



# **IMPLEMENTING THE RULE OF LAW AND HUMAN RIGHTS IN STABILITY OPERATIONS**

**WORKSHOP: SEPTEMBER 25-26, 2006**



**PROJECT ON THE MEANS OF INTERVENTION  
CARR CENTER FOR HUMAN RIGHTS POLICY**

**AND**

**THE U.S. ARMY JUDGE ADVOCATE GENERAL'S  
LEGAL CENTER AND SCHOOL**

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AND HUMAN RIGHTS  
IN STABILITY OPERATIONS**

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CHARLOTTESVILLE, VA

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HARVARD UNIVERSITY

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Cover Photos

Clockwise (starting from top left):

Interpreter, Col. Daud, and Paul Mecklenburg.

Interpreter, Col. Moran, Scott Carlson, Col. Charvat, Marc Garlasco, and MG Howell.

Group picture.

Col. Warren, Amb. Oakley, and Ruth Wedgwood.

Photos by: Keith Gardner

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# INTRODUCTION

This report summarizes the proceedings of a workshop on *Implementing the Rule of Law and Human Rights in Stability Operations*, sponsored by the Carr Center for Human Rights Policy at Harvard University and The U.S Army Judge Advocate General's Legal Center and School held in Charlottesville, VA on September 25-26, 2006. The workshop developed out of mutual interests between the Carr Center and the JAG School. The Carr Center sought to explore human rights implications of U.S. choices about military interventions, including stability operations and the adequacy and character of U.S. rule of law efforts. The JAG School sought to identify lessons from stability operations to apply to its emerging rule of law legal curriculum. The workshop represented a unique opportunity to bring together human rights practitioners, U.S government officials, foreign nationals, military representatives, and academics. The workshop featured roughly 60 participants.

This report discusses the broad themes, conflicts, and conclusions participants came to during the course of the workshop. The report discusses the degree and intensity of transforming rule of law systems, legal and normative issues that complicate defining the rule of law, the United States' historical experience with nation-building, capacity questions for carrying out stability operations, and the role of international coalitions in stability operations.

Readers may find the following definitions useful:

Rule of law: equality before the law; laws that are applied consistently (socially, economically, and politically); laws that spell out consequences for illegal activity; laws that serve a conception of order and regulation; laws that serve and inform institutions of society that preserve order and “fairness.”

Stability Operations: military and civilian activities conducted across the spectrum from peace to conflict to establish or maintain order in States and regions. See: DoD, p. 2 (2005, November 28). Military Support for Stability, Security, Transition, and Reconstruction (SSTR) Operations. DoDD 3000.05.

# EXECUTIVE SUMMARY

Security should be the first priority of stability operations. Without the climate of basic security—in tandem with infrastructure development, holding elections, and basic processes to establish societal stability—nation-building will be unsuccessful. In addition, transplanting security and the rule of law through the American lens, which emphasizes civil and political rights, will prove to be a challenge to impose in foreign post-conflict environments where the local populace view economic and social issues as higher priorities. To further complicate the imposition of a legal framework, the Law of Armed Conflict, International Humanitarian Law, human rights law, and local law rooted in custom or religion, naturally present conflicts for intervening military or civilian authorities. While civilians, who have the level of cultural expertise, knowledge, and training required to contribute heavily to stability operations, often lack in resource or presence to succeed. Thus, today, the U.S. military performs stability operations—a task in which it is not trained to execute. Nation-building is a long-term project and cannot be compared to fighting a small war.

There is no commonly accepted model for the rule of law. Sometimes there is a gap between the institution the American government seeks to promote and what the local community needs or wants. However, despite disagreement amongst participants regarding the applicability and limits of IHL, LOAC, refugee law, or humanitarian law, participants characterized human rights law as fundamental—a law which embodies non-negotiable principles of personal dignity.

The U.S. intervention in Iraq has generated negative perceptions of subsequent rule of law efforts. The majority of participants agreed that the U.S. is deficient in the degree of knowledge and adaptation required for stability operations. Coupled with the lack of metrics established to measure success, the process of continuous self-improvement simply fails to exist.

Conference participants posit there should be a centralized point of organization and leadership within the civilian realm (preferably the State Department) to lead and coordinate rule of law assistance, development policies, and strategy. In addition, a variety of functions in post-conflict environments are best carried out by civilians rather than military personnel, and thus a combined effort could prove to be an effective collaboration in stability operations. It is important to note that based on one participant's experience, the most successful rule of law projects in Iraq originated at low levels and were planned and carried out under abbreviated decision cycles. Moreover, grand rule of law strategies experienced significant problems in translation between strategic, operational, and tactical levels.

Finally, while international coalitions can supplement the United States' ability to implement the rule of law and stability operations by increasing capacity and legitimacy, they can also create complications—as the most visible political conflicts arise in discrepancies among nations regarding rules of engagement, applicable legal regimes (and interpretations thereof), and domestic political will.

# I. STABILITY VS. TRANSFORMATION

The conference began with a central question: how radically should practitioners attempt to influence foreign national rule of law and human rights during stability operations? There is an obvious tension between stability and transformation. One participant argued that Americans need to think differently about the relationship between human rights and the rule of law. They should not assume that rule of law means respect for human rights but they cannot ignore the importance of law and order for upholding rights. A state can abide by its own laws but fail to support human rights just as human rights can be the impetus to transform an unlawful state. There is a role for revolution, change, and transformation against the status quo and existing legal frameworks in order to promote human rights. But transformation *per se* will not always enhance rights particularly if it causes the breakdown of law and order. For example, it remains unclear whether the United States' revolutionary approach to altering Iraq's rule of law framework will increase long-term respect, and support for, human rights.

In stability operations, participants argued that security should be the first priority. Any nation-building efforts will be thwarted without basic security.

**“Insurgents or terrorists will attack infrastructure, kill judges, assassinate police and teachers, and carry out other attacks to undermine overall stability.”**

That does not mean reconstruction should not occur simultaneously, but that infrastructure development, holding elections, and other basic processes of re-building society hinge upon relative security.

Americans should establish friendly relations with the local population but maintain capacity to project overwhelming force to protect the population while preventing the arbitrary use of force against civilians. Moreover, after organizing and training a domestic security force, the government must ensure accountability and transparency so the population will trust that force and the government that controls it.

A participant urged policymakers to reevaluate American political orthodoxies that reveal legal biases. America must objectively consider which form of law is most appropriate in stability operations. American rule of law, emphasizing civil and political rights, may not easily translate to foreign post conflict environments when the population views economic and social issues as higher priorities. At the same time, the American political system may find it hard to accommodate approaches that differ from democratic orthodoxies. In addition, various legal frameworks including the Law of Armed Conflict (LOAC), International Humanitarian Law (IHL), human rights law, and local law based on custom or religion, present conflicts for intervening military or civilian authorities. Clear treatment of applicable legal frameworks is essential to planning and executing operations.

Transforming rule of law frameworks in the United States' mold may sound appealing and supportive of human rights, but is a far more difficult goal than strengthening or improving existing rule of law systems. This relates not only to the feasibility of the effort, but to the capacities required to carry out rule of law operations. The U.S. must scrutinize its internal capacity and political will to grapple with foreign interventions. In particular, why has the United States struggled to take on capacity-building for post-conflict environments? Over a

decade ago, peace operations, which included promoting the rule of law and human rights, gained momentum as a major aspect of U.S. foreign policy. Yet the U.S. failed to develop requisite capacity to its detriment in Afghanistan and Iraq. Today, the U.S. military performs stability operations for which it is not trained, while civilians, who are more appropriate for key roles, often lack the capacity or presence to succeed. In 2005, the Bush administration issued a DoD Directive and a National Security Presidential Directive to enhance these capacities. Some observers remain concerned about the implementation of these measures, particularly if the more ambitious plan of transformation, rather than restoration or incremental reform in rule of law, is the United States' goal.

Another panelist underscored this point, recounting why America's success in complete rule of law transformation varied over time: Germany, Japan, and Italy were fully defeated and then

**“Do Americans have the political will to conduct and sustain stability operations to implement the rule of law and promote human rights?”**

transformed by occupation. Smaller wars (Haiti, the Dominican Republic, Cuba, Nicaragua, and the Philippines) proved more difficult for the U.S. to transform, in part because the U.S. left too quickly. He argued that the United States operates under media scrutiny and the political climate rejects talk of “liberal imperialism” which limits U.S. willingness to commit the resources and time to transformative rule of law efforts.

## II. DEFINING LEGAL FRAMEWORKS

Participants agreed that rule of law was a poorly defined term and did not facilitate promotion efforts or capacity buildup. They suggested rule of law had multiple components, institutions, and processes such as: courts, legal codes, policing, prisons, elections, and concepts and values including fairness and basic protection of human rights. No universal model exists for the rule of law even as the United States seeks to both promote and implement it globally. Conflicting norms underpin various rule of law systems which societies, in turn, define differently. Participants agreed on the need to explicate these norms and develop appropriate guidance for rule of law efforts.

### **Different Legal Regimes**

Participants disagreed about the extent of connectivity and conflict among existing legal frameworks that could be applied in stability operations. One participant argued that human rights law, international humanitarian law (IHL), and the law of armed conflict (LOAC) are fundamentally different. They move like tectonic plates, sliding past one another, yet touching and grinding at certain vital points. The disconnects create uncertainty in the minds of soldiers on the ground attempting to determine which law is appropriate for which situation, while simultaneously generating confusion at the strategic level. This confusion can affect everything from the use of force and detainee operations to the types of economic, social, legal, and political reforms the United States and its coalition partners undertake.

What are the substantial differences between the bodies of law? According to one individual, the law of armed conflict embodies principles of reciprocity and pragmatism defining conduct for a professional soldier during war. The concept of military necessity allows the state – or its military – to calibrate how much force is needed to carry out operations. Accommodation of military necessity results in a fundamentally permissive legal regime. Other regimes of law (refugee law or humanitarian law) may differ, but participants characterized human rights law as fundamental. Human rights law embodies non-negotiable principles of personal dignity. One participant characterized human rights law as “the photographic negative of the law of armed conflict.” Human rights law imposes fundamental limits on state power. To violate human rights law, states can temporarily derogate from certain rights. In this regard, IHL and LOAC are more permissive of state actions while human rights law is a fundamental limit on state power. One panelist added that regardless how either regime regulates the transformative goals of rule of law missions, the importance of preserving one’s own compliance cannot be overstated.

Participants observed that while stability operations are often conducted during combat operations, rule of law restoration often assumes a human rights framework will guide such operations. Participants also debated whether the law of armed conflict should replace human rights law as a guiding mechanism in the GWOT. The GWOT, or Long War, challenges the traditional conception of war and therefore highlights questions over conflicting legal regimes in a broader context.

One participant said the U.S. should not make these legal regime issues so complicated because technicalities cause difficulty in practice. Incidents that appear on the news or that cause riots

**“Transparency and accountability should take precedent over complex legal and technical debates concerning the appropriate type of rule of law.”**

typically occur over basic issues such as the manner in which people are being treated rather than the finer points of distinction between human rights and LOAC.

### **Appropriate Rule of Law**

One participant said, “the U.S. treats rule of law like a field of dreams: if we build it, they will come.” Participants noted that rule of law discussions often conflate descriptions of how U.S. forces should act with the types of institutions and processes the U.S. government is promoting. In terms of the latter, the United States must remember that sometimes there is a disconnect between the institution the American government seeks to promote and what the local community needs or wants. To succeed, sustainable rule of law efforts must have an indigenous commitment. If the local populace thinks transplanted notions informing a new rule of law system are worthless, they will reject them and revert back to pre-existing systems (local warlords, religious leaders, or vigilantes to settle disputes and ensure “fairness”). A panelist observed that rule of law missions are never neutral – regime and institution designs always reveal choices between competing intelligentsia and ideologies.

## **Elections and the Rule of Law**

Elections may in fact undermine efforts to promote national unity and security. Elections may not always be widely accepted means of legitimate governance. In an American framework, elections are viewed as sufficient means for ensuring legitimate and good governance. Yet the American framework is both unique and has evolved over time. Even when elections are seen by the indigenous population as appropriate, there is a danger of emphasizing elections in a vacuum or unprepared environment. Without institutions to support a liberal society (well-regulated police and judicial system, a balance of power, a free press, and a system of political accountability), elections can be exploited by individuals and groups who would monopolize power. More fundamentally, elections are one means toward an end of responsive and effective government.

## **Consistency: Ends and Means**

One participant argued that imposing the rule of law is inherently illegitimate when invading armies use violence to replace a regime with a rule of law that in turn criminalizes violence. This is particularly true, another offered, when the overthrown regime provided stability and when the intervention is undertaken in the name of human rights. Another saw no paradox in a state intervening by armed force to establish a rule of law system whereby force is controlled. Rule of law regulates both force within a state and the use of force between states, he said. More than one participant observed that perceptions concerning the legitimacy of U.S. intervention in Iraq had generated negative impressions of subsequent rule of law efforts.

One participant said that when the United States appears to deviate from universal norms of human rights it loses its moral standing and undermines its ability to implement the rule of law. Detainee treatment and interrogation issues at Abu Ghraib and Guantanamo Bay demonstrate this proposition, said one participant.

Another participant noted related problems in teaching Central American police and military how to perform military operations with respect for human rights, while being attacked by groups who did not follow similar rules of engagement. Governments must apply human rights standards even if insurgents do not, a participant argued because it is only through such behavior that rule of law states can hope to increase respect for the law.

This led to discussion about enemy use of terrorist tactics. While some actors (e.g. Hezbollah) assert that certain religious or national laws allow acts that the West considers terrorism, participants felt they should be judged by the standard of international law. Yet in terms of rule of law implementation, participants suggested that cultural or religious precepts could be accommodated where possible without violating international standards.

### **Rule of Law and Religion**

The rule of law is not one mold that fits all. U.S. success in stability operations most participants felt the United States

**“The U.S. separation of church and state is unique and the United States must face the reality that other parts of the world incorporate religion into the interpretation of law.”**

government currently lacks. One participant wondered how the U.S. could bring in religious or cultural viewpoints to improve its rule of law and human rights work.

Another participant suggested that the United States' experience in Afghanistan showed the value of building on top of existing, informal, rule of law systems. Don't fix what is not broken, he said, particularly if you value stability. American rule of law efforts in Afghanistan merged traditional interpretations and practices of Afghan law with American and Western interpretations.

Asked whether occupation law, with its conservationist orientation on the status quo ante, had a place in rule of law operations, one panelist replied "no." While recounting the "humanitarian side of occupation law" as relevant, he posited that as a hard matter of law, it was not foreseeable how occupation law would have any application soon.

### III. U.S. CAPACITY FOR STABILITY OPERATIONS

Conference participants agreed American capacity for stability operations is deficient. The United States government lacks the right type and quantity of resources and capabilities to carry out nation-building. In addition, conference participants argued that the U.S. government lacks a clear and cohesive plan for interagency cooperation and planning for stability operations and the rule of law. Moreover, there is no effective measurement process for indicating success or failure in rule of law and stability operations. Failure to identify such metrics frustrates efforts to feed experience back into capacity and coordination efforts. Experiences in Iraq and Afghanistan have forced these questions to the foreground and inspired DoD Directive 3000.05 and NSPD-44. However, the United States government still lacks a clear organizational understanding of how to achieve these goals.

A participant set out three main issues from the history of U.S. nation-building that could improve understanding for rule of law and stability operations capacity. First, the U.S. has always done nation-building and always will. Americans should not start from scratch and refuse to do the necessary planning. Second, the U.S. needs more cultural expertise and knowledge. Americans need to focus on counterinsurgency doctrine, human intelligence operations, and language training as revealed by deficiencies in Iraq and Afghanistan. Americans must expand training, cultural, and

**“The United States government does not want to tell military units to set up a sewer system, or a political election.”**

diplomatic skills, while increasing capabilities at the civilian and policy-planning levels. Third, the U.S. should not exert so much effort to transform states.

Americans should learn from the British model of imperialism when they used Indians to police India

**“Finally, Americans must face the reality that nation-building is a long-term process, not like fighting a small war for four or five years. People should remember that the U.S. still has forces in Japan and Germany.”**

and constructed foreign and internal defense units. One participant said: “it may be useful to create a Freedom Legion, where non-Americans can sign up in exchange for citizenship.”

## **Coordination**

Conference participants agreed there should be a centralized point of organization and leadership within the civilian realm (preferably the State Department) to lead and coordinate rule of law assistance and development policies and strategy. The Department should make room for all voices and expertise in rule of law issues from the DoJ, USAID, and DoD. The rule of law is a technical field and requires specific knowledge that should be treated as a unique expertise.

## **Role of the Military**

Another participant argued that many functions in post-conflict environments are best carried out by civilians and not the military. Even in the realm of security, once combat operations end, a police or constabulary function is required to secure the population. Some participants argued that the U.S.

military is not trained to function as a policing force in stability operations. Some believed

**“A synthesis between military and police-trained units could significantly enhance the efficiency of stability operations.”**

specialized units are required to quell looting and civil disobedience. Soldiers are trained to eliminate threats while policemen are trained to protect victims.

Constabulary forces are skilled in dealing with public order, crowd-control, and anti-terrorism. These light infantry units are more flexible and work well within a civil society framework (guarding airports and prisons, escorting VIPs and government officials, and helping stabilize elections). Constabulary forces are also trained to carry out high-risk arrests and counter-terrorism functions similar to Special Forces units. In addition, some form of a civil reserve unit could assist the military when carrying out stability operations. It is unclear whether the military should train special police units to be integrated into its force structure or whether a civilian police unit should be trained and deployed separately from the military.

### **Iraq and Capacity**

One participant argued that the CPA in Iraq failed to promote a realistic strategy for promoting the rule of law. The planning process was undermined by a lack of clarity regarding who in the U.S. government performed what in stability operations. There was also a lack of capacity to carry out tasks. One panelist observed that in his experience the most successful rule of law projects in Iraq originated at low levels and were planned and carried out under

abbreviated decision cycles. Grand rule of law strategies experienced significant problems in translation between strategic, operational, and finally tactical levels.

Before the invasion of Iraq, civilian planners presented administration representatives with a blueprint for establishing order following the initial stage of attack. The response to this plan was that the United States would only need an advisory presence. Military planners questioned whether enough funding and capability supported what would eventually become a nation-building activity in Iraq. One participant argued that there is still no single point of responsibility for rule of law operations in the military. Yet civilian planners who design stability operations look to the military to carry out stability missions. American capacity for stability operations needs should be responsible to a single point of authority that integrates both the military and civilian planners.

Now is the time to develop plans for the next stability operations undertaking. As one panelist observed, the U.S. has always conducted nation-building yet has in each instance thought it would never do it again. One went so far as to call for an American version of the former British Colonial Office.

## IV. INTERNATIONAL COALITIONS FOR STABILITY OPERATIONS

International coalitions can augment the United States' ability to implement the rule of law through stability operations by increasing capacity and legitimacy. Coalitions can also complicate stability operations. The most obvious political conflicts arise in discrepancies among nations regarding rules of engagement, applicable legal regimes (and interpretations thereof), and domestic political will.

A participant said democratic nations participating in coalition operations often face a difficult challenge in convincing their populations to participate.

**“Each nation must ensure that the coalition mandates, and specific missions during the operation, are congruent with that country’s national mandate for participating in the coalition.”**

These challenges reflect the level of the United Nations' support for the mission and the capacity to contribute financially and militarily to the operation.

Yet coalitions also complicate rule of law and stability operations with conflicting interpretations over the meaning of the rule of law. For example, The British treat detainees, interrogations, and human rights issues differently than the United States. In some cases, the British refuse to allow U.S. officials to hold or interrogate enemy combatants captured by the British. The British prefer Iraqi courts handle Iraqi cases while the U.S. executes prolonged

internments preventing quick release to local courts. Restrictions on transfers within a coalition also prove problematic between the U.S. and other European allies who have disparate policies on capital punishment, international obligations and treaties, and military techniques, tactics, and procedures.

One participant argued that legal issues *per se* are typically not the root of conflicts between coalition partners. Moral or political choices more often create conflict between coalition members and prevent coordination and implementation of rule of law operations. On the ground, military commanders recognize they can typically interpret the law in the same way as a coalition member, but if there are deeply-rooted conflicts over political issues central to the mission, the commanders will often disagree. This relates back to the conflict over a universally accepted prototype of law to provide one standard for human rights and the rule of law in coalition missions.

## V. CONCLUSION

The participants of the final panel sought to synthesize the efforts of the workshop. Panelists concurred that future rule of law missions were inevitable and likely to occur on a broader scale than at present. Panelists were united in calls for rule of law unity of command and unity of effort. Several panelists noted approvingly DOD Directive 3000.05's reorientation of the military toward stability operations, however, they simultaneously expressed skepticism whether the directive's goals could be effected literally. Panelists called universally for a more clearly defined and better resourced control architecture for U.S. stability and rule of law operations. Current rule of law efforts were regarded as plagued by parallel and unsynchronized efforts. At least one panelist, however, rejected the idea of a stand-alone agency focused on stability operations.

Echoing the design of a previous panel, nearly all panelists resorted to historical examples. Modern U.S. nation-building efforts, including Haiti, the Balkans, Somalia, Afghanistan and Iraq were observed to have been plagued by disparities between mandates and resources. Major resource gaps were blamed for most failures. One panelist observed that even in missions where development of *civilian* capacity and rule of law aspects were the central efforts, military missions appeared to receive primacy of support and resources.

Panelists further concurred that international organizations could contribute significant substance and legitimacy to rule of law missions.

# VI. APPENDIX A: AGENDA

## Implementing the Rule of Law and Human Rights in Stability Operations

Sponsored by the Carr Center for Human Rights Policy at Harvard University  
and The U.S. Army Judge Advocate General's Legal Center and School

25-26 September, 2006  
600 Massie Road, Charlottesville, VA 22903-1781

### SEPTEMBER 25

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**0845 – 0915 Welcome and Introduction**

BG Butch Tate  
Prof. Sarah Sewall

CG, TJAGLCS  
Carr Center, Harvard University

**0920 – 1030 Panel One: The Rule of Law Legal Framework**

From human rights law to the law of armed conflict, international law to domestic constitutional rights and legislation, rule of law operations present a sometimes confusing choice of conflicting norms. Moreover, these rules may be found in diverse sources such as treaty law, customary law, statute, agency or ministry regulations and Security Council resolutions. Are there truly legal voids in post-conflict, rule of law, and stability and reconstruction operations? Is relevant customary international law sufficiently developed to fill the gaps? Is there adequate consensus as to what constitutes relevant customary rules?

**Moderator** - Mr. David Graham  
LTC (Ret.) Michael Newton  
Prof. Rosa Brooks  
Mr. Charles Allen  
Mr. Michael Posner

Executive Director, TJAGLCS  
Vanderbilt University School of Law  
Georgetown University Law Center  
DOD, Office of General Counsel  
Human Rights First

**1030 – 1150 Panel One Roundtable Discussion Session – workshop participants**

**1200 – 1300 Lunch and Speaker:** MG Scott C. Black, U.S. Army TJAG

**1335 –1445 Panel Two: Historical Approaches to Nation-Building and Human Rights Development**

Recent emphasis and attention notwithstanding, rule of law and nation-building operations are not uniquely twenty-first century phenomena. From early efforts in Central America and the South Pacific, through the post-WWII Marshall Plan, to missions in the Balkans, United States stability and nation-building efforts have long been a central aspect of U.S. security strategy. What lessons do these missions offer to current and future stability and reconstruction operations?

**Moderator** – Prof. John Norton Moore      University of Virginia Law School  
Mr. Max Boot      Council on Foreign Relations  
Prof. Hank Nichols      US Army PKSOI  
Mr. Paul Mecklenburg      United Nations Mission in Belgrade  
COL Mohammed Daud Hazem      Afghan National Army, Judge  
Advocate

**1445 – 1550 Panel Two Roundtable Discussion Session** – workshop participants

**1600 –1710 Panel Three: Rule of Law in U.S. Stability Operations – The Current Operating Environment**

Responsibility to conduct rule of law missions and stability operations currently resides across a broad array of U.S. government agencies. How do the strategies, capabilities, and organizational cultures of these disparate entities compliment or detract from one another? Are there natural divisions of labor and responsibility? Which current operations best showcase the potential for synergy and success? Should military involvement be restricted to purely ongoing and post-conflict scenarios? How are human rights and other legal norms incorporated into these agencies' approaches and doctrine? How do these agencies cope with a global scale of contingencies – are universal approaches that span multiple cultures and traditions possible? Can the U.S. government develop nation-building or rule of law plans that travel between theaters and cultures?

**Moderator** – MAJ Sean Watts      TJAGLCS  
MAJ Kevin Lanigan, USAR      US Army Civil Affairs  
Mr. Robert Perito      US Institute of Peace  
Ms. Karen Hanrahan      US State Department  
Ms. Cathy Niarchos      US Agency for International  
Development

**1710 – 1800 Panel Three Roundtable Discussion Session** – workshop participants

**1900 – 2200 Reception/Dinner**

**Speaker:** Mr. James Dobbins, RAND Corporation

## SEPTEMBER 26

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**0800 – 0910 Panel Four: Considerations for Multinational and Coalition Rule of Law Operations**

Past and current stability operations have largely been multinational affairs. Frequently such operations have revealed fissures in operating principles and legal obligations. How have regionally-derived human rights obligations affected combined operations? Have these operations revealed significant rifts in operational planning and execution? What operational considerations should guide future multinational rule of law operations and doctrine?

**Moderator** – Mr. Marc Garlasco      Human Rights Watch  
MG David Howell      British Army Legal Services  
COL John Charvat      U.S. Army JAG Corps  
Mr. Scott Carlson      Chemonics, Inc.

LTC Noe Moran

National Army, El Salvador

**0910 – 1000 Panel Four Roundtable Discussion Session** – workshop participants

**1000 – 1155 Panel Five: Synthesis**

**Moderator** – Prof. Sarah Sewall  
COL Marc Warren

Prof. Ryan Goodman  
Prof. Ruth Wedgwood  
Amb. Robert Oakley

Director, Carr Center  
Special Assistant to The Judge  
Advocate General  
Harvard Law School  
SAIS, Johns Hopkins University  
National Defense University

**1200 – 1400 Concluding Remarks/Lunch**

Prof. Sarah Sewall  
BG Butch Tate

Carr Center, Harvard University  
CG, TJAGLCS

## VII. APPENDIX B: LIST OF PARTICIPANTS

**Mr. Charles Allen**

Department of Defense, Office of General Counsel

**Ms. Marla Bertagnolli**

Campaign for Innocent Victims in Conflict

**MG Scott C. Black**

Judge Advocate General School

**Mr. Max Boot**

Council on Foreign Relations

**LTC Corey Bradley**

Joint Forces Command

**Prof. Rosa Brooks**

Georgetown University Law Center

**MAJ Derek Brown**

Asia-Pacific Center for Security Studies

**LTC James Boozell**

U.S. Army

**Mr. Scott Carlson**

Chemonics International

**COL John Charvat**

U.S. Army JAG Corps

**COL Dana Chipman**

Central Command Staff Judge Associate

**COL David Diner**

Combined Forces Command - Afghanistan

**Mr. James Dobbins**

RAND Corporation

**MG Charles Dunlap**

Deputy Judge Advocate General, United States Air Force

**COL Ray Fay**

U.S. Army

**Meghan Frederico**

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**Peter Gantz**

Refugees International

**Mr. Marc Garlasco**  
Human Rights Watch

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Judge Advocate School

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U.S. State Department

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Afghan National Army, Judge Advocate

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**MAJ Kevin Lanigan**  
U.S. Army Civil Affairs

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**Prof. John Norton Moore**

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**Tyler Moselle**

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**LTC (Ret.) Michael Newton**

Vanderbilt University

**Ms. Cathy Niarchos**

Rule of Law Specialist, U.S. Agency for International Development

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