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Responsibilities of a Military Negotiator During Peace Talks

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The presence of American military officers in the recent peace negotiations for Bosnia-Herzegovina, and their participation in the shuttle diplomacy preceding the Dayton meetings, demonstrate the important roles the military can play in any peace process. It may seem paradoxical to some that the military--generally associated with brute force resolution of conflict--can add much to peace negotiations. Contributions by military participants in recent peace talks, including those in Mozambique and Angola, suggest the contrary.

Regional specialists and other military officers often have acquired deep insights into the cultures of the nations they have studied and among whose people they have lived. When experience has combined knowledge and insight with an understanding of the negotiating process, military officers can sometimes be the means to solving seemingly intractable problems originating from cultural differences.

Officers and others involved in peace discussions will need a concept of how negotiations evolve. All members of the negotiating team must have a common understanding of our national political and military interests in the conflict and its resolution, as well as their absolute and relative importance. From that information the negotiator develops a general sense of how he or she can protect those interests, based on positions taken by the various parties to the negotiations. Those positions must be analyzed in relation to the issues and the personalities with which they are identified.

Members of the US team will seek to develop prospective solutions that satisfy the interests of as many of the parties as possible. This process should identify which positions could become show-stoppers, positions that unless modified will become nonnegotiable. The military negotiator usually can make a significant contribution at this point in the process, since some of the potentially intractable issues will be military issues. A well-coordinated team will seek advice on underlying interests that can either facilitate or prevent reaching mutually acceptable positions during the negotiations.

To suggest how the foregoing process can appear to participants, this article first examines aspects of a typical peace settlement that require direct and significant involvement by the military members of the team. Thereafter, important features of the negotiating process are illustrated by specific examples from peace negotiations, including those in which the author participated. The desired outcome is to heighten the awareness of all participants in the interagency process to the value added by the military members of a negotiating team.

Military Negotiating Issues

Cease-fire and Disengagement of Forces

Details concerning the cessation of hostilities and disengagement of forces need to be defined and carefully coordinated to avoid accidents and incidents that can jeopardize the peace process. These include the timing and sequenced steps of the cease-fire; the deployment of cease-fire monitors; the enumeration of permissible and proscribed activities; the determination of how alleged cease-fire violations will be handled; and the establishment of a peacekeeping force.

To be fully effective, the accord should anticipate and provide the means for handling the inevitable incidents that will jeopardize the cease-fire. The agreement should include a method for dealing with such problems, either through a reaffirmation of normal procedures, or by providing a mechanism to address each violation on an exceptional basis.[1]

A comparative study of six United Nations peacekeeping operations identified the following limiting factors that increase the probability of failure in a cease-fire operation:

- an ambiguous or unclear mandate for the cease-fire monitors or peacekeeping force
- poor terrain that inhibits mobility and observation
- lack of a clear cease-fire line, contributing to confusion on the part of the warring factions and the cease-fire monitors
- deployment of cease-fire monitors in cities divided into opposing sectors (such as Beirut and Mogadishu)
- ready availability of weapons to civilian personnel
- poorly disciplined chains of command among the warring factions
- poorly educated or illiterate populace in the country in question, leading to poor comprehension of the purpose for the cease-fire monitors, their mission, authority, and responsibilities, and their neutrality concerning the conflict in question[2]

The military negotiator should keep these limiting factors in mind when the cease-fire and disengagement process is discussed during negotiations. It should be possible to ensure that a clear mandate is provided for the cease-fire monitors or a peacekeeping force. It may be possible to adjust the cease-fire line to make use of advantageous terrain while avoiding deployment of the monitoring force in cities. While the negotiators cannot affect the education level of the populace or the proliferation of weapons in the region, both factors should be taken into account when devising the terms of the disarmament program. Additionally, if there is to be a public information campaign by the peacekeepers to explain their mission to the local population and seek its cooperation, the education level of the populace should be considered when determining the publicity medium and style of presentation.

Encampment and Disarmament

A number of complex issues must be addressed concerning the encampment and disarmament of combatants. These include such details as the number and location of camps for each faction; identification of personnel and organizations that must be encamped and disarmed; timelines for the opening, closing, and possible consolidation of camps; determination of how security for the camps will be provided; establishment of logistics procedures to support the encampment process; and disposition of weapons turned in during the disarmament campaign.

The negotiators should also identify as early as possible the functions that can best be filled by non-governmental organizations (NGOs) or private voluntary organizations (PVOs). Once these are identified, these groups should be brought into the planning process as early as possible. If a need normally filled by an NGO or PVO cannot be met by those participating in the process, the negotiators need to determine how the gap will be filled. Examples of services the NGOs and PVOs can provide include getting rations and medical supplies to the encampment sites as part of their effort to provide such services to the population as a whole. In late 1991 in Angola, delays in providing food supplies to the camps, caused by initial reluctance of international assistance organizations to participate, threatened the continuation of the encampment process and the implementation of the national peace process itself.

Integration of Forces

When seeking to bring peace to a civil war, the military negotiator must address numerous issues concerning the integration of the warring factions into a single national military force. Integration of standing forces and demobilization of the excess are among the most complex and problematic of the military issues. They directly affect the ability of the factions to return to the battlefield if they fail to secure their objectives through the peace process.

There are a number of political issues affecting the military as an institution, and the individuals within it, that need to be discussed during the course of negotiations. The US military participant is often looked upon as a neutral resource during such discussions. He or she not only needs to know current US law or policy on the issues on the table, but should be aware as well of American military traditions pertaining to the issues (if they differ from current practice) and be cognizant of traditions on the issues in other professional militaries around the world. The negotiator also should understand the traditions concerning such issues both in the country of conflict and in the neighboring states in the region.

Political-military issues that should be addressed include how the office of the Minister of Defense will be organized and staffed, and what political rights military personnel will be permitted to exercise. Issues such as whether the integrated force can (or must) vote, whether its members can become open advocates for a political party, or whether they can publicly support a candidate in an election may well have to be settled during the negotiations. The question of whether the military will have the right to unionize may also arise.

One of the central issues in creating a strong civilian defense ministry is developing a ministry staff that is competent in defense issues. In Mozambique there was a great deal of confusion concerning the degree of authority the civilian defense ministry staff would have over the armed forces, and what issues properly remained the responsibility of the military headquarters staff. In South Africa, the staff of the new Ministry of Defense is initially composed almost entirely of retired military officers, until civilian staff members can be recruited and trained in their areas of responsibility. The hope there is to create a permanent civilian staff that will, when augmented by assigned active-duty personnel, constitute the majority of Defense Ministry personnel, as is the case with the British Ministry of Defense and the US Office of the Secretary of Defense.

Multiple issues concerning force structure and missions need to be addressed during the course of negotiations. Some range from the seemingly unimportant, such as what the force will be called, to the always important issues of the mission, size, composition, and organization of the armed forces. One of the most volatile issues to be negotiated is the percentages of the force that will be provided by each of the warring factions. Conflicts in Angola and Mozambique involved two factions; in such situations, each of the insurgent groups normally seeks to provide 50 percent of the new, integrated national military.

The negotiations will nearly always identify the selection criteria that will be used for the acceptance of new personnel (those joining in the future, rather than those currently in one of the warring factions) into the postwar national army. Quotas may be imposed based on regional and ethnic representation in an effort to stress the national character of the new defense forces. Selection criteria could include citizenship, age, health, education or literacy level, and criminal record.

The negotiations may also identify the criteria that govern the military personnel system, including promotion, training (especially eligibility for attendance at foreign schools), and retirement, as well as a code of conduct. If the negotiations do not go into such detail, they generally identify the process or mechanism by which the criteria eventually will be determined.

One of the confidence-building measures that can be included in a peace agreement is a series of safeguards giving each faction, to the degree possible, visibility over the activities of strategic military units. Minimizing the element of surprise decreases the likelihood that a key unit could be deployed in a preemptive strike against one of the factions.

Another key issue is the start date and duration of the force integration period. Force integration could begin prior to the arrival of the international peacekeeping force, if one is scheduled to participate, but frequently will be delayed until after the peacekeepers are in place. The negotiations should determine how personnel will be trained during the integration process in a manner that facilitates the restoration of peace and security.

The negotiations should determine whether the police forces and other paramilitary organizations will be integrated as part of the peace process. The factions also should decide whether ex-soldiers will be allowed to join the police force.

Demobilization

The demobilization of military forces in the Third World has been studied and reported on extensively in recent years. A military participant in peace negotiations should become familiar with the literature and be prepared to serve as a resource to the negotiating process by providing copies of the key works to the mediator and the warring factions.[3]

Much of the detailed work concerning implementation of the demobilization program, especially those aspects related to reintegration of ex-combatants into the civilian society, will be handled by governmental and nongovernmental assistance organizations, to include the World Bank. The broad lines of the demobilization program, however, such as

the numbers of personnel to be discharged, will be determined during the military phase of the peace talks.

Unrealistic expectations can pose a threat to the demobilization and reintegration processes. The leadership of the warring factions normally will use the promise of discharge benefits to help sell the agreement to its military personnel in the field. The risk is that the military and political leadership may, in good faith, promise demobilization benefits that cannot be delivered from either the donor community or national resources.

A military participant in the negotiations also should understand that there is a reluctance on the part of assistance organizations to treat ex-combatants significantly better than returning refugees are treated. In some cases there have been attempts to assimilate the two groups into a single reintegration program. While the assistance organizations understand that one of the reasons for the demobilization benefits is to "buy" the cooperation of those carrying weapons, they are morally disinclined to treat what they see as the villains who provoked refugee flows better than the victims who fled the fighting. The risk is that such issues may cause a significant delay in the start of the demobilization program, straining the political will of the factions and their confidence in the peace process. Additionally, in cases such as Mozambique and Liberia, most refugees are reluctant to return to their homes until they see that disarmament and demobilization are, in fact, working, and that there has been a verifiable improvement in the level of security within the country.

De-mining Operations

Land mines--the hidden killers--have become a scourge of wars in the Third World.[4] Recent attempts by the international community to develop a consensus related to the production, sale, and use of land mines suggest that they will be with us for a long time. Hence, a military negotiator can expect to deal with a number of mine-related issues during peace negotiations. Their existence, and associated eradication efforts, have a significant effect on the building of confidence between the parties, on the safety and operations of an international peacekeeping force, on the return of refugees, and on the reconstruction and rehabilitation of the country during the postwar period.

One of the key issues that needs to be addressed is the disclosure and identification of minefields by the warring factions. In many Third World conflicts, detailed minefield information has never been available even to the side that deployed the mines. In such cases information can be exchanged concerning the general location of the minefields and the types of mines contained therein.

Another important matter is the determination of who will conduct de-mining operations. The warring factions themselves may carry out de-mining of their country. If so, they might work jointly, or each might remove its own minefields. Other possibilities are that the peacekeeping force might carry out de-mining, or that civilian contractors might be employed.

Negotiating Successfully

Experience in various peace negotiations has identified a number of key features of such processes that any military participant should be aware of. Some are obvious but worth repeating, while others are less evident but still very important. Some bear primarily on the negotiations phase, while others will more directly affect implementation of an agreement.

US Role

The military member of a negotiating team must understand what the United States is expected to contribute to the peace negotiations. Possible roles include advising the mediator, acting as a neutral broker, serving the mediator and the factions as a technical resource, and assisting with program planning. In the Bosnia talks, for example, the United States served as the mediator.

In the Angola talks, the United States was expected to provide advice to the negotiations, assist with planning, and pressure the insurgent group UNITA (whom we had previously supported in the war). In Rwanda, where the United States had little political or economic involvement, the United States provided advice to the mediators (the Organization of African Unity and the government of Tanzania) and served as a technical resource for both the

mediators and the warring factions.

Desired Outcome

The negotiator also must understand what the US stake is in the negotiations. He or she needs to know if there are desired outcomes for the negotiations beyond the end of the conflict. In many areas in which the United States has never had a significant national interest, our primary concerns are to end human suffering stemming from the conflict and to reduce the levels of humanitarian assistance that we are providing for war refugees and displaced persons. In other conflicts we may have been a longtime supporter of the government, or we may be concerned about protecting against greater regional destabilization that could be caused were the war to intensify.

In both Mozambique and Rwanda, a major US objective was to encourage hundreds of thousands of refugees to return to their homes from neighboring countries. The continued presence of enormous refugee populations was placing severe economic and political strains on the neighboring countries' governments.

Participants and Roles

In addition to the official mediator, frequently there are other participants who serve either as observers to verify the fairness of the process, or as "friends of the mediator" to assist the process by providing advice and information. During the Mozambique peace talks, for example, the Catholic lay order of Sant Egidio served as the official mediator, with assistance from the Italian government. The United States, France, Portugal, and the United Kingdom served as "friends of the mediator" throughout the negotiations. This role was especially important during the military portion of the talks, because none of the three official members of the Sant Egidio mediation team had any military skills or experience.

The military negotiator needs to know which other governments or organizations will participate in the negotiations, what their official status will be, and what their probable agenda for the talks may be. Former colonial powers may well have a different political agenda than does a less-interested United States. Likewise, neighboring states will probably see the situation differently than does the more distant United States. They may try to slow or manipulate the negotiating process to achieve their own interests.

The Italians' colonial experience in Somalia, which lasted from the late 19th century until 1960, gave them a dramatically different perspective on the situation there from that of the United States, whose firsthand experience in dealing with Somalia dated only from the mid-1970s. Similarly, the French association with Rwanda, including a defense pact signed in 1975, colored their views of both the conflict and the US role in the peace process during the negotiations seeking to end that war. Likewise, the Russians have had close associations with the Serbians for more than 150 years. They cannot help but view the situation there, and the peacekeeping operation, in a different light than does the United States.

US Resources

The military negotiator needs to have an understanding of what resources the United States is willing to commit to the peace process. Possible resources might include funding to support the demobilization program, humanitarian assistance to aid the civilian populace, or materiel or training support (sometimes both) to facilitate establishing the integrated armed forces.

Availability of US resources may be determined through an interagency working group. If so, the information probably will be provided to the military negotiator in the form of written terms of reference. Information about resources frequently resembles the chicken-and-egg proposition: An interagency position is rarely established until the full scope of the final agreement has been set. That process, however, does nothing to help the negotiator. Should the interagency group play the waiting game, the military negotiator should ask for guidance on the matter from the Department of State regional office in charge of the negotiations.

Realistic Timelines

The US military negotiator should attempt to ensure that the factions understand the probable delays before a peacekeeping force can be approved, deployed, and complete its mission. The peace agreement should include realistic timelines for each of the phases, based on local realities ("ground truth").

For example, it took six months to deploy the international peacekeeping force to Mozambique following its approval by the United Nations Security Council. Although they were frequently reminded of this fact throughout their peace negotiations, the Rwandan factions specified in their agreement that the international peacekeeping force must be deployed within 39 days of the signing of the agreement. In the event, it took two months following the signing of the agreement before the UN Security Council approved the establishment of a peacekeeping operation in Rwanda, and six more weeks before the initial elements of the peacekeeping force were in place.

Peacekeeping Auspices

The US negotiating team should not permit the negotiations to bog down over the issue of what organization will provide the peacekeeping or monitoring force. Instead, the team should identify the responsibilities and functions of the peacekeeping force and see who can carry out the mission. The military representative on the team can help to keep the horse before the cart in this phase of the negotiations.

During the Rwanda negotiations the government of Rwanda was demanding that the United Nations conduct the postwar peacekeeping operation, while the insurgent Rwandan Patriotic Front preferred that the Organization of African Unity, which already had a small observer force in the field, maintain responsibility for the peacekeeping operation. After several days during which neither side seemed able to discuss the issue, US negotiators were able to convince the two parties to refer to the hypothetical postwar peacekeepers as the "Neutral International Force" for the purposes of discussion. Once they started talking about the roles and responsibilities for the "NIF," they quickly agreed to the mission and mandate for the postwar peacekeeping force. Once the size, cost, and mandate of the peacekeeping force were identified, the Organization of African Unity's participants stated that the operation would be beyond the OAU's capabilities. The Rwandan Patriotic Front then agreed to the presence of a United Nations force.

Peacekeeping Mandate

The peacekeeping mandate needs to be defined carefully. The mandate must clearly identify the authority and responsibilities of the peacekeeping force and define the relations between the peacekeepers and the warring factions. As stated by the US Ambassador to Mozambique, "The military terms of any peace agreement need to be subject to aggressive, intrusive, outside oversight, and an effective mechanism for resolving disputes and investigating alleged violations must be established." The leadership of the peacekeeping force must have the authority and responsibility to apply the mandate in a flexible and dynamic manner in order to adjust to changing realities. The warring factions must not be allowed to claim national sovereignty as a reason for delaying or failing to implement the terms of the peace agreement.[5]

The desired end states, objectives, and success criteria outlined in the mandate should be event-driven and clearly defined. There should, however, be time-driven "sunset clause" review points in the peacekeeping mandate at which the peacekeepers compare developments on the ground with the implementation schedule and determine whether the peacekeeping operation should be continued. These review points maintain pressure on the factions to fully implement the terms of the peace accord rather than permitting a status quo ad infinitum as occurred in the peacekeeping operation in Cyprus.

The negotiator needs to know how the conflict in question, and the peace accord, fit the peacekeeping guidelines contained in US Presidential Decision Directive 25, which identifies the criteria that must be met before the United States will support the creation of an international peacekeeping operation. The military negotiator may be able to influence the negotiations to ensure that a peacekeeping force would have clear mission objectives, that there is a mandate appropriate to the mission, and that an endpoint to the operation, based on time, events, or a combination of the two, can be identified clearly.

There Are Always Losers

The military negotiator needs to be aware that there are always losers in any negotiated settlement. This harsh reality runs counter to the popular idea that every peace agreement represents a "win-win" situation. Rogue soldiers and semi-autonomous warlords profit economically from the continuation of the war through their control of territory and resources, often at little personal risk. Such individuals and groups will be reluctant to see the end of the conflict if it leads to increased risk or economic loss to them. At a minimum, those who have enjoyed unchecked power until the settlement will lose, in relative terms, as their authority and perquisites are reduced or shared with others.

In Somalia, the various sub-clan militias are able to "tax" humanitarian organizations for the movement of relief supplies through their territory. They would lose that source of income in a stable, unified Somalia. In Liberia, numerous insurgent military leaders would suffer economically if they were to lose their control of the gold and diamond diggings through the implementation of a national peace agreement. Additionally, many of the semi-literate 19- and 20-year-old "generals" in Liberia would not even be commissioned officers in a postwar, professional national military force. In Rwanda, ethnic extremists attempted to prevent the political participation of the Rwandan Patriotic Front, as had been agreed to in the peace accord, out of fear that they themselves would be marginalized and criminalized by the postwar government. Their fears led to the genocide that claimed the lives of more than 500,000 Rwandans.

Another group that believes itself to have lost in a peace accord is the Serbian populace of Sarajevo, who fear persecution should the Bosnian government reestablish its authority over their enclave. CNN footage of Serbs evacuating parts of Sarajevo underscores this perception. The negotiator should attempt to ensure either that such groups' interests are looked after in the peace process in some manner, or that the groups can be effectively marginalized by the peace accord (and peacekeeping force) so that they will not pose a threat to the peace process.

Negotiation versus Implementation

The experienced negotiator soon discovers how great is the distance between successful negotiation of a peace accord and successful implementation of its provisions. The outcome in each case is related to the degree of detail in the accord itself. The greater the level of detail included in the negotiated document, the harder it is to get the parties to agree to it. Some of the issues to be negotiated may appear to be intractable throughout the formal negotiations. Rather than permit those issues to block agreement on the general provisions of a peace accord, the parties may agree to defer discussion of specific matters until later. By doing so, they hope that following the signing of a peace accord and after the peace process is underway, the dynamics of the ongoing process will make it easier to reach agreement on the issues in question.

Conversely, the greater the level of detail included in the negotiated document, the easier it is for the warring factions and any peacekeeping force to implement and verify the peace process. This is similar to the difference between grading a multiple-choice examination and grading an essay. Vague or poorly worded protocols leave room, at the very least, for misinterpretation or for different interpretations by all concerned. They also leave loopholes which one or all of the parties may attempt to exploit in an effort to gain a perceived economic, social, political, or military advantage in the implementation phase. Decisions to defer difficult issues in the quest for a quick political settlement will invariably complicate the work of carrying out the terms of the basic agreement.

Equitable Treatment of All Sides

A key principle in peace negotiations is that personnel in the warring factions, whether participants in the negotiations or soldiers in the bush, should perceive that all sides are being treated equitably. Without that perception the entire peace process can be placed at risk.

During the Rwanda negotiations, for example, whenever one party requested a document, such as a copy of a peace agreement from another conflict or an analysis of a third country's demobilization program in light of the situation in Rwanda, a copy of the document was automatically provided to the other faction as well.

It should be carefully explained to all the warring factions that during the implementation phase the peacekeepers will be prepared to take action against any offender, not just against insurgents. Government officials should not be able to hide behind "national sovereignty" to avoid full implementation of the agreement.

Conclusion

The transition from war to peace, a complex and expensive process, is neither automatic nor easy. A skilled military professional who is aware of the political-military and political-economic variables affecting the conflict in question can increase significantly the chances of a successful transition to peace. He or she can do this by helping the warring factions recognize and address--or agree to address--the myriad issues involved in ending their conflict.

The peace accord needs to establish a holistic process with realistic timelines that proceeds smoothly from cease-fire through the encampment of forces, integration of a new military, and disarmament and demobilization of excess military personnel. A skilled military participant can help the mediator and the warring factions to craft such an agreement. By drawing on the strengths of past peace accords, while avoiding their flaws, the military negotiator can help the warring factions craft an accord that is right for them in their situation. In this process the military member of the team can use past experience to identify and call attention to loopholes that plagued other peace settlements.

Experience demonstrates that the devil is in the details of a peace agreement. The military negotiator can facilitate the transition from war to peace by helping to translate the political desire for peace into mission statements that the opposing militaries can understand and carry out. By becoming aware of the factions' security concerns, the military negotiator can help design safeguards and confidence-building measures that can be incorporated into the peace accord.

While a well-crafted peace accord can enhance the chances of ending a war, it is important to recognize that the most important requirement for a successful peace process is the political will of the parties concerned. History shows that delays in the schedule will occur, accidents will happen, and tempers will rise. If political will exists, and if the parties truly want to end the war and work for peace, they can solve whatever problems may arise. If the goodwill is lacking, however, even the best-designed peace accord will end in failure.

NOTES

1. I. William Zartman, *Ripe for Resolution: Conflict and Intervention in Africa* (New York: Oxford Univ. Press, 1985), p. 244.
2. Frederick Fleitz, "Comparison of Peacekeeping Operations By Success and Limiting Factors," Unclassified Central Intelligence Agency study, 29 July 1992. The six operations are Namibia, Cyprus, Western Sahara, Cambodia, the former Yugoslavia, and Somalia.
3. The most important study on military demobilization to date is *Demobilization and Reintegration of Military Personnel in Africa: The Evidence from Seven Country Case Studies*, a Discussion Paper published by The World Bank, Washington, D.C., October 1993.
4. The major work on the subject is *Hidden Killers: The Global Landmine Crisis*, the "1994 Report to the U.S. Congress on the Problem of Uncleared Landmines and the United States Strategy for Demining and Landmine Control," published by the US Department of State, Bureau of Political-Military Affairs, December 1994.
5. Interview with US Ambassador to Mozambique Dennis Jett, 11 January 1995, at the Department of State, Washington, D.C.

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