in a society adhere.<sup>5</sup> Broadly, rule of law concerns law, justice, and reconciliation; specifically, rule of law encompasses many diverse areas, including: constitutions, laws, statutes, judges, prosecutors, attorneys, law schools, licensing organizations, bar associations, continuing education, police, and incarceration. “*Rule of law* is a principle under which all persons, institutions, and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and that are consistent with international human rights principles.”<sup>6</sup>

The broad context of rule of law and the highly structured nature of most American law schools<sup>7</sup> makes it likely that diligent law school graduates possess many of the skills needed to thrive in a rule of law position. However, recent graduates can lack the requisite advanced knowledge and practical experience necessary to initially function at a high level in a stability operations environment.<sup>8</sup> To elaborate, distinguished law school graduates learn more than just the “black letter law”; they also refine their ability to research, think analytically, and communicate those thoughts clearly and concisely, both orally and in writing. These skills are instrumental to any attorney’s success, and are extremely transferrable to an innumerable number of professions, fields, and subject areas. In the realm of peace and stability operations—specifically, rule of law—these skills enable such an individual to quickly locate, comprehend, and communicate important information for any project on which he or she is working. Furthermore, involvement on a law school’s official law journal or trial honor society aids in refining several important skills used on a daily basis, including written skills, analytical skills, and attention to detail. The skills explained in this paragraph are also important in rule of law contexts because “justice reform should build upon the existing legal framework . . . [P]lanners do not impose their concepts of law, justice and security on the host nation.” FM 3-07 § 6-91. Therefore, these skills provide an attorney working on a rule of law project with the tools necessary to professionally complete a mission even if the attorney is unfamiliar with the host state’s black letter law.

While advanced skills such as those described above are critical in rule of law environments, familiarity with black letter law and substantive policy knowledge are also often essential. In the area of justice reform, rule of law planners must account for “common law, civil law, criminal codes, and traditional or religious law, as well as international law.”<sup>9</sup> As detailed above, most American law schools require all students to take courses on U.S. Constitutional law, common law, civil law and procedure, and criminal law and procedure.

These courses provide foundational knowledge that can be directly applied in justice reform projects to fill in gaps in the host state’s legal system. They can also be indirectly applied to the host state’s law through a comparative analysis of the U.S. Constitution, the powers and limitations of each branch of the government, and how those powers and limitations contribute to the rule of law in our democratic society.

Furthermore, rule of law planning also encompasses evaluating established (or undeveloped) property laws, as well as laws that help “to resolve disputes and enforce established contracts.”<sup>10</sup> American law schools require their students to undertake both property and contract law classes, which can provide the required core level understanding necessary to draft new laws or revise inadequate laws to protect property rights and established agreements between parties.

The U.S. Army Stability Operations FM also details several sections regarding human rights and humanitarian efforts.<sup>11</sup> Many American law schools also offer varying elective courses concerning human rights and international humanitarian law. Such classes directly impact peace and stability operations, and certainly, rule of law.

Additionally, the Stability Operations FM highlights the importance of recognizing that formal justice systems can be complemented by “informal customary or traditional justice systems unique to particular areas, cultures or regions. Sometimes referred to as ‘nonstate judicial systems,’ traditional justice systems frequently provide important alternatives to formal, codified systems.”<sup>12</sup> Law schools often offer classes in alternative dispute resolution, providing an analogous system to which a host state’s traditional, or nonstate, justice system can be compared. Alternative dispute resolution characterizes a less formal legal process where parties are often free to create their own rules or operate within a more flexible framework than the formal legal system. This allows for a less expensive legal process, while providing the parties with a uniquely personal solution that often remedies the situation better than the formal legal system can. In the rule of law context, American attorneys that utilize the advantages of a nonstate justice system in specific instances could provide local populations with the solutions they seek while sparing them the expense (monetary, physical, and emotional) of utilizing the formal justice system.

In conclusion, law students that take advantage of the legal education provided to them by most American law schools have ample preparation to succeed in a career in rule of law operations, and in the broader context, peace and stability operations. Motivated law students learn the black letter law and much of the policy behind that law, as well as refine their research, writing, and analytical skills.

This powerful combination prepares an aspiring new attorney for a career in peace and stability operations, but it also requires that these individuals maintain their desire to achieve by learning new concepts on the fly while refining the knowledge they already possess. Because many law schools foster proper intellectual and academic development, it allows ambitious graduates to confidently approach any job with the belief that they have been prepared to succeed at any level. More poignantly, a legal education cultivates the skills and knowledge necessary to provide meaningful collaboration on rule of law issues, allowing graduates to contribute their legal understanding to peace and stability operations in a meaningful manner.

<sup>1</sup>This quote is believed to be attributed to Justice William O. Douglas. However, it is only found on Internet websites and cannot be independently corroborated. Therefore, it is attributed to "Anonymous."

<sup>2</sup>A Department of Defense (DOD) directive implemented in 2005 supports this statement. It reads, "Stability operations are a core U.S. military mission that the Department of Defense shall be prepared to conduct and support. They shall be given priority comparable to combat operations and be explicitly addressed and integrated across all DOD activities including doctrine, organizations, training, education, exercises, material, leadership, personnel, facilities, and planning." DODD 3000.05, November 2005.

<sup>3</sup>Department of the Army, **STABILITY OPERATIONS**, U.S. Army FM 3-07, October 2008, vi (quoting JP 3-0).

<sup>4</sup>PKSOI is a truly unique organization that employs some of the most knowledgeable and experienced civilian and military personnel in their respective fields and interweaves this talent to provide subject matter expertise and support for peacekeeping and stability operations throughout the world. Their operations run the gamut from policy knowledge and management to doctrine, concepts, and education training and well beyond. According to PKSOI, their mission statement is to "Serve as the US Military's Premier Center of Excellence for mastering stability and peace operations at the strategic and operational levels in the order to improve military, civilian agency, international, and multinational capabilities and execution." U.S. Army's Peacekeeping & Stability Operations Institute, <http://pksoi.army.mil/>, last visited Jan. 4, 2010.

<sup>5</sup>For an excellent summarization of the main points of rule of law, see Brian Tamanaha, "A Concise Guide to the Rule of Law," *Legal Studies Research Paper Series*, Paper #07-0082, September 2007, St. John's University School of Law.

<sup>6</sup>FM 3-07, § 1-40. Section 1-40 continues, "It also requires measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in applying the law, separation of powers, participation in decision-making, and legal certainty." *Id.*

<sup>7</sup>American law schools approved by the American Bar Association (ABA) are required to teach all law students certain curriculum. These required courses constitute the majority of any law student's class load, leaving the students with fewer credits for elective classes.

<sup>8</sup>Though it should be noted that most law schools do offer a variety of elective courses (some more than others) that cover such topics as rule of law, international humanitarian law, law of war, and national security law, to name a few.

<sup>9</sup>FM 3-07, § 6-91.

<sup>10</sup>FM 3-07, § 2-30.

<sup>11</sup>See FM 3-07, §§ 2-34 to -35, and 3-46.

<sup>12</sup>FM 3-07, § 6-92.

*Mr. Pierce is a Fellow at the U.S. Army's Peacekeeping & Stability Operations Institute. He graduated cum laude from Widener University School of Law-Harrisburg Campus in 2009 and recently passed his Pennsylvania Bar Exam. Mr. Pierce also received his Bachelor's Degree from Bucknell University in 2006, where he was a dual major.*

## Challenges Forum 2009

by Professor Bill Flavin

The International Forum for the Challenges of Peace Operations met in New York 12 to 13 November 2009 to discuss the recent document published by the UN *A New Horizon for Peace Operations Partnerships*.

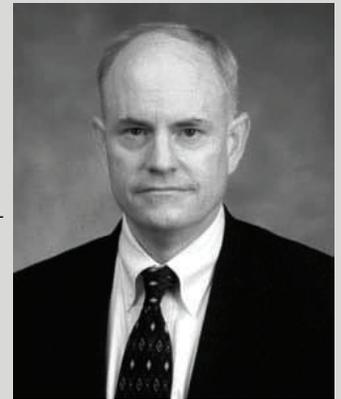
The aim of the session was to address the future of peace operations, identify the challenges, and generate recommendations and solutions for the involved actors, national and international, to consider for the way ahead.

**The International Forum for the Challenges of Peace Operations** seeks to promote and broaden the international dialogue between key stakeholders addressing peace operations issues and matters in a timely, effective and inclusive manner. It is composed of 17 partner nations the aim of which is to contribute to the global dialogue on the preparation, implementation and evaluation of peace operations, to generate practical recommendations and to encourage action for their effective implementation.

Within the overall theme, the Forum discussed and presented papers on the following topics:

- A Review of Peacekeeping Initiatives in 2009: Strengthening Consultation among the Security Council, Secretariat and Troop- and Police Contributing Countries
- Broadening the Base of UN Peacekeeping: Proposals for How the UN can Attract and Support New, Expanding and Returning Troop- and Police Contributing Countries
- Implications of Peacebuilding and Statebuilding in United Nations Mandates
- Command and Control Arrangements in UN Peacekeeping Operations
- Providers, Platforms or Partners? Possible Roles for Peace Operations in Fighting Organized Crime
- The Need for a United Nations Peacekeeping Strategy for Early Peacebuilding Activities
- Multidimensional Peace Operations Concepts and Doctrine Development; Challenges Forum Co-Chairs; Maj Gen Robert Gordon [read report of day 1](#)

[Go to complete article](#)



## PKSOI Perspectives



### Renewing the United Nations Military Staff Committee

by *J. Patrick Murray, Colonel, U.S. Army (retired)*

#### INTRODUCTION

The United Nations (UN) has emerged as one of the biggest projectors of military force in the world, with some 116,000 personnel currently deployed in eighteen peacekeeping operations (PKOs), spanning five continents and twelve time zones. Modern PKOs are massive, complex missions entailing division-plus sized forces deployed into hostile regions rife with political turmoil and urgent humanitarian needs. This expansion in size and scope represents a fundamental departure from earlier, “observe-and-report” operations, the consequence of which is that UN peacekeeping operations are now on the brink of crisis. Many PKOs are unable to fulfill their designated mandates, resulting in little progress on the ground, needless loss of life, and more damage to already tenuous UN credibility worldwide. The UN’s biggest and most ambitious PKOs—including Darfur (UNAMID), the Democratic Republic of the Congo (MONUC), Cote d’Ivoire (UNOCI), and Chad/Central African Republic (MINURCAT)—all face severe deployment and/or operational problems. The UN Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, alluded to this situation in his January 23, 2009, briefing (<http://www.un.org/Depts/dpko/dpko/articles/leroyarticle230109.htm>) to the UN Security Council (SC). He stated: “I believe 2009 is a pivotal year for peacekeeping. A number of our missions face risks that are so significant that there is a potential for mission failure, with terrible consequences for the United Nations.” These concerns led to a July 2009 publication of *A New Partnership Agenda: Charting a New Horizon for UN Peacekeeping* (“*New Horizons*”) (<http://www.un.org/Depts/dpko/dpko/newhorizon.pdf>). Jointly produced by the UN Department of Peacekeeping Operations (DPKO) and Department of Field Support (DFS), this work warns that: “The scale and complexity of peacekeeping today are straining its personnel, administrative and support machinery. New political, military and financial challenges threaten to erode the unity of vision and purpose of the global peacekeeping partnership.”

While the size, scope and complexity of UN peacekeeping operations have evolved beyond earlier efforts, the SC’s method of creating and sustaining them remains anchored in the past. One glaring shortfall in the process is the lack of military expertise and input to peacekeeping mandate development. PKOs are still created and perpetuated in the SC exclusively by civilian diplomats acting on orders from their respective capitals. Consequently, PKO mandates are a muddle of well-intentioned but essentially politically driven tasks and missions thrown together with little regard for existing assets and capabilities available to conduct the operation. Given the evolution in the size, scope and increasingly complex nature of the PKOs it creates, the SC must also evolve its process, including assessments by a body of military experts internal to the SC.

In fact, the SC already has its own body of military experts at its disposal in the Military Staff Committee (MSC). However, the MSC sits dormant, hostage to long-standing rifts within the Permanent Five members (P5) of the SC over its role. An active MSC, capable of providing military advice to the SC, interface with military planners in the Secretariat and assess Troop Contributing Countries (TCCs) capabilities would go a long way toward improving UN peacekeeping, and should therefore be a central component in SC reform.

#### The Security Council and the Expansion of UN Peacekeeping

As described above, earlier PKOs were modest, observe-and-report operations. An example is the UN Military Observer Group in India and Pakistan (UNMOGIP), established in 1949. It was initiated—and remains—a relatively straightforward operation consisting of about fifty military observers stationed in Jammu and Kashmir. Similarly, the UN Truce Supervision Organization (UNTSO), established in 1948, has approximately one hundred fifty military observers observing and reporting in the Middle East. To read or download complete article please visit the PKSOI Publications page, [click here](#)



## New at PKSOI

### **New!** Two New Book Reviews on the PKSOI Website

#### The Army and Vietnam

**Author:** Andrew Krepinevich

**Publisher:** John Hopkins University Press

**ISBN:** 0-8018-3657-3

**Review by Major Thomas Kinton, U.S. Army**

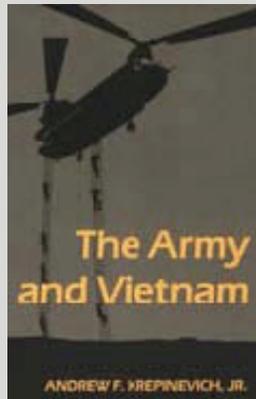
#### Introduction

Andrew Krepinevich (USA LTC Ret.) heads the Center for Strategic and Budgetary Assessment (CSBA). As a US Army Major working at OSD he authored a book called The Army in Vietnam, which critically assessed the approach used by DA to the ongoing insurgency in South Vietnam. The book is well researched and provides an exhaustive set of references.

#### Book Summary

Organized chronologically, Krepinevich takes the reader from the advisory years of 1954-65 through withdrawal in the mid-70s. Although easily dismissible as yet another failure narrative on an unpopular war, it provides a clear-eyed assessment of the systemic disconnects between Department of the Army (DA), Department of Defense (DoD) and National Command Authorities (NCA) and the mid-level officers, Non-Commissioned Officers (NCOs) and civilians on the ground in Vietnam. Krepinevich does not gripe but cites examples of grounded solutions which, had they been adopted into practice, could have influenced both the tactical and strategic outcomes of the war. He ends the book with a ringing indictment of the strategy of attrition and explores the two competing strategies offered by DA/DoD at the time, the **El Paso plan** and the **Enclave or oil-spot approach**.

**To Download or read Major Kinton's complete review please follow the link:** [click here to read review](#)



#### A Paradise Built in Hell

**Author:** Rebecca Solnit

**Publisher:** Viking Penguin (2009)

**ISBN-10:** 0670021075

**ISBN-13:** 978-06700221079

**Review by Dr. Karen Guttieri Naval Post Graduate School**

#### Introduction

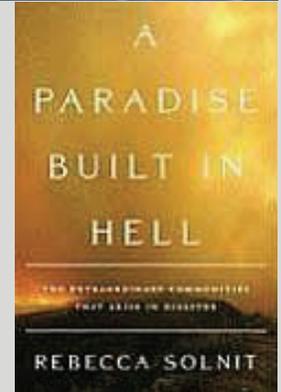
Media reports of disaster emphasize tragedy but what of triumph? *A Paradise Built in Hell* shows that altruism during and after disaster is not the exception but the rule. The messages in this book, that neighbors are in general very good to one another, that humans crave this connectedness, and that the first and most effective support in crises is provided informally and locally, are messages with implications for disaster preparedness and response and potentially for complex crises as well.

Rebecca Solnit examines in depth a number of case studies, including the San Francisco earthquake and fire of 1906, the Halifax explosion of 1917, the 1985 Mexico City earthquake, New York's 9/11, and New Orleans' Hurricane Katrina in 2005. She argues that disasters are shared traumas that connect individuals otherwise alienated by the capitalist marketplace. Despite social conditioning to act selfishly, many willingly share whatever they have to help others in need. She posits a positive benefit of crisis: "in returning their sufferers to public and collective life, [disasters] undo some of this privatization, which is a slower, subtler disaster all of its own" (p. 9).

#### Review

The author, like researchers before her, noticed that people who experience such adversity commonly light up in the telling of their stories, "the startling, sharp joy I found in accounts of disaster survivors" (p. 7). Her personal experience inspired this book.

**To Download or read Dr. Karen Guttieri's complete review please follow the link:** [click here to read review](#)





## PKSOI in the News!

**New!** CCO unveils “*PRISM*” and a CALL FOR PAPERS



The Center for Complex Operations (CCO) at the National Defense University (NDU) is pleased to announce the debut of *PRISM* at <http://www.ndu.edu/inss/press/prism/1/prism1.htm> and a call for papers for February 1, 2010.

To learn more about publishing an article in *PRISM* please click here for complete article. [Click here](#)

To read the electronic version of *PRISM* please follow the link provided. <http://www.ndu.edu/inss/press/prism/1/prism1.htm>

**New!** PKSOI authors made significant contributions in Franklin D. Kramer’s article [Civil Power In Irregular Conflict](#)

PKSOI authors noted in the Atlantic Council journal as co-authors in the Franklin Kramer paper, [click here](#) to read or download complete Atlantic Council article.

**New!** PKSOI Deputy Director Advises Senior Burundian Officers



Above: Brig. Gen. Cyprien Ndikuryio, chief of Burundi’s land forces, discusses his military’s support to the African Union mission in Somalia with PKSOI’s COL Steve Smith.

BUJUMBURA, Burundi – When U.S. Army Col. Steve Smith recently joined discussions with Burundian generals about how Burundi conducts peacekeeping efforts in Somalia, he was leading the way for U.S. Army Africa partnerships on the continent.

See complete story by U.S. Army Africa’s Rick Scavetta

**New!** Hybrid Threats and Challenges by Mr. Nathan Freier

**Hybrid Threats and Challenges: Describe...Don't Define** - A SmallWars Journal article by PKSOI's Nathan Freier: The emerging concept of “hybrid warfare” is one of many attempts to clarify the contemporary defense operating environment for senior Washington decisionmakers and warfighters in the field. [Click here to read more](#)

Also from Mr. Nathan Freier

**U.S. Troops must watch and wait as Iraqi violence spikes**

Mr. Nathan Freier interviewed and quoted in Star and Stripes article by Michael Gisick. [To read more click here.](#)



# SOLLIMS

## **SOLLIMS – THE BIG PICTURE**

This article is the first in a series that describes PKSOI's Stability Operations Lessons Learned Information Management System (SOLLIMS // <http://www.pksoi.org>) functions and capabilities. Perhaps it is best to understand up front that SOLLIMS is intended to be an "information management system"; it is not a website (as it is an Internet enabled system, it does have a URL); nor is it a portal, although SOLLIMS does provide many portal-type capabilities – e.g. member forums/blogs, wiki pages and fields; shared document libraries; references / links to partner sites; links to Peace and Stability Operations (P&SO) related sites and references. These capabilities are provided within the SOLLIMS technical architecture as knowledge management tools for our members to support their information needs and activities. This article will focus on the SOLLIMS database of observations, insights/issues, and lessons. Future articles will address the other components, functions and capabilities that make up the SOLLIMS knowledge/ information management architecture.

## **OBSERVATIONS AND RECOMMENDATIONS (O&R)**

**Core Component.** The core component of the SOLLIMS database is the individually submitted or developed "O&R" (Observation & Recommendation). All authorized SOLLIMS users have the ability to submit O&Rs. Although each individual O&R could be considered a "lesson identified", user input may be more accurately described as an Observation, Issue/ Insight or Lesson/Best Practice (OIL); the actual 'lessons' or 'lessons learned' many times being contained in the Recommendations or the Implications section of the O&R. O&Rs are submitted in a "Pending" status awaiting review via a Verification & Validation (V&V) process before being approved for public release. The PKSOI/SOLLIMS V&V process will be explained in a future article.

**Structure:** An O&R is contained within the SOLLIMS data architecture in a very structured format – what is sometimes referred to as the "O-D-R" format – Observation–Discussion–Recommendation. In addition to the "O-D-R" fields, SOLLIMS goes further by providing content fields and associated metadata that the submitter can use to better describe their content or 'lesson'. The additional content fields include: Implications (describes the impact of either adopting or not adopting the recommendations provided); Comments (a field where the user/member can provide a personal perspective); and an Event Description field (describes the context/environment within which the Observation took place).

**Metatags.** SOLLIMS provides a comprehensive set of content identifiers/tags that allows the user to better categorize the O&R content. These metatags include both administrative identifiers – e.g. user's Unit/ Agency, an Operation/Event identifier, an Operation/Event Type identifier; an Exercise or Experiment title field; as well as specific P&SO related tags (metadata) – e.g. STABOPS Sectors (security sector reform, humanitarian/social well being ...), SSTRO Special Focus (mass atrocities / genocide, public health ...). These identifiers/metatags become searchable content that is permanently associated with the O&R – similar to assigning keywords to a document or webpage. For the various subsites within SOLLIMS – called 'tiers' (PACOM, INSCIT), their metatags are further tailored to be mission and organization specific while still being related to P&SO activity. SOLLIMS also allows users to associate their O&R content with tasks from DoD's Universal Joint Task List (UJTL) and tasks from the US Agency for International Development's (USAID) Post-Conflict Reconstruction Essential Task Matrix (ETM).

**P&SO/Strategic Focus.** Today, within the USG, NGOs, IOs and among both our civilian and military multi-national partners, there are many organizations and agencies involved in the pursuit of peace and stability operations and the development of P&SO related lessons learned / best practices. PKSOI's mandate is to 'view' P&SO with a strategic mindset; to help US civilian and military leadership with understanding, influencing and forming US national policy, doctrine and strategies as related to P&SO. Although much of SOLLIMS' content, the O&Rs, addresses strategic or 'high' operational issues, there is also much available to assist individual P&SO practitioners – PRT members, Agricultural Development Teams (USDA FAS), Advise & Assist Brigade members, DoS/USAID Field Advanced Civilian Team (FACT) members.



# SOLLIMS



This is an example of an active O&R developed by the SOLLIMS integrated report builder. This O&R is part of the SOLLIMS ADVISOR REPORT which is based on the “Search O&Rs” function at the Master Tier level using the Quick Search term “advisor”. (NOTE: for registered SOLLIMS users the entire report can be found by Clicking Here – [SOLLIMS ADVISOR REPORT](#). If you do not have a SOLLIMS account, click here to [REQUEST ACCESS](#) and set up a personal account.)

## **SAMPLE O&R:**



### **Topic. The American *Advisor* and the Language Problem: Terms of Reference**

**Observation.** When communicating cross-culturally, there is no guarantee that even a correct translation will accurately convey the concepts the speaker intended to communicate. Whether American **advisors** communicate with foreign officials in English, in the language of the host country, in a shared third language or through an interpreter, the cultural assumptions underlying the words of each participant in the conversation will differ, probably substantially.

**Discussion.** The same word or phrase, even correctly translated, may convey different meanings in different cultures. The word “crime,” for example, can be translated from one language to another, but the assumptions underlying the word can be vastly different. In the United States, crimes tend to be divorced from religious belief. In Afghanistan, conversion from Islam to another religion is considered a serious crime. Apostasy is viewed as a betrayal tantamount to treason. In some countries, taking the law into one’s own hands is considered proper and even necessary. For instance, it may be considered proper for a man to kill his daughter if she has had an extra-marital relationship. In some countries, failure to kill her would be regarded as weak and dishonorable. Conversely, taking the law into one’s own hands in the United States is a crime. To take another example, the phrase, “extending the reach of the central government,” may be intended by an American to mean, “bringing necessary services and stability to rural areas.” However, it may be interpreted by a foreign official as, “sending soldiers from the capital to plunder the provinces.” A foreign official, hearing the term “Hamas,” may picture a charitable organization which brings help into needy communities. An American hearing the same term is more likely to associate it with terrorism. On a more mundane level, the word “tomorrow,” which an American will interpret as the 24 hours following midnight, may also mean “an indeterminate time in the future” to a foreign official. Perceptions of world historical events will likely be different in non-western cultures. To most Americans, the word “crusade” carries no serious negative connotations and has no bearing on the present. To those in the Muslim world, the term is more likely to call to mind western attempts to destroy Islamic civilization, and it has echoes which have reverberated through the centuries to the present day. Similarly, the word “jihad” may cause an American to think of suicide bombers, while to a devout Muslim the term has positive religious connotations. To add another historical example, the names “Genghis” and “Attila” often bring images to the western mind of blood-thirsty barbarians spreading meaningless destruction. In Turkey and some Asian countries, these historical figures are seen as great national heroes after whom people name their children.

**Recommendations.** **Advisors** must pay special attention to nuances in language in order to convey the intended meaning and message. Learning the local language helps in this endeavor. In addition, it is important to remember that one’s own language contains many nuances that are culture-specific. Therefore, advisors should limit their use of American colloquialisms, slang and acronyms to avoid mis-communication.



# SOLLIMS

**Comments.** Failure of **advisors** to learn the rudiments of the local language is likely to lead to impatience on the part of locals when misunderstandings occur. **Advisors** will profit from questioning their interpreters about the subtle meanings and assumptions behind actual words.

**Event Description.** This observation is an extract from *PKSOI Papers: The American Military **Advisor**: Dealing with Senior Foreign Officials in the Islamic World*, August, 2008 (Michael J. Metrisko).

## Associated metatags.

Administrative -

Unit/Agency: PKSOI Intern

P&SO Tags –

STABOPS Sectors: Governance & Participation

SSTRO Special Factors: Building / Enabling Partnerships

PMESII: Social/Societal

Information

DOTMLPF: Leadership/Education