



## “Napoleonic Know-How” in an Age of Persistent Engagement

by Douglas Batson, Al Di Leonardo, Christopher K. Tucker

A bevy of prominent national security thinkers have suggested that the US has entered an era of persistent engagement with troubled regions of the world. From this perspective, failing or failed states are likely to lure the US into counter-insurgency (COIN) operations, foreign internal defense, and other modes of irregular warfare for decades to come. The sources of these difficult situations will inevitably vary greatly, from ethnic conflicts to natural resource grabs; predatory kleptocracies to narco-terrorist regimes; proxy wars to religious extremism; and more. Yet all of these situations owe their origins in large part to the absence of the same governance infrastructures that have enabled successful modern states since the days of Napoleon.

Kinetic operations will almost always play a role in achieving conflict termination and establishing some measure of stability. But, too often, field commanders and national security policymakers fail to understand the administrative underpinnings needed to find and fix an elusive enemy, to achieve post conflict "stability, development, peace, and effective local sovereignty," and to keep insurgencies and the like from forming in the first place (Demarest 2008, p. 352; Manwaring 2006).

This paper asserts that a suite of administrative capabilities first mastered by Napoleon, what we call “Napoleonic Know-how,” should be elevated in the considerations of commanders and national security policymakers as they wrestle with courses of action in the engagement of nations and regions of special interest. Only when the US prioritizes the preemptive establishment of such administrative capabilities over post-crisis kinetic action will we know that US foreign policy community is truly interested in conflict prevention and long term stability during this era of persistent engagement.

### *An Introduction to Napoleonic Know-how*

In a classic 1975 biography of Napoleon Bonaparte, Will and Ariel Durant stated that the Emperor “became almost as brilliant in government as in battle. He predicted that his achievements in administration would outshine his martial victories in human memory, and that his legal codes were a monument more lasting than his strategy and tactics. He longed to be the Justinian as well as the Caesar Augustus of his age.” (Durant, 1975; PT II, p. 250.)

But Napoleon was no benevolent emperor. His art of government was to keep people reasonably happy by giving them what they wanted and to obtain from them all that one could get. Despite their clamor for it, liberty was not viewed among peoples’ basic wants. And if certain conditions were met, Napoleon could easily repress liberty with impunity. Concerning liberty he quipped, “they would gladly renounce it if everyone could entertain the hope of rising to the top... What must be done then is to give everybody the hope of being able to rise.” And

this Napoleon genuinely did. His is no empty boast, “I have closed the gaping abyss of anarchy, and I have unscrambled chaos...Liberty means a good civil code. The only thing modern nations care for is property.” (Herold, 1963; 97-99).

Even a Napoleonic ego is woefully in-sufficient to adduce what an understatement those last words are for the 21st century. If he were alive today Napoleon would certainly gloat at how modern nations, a.k.a. the International Community, has failed to heed his example and instead pours billions of dollars, and millions of military and civilian personnel, into foreign aid and counterinsurgency operations that achieve far too little of the desired aims of peace and stability. With scorn he would berate the G8 leaders who are vexed, not by competing nation states but by non-state actors, who should have been marginalized long ago by three of the Emperor’s methods: the Census, the Cadastre, and the National Identity (ID) card. Below we will examine these three ingredients of “Napoleonic Know-how”.

## **1. The Census**

The development of historical statistics was encouraged by the needs of the Napoleonic state and its increasing sophistication with public administration. Therefore, while it was the nascent United States of America that conducted the first modern, recurring census in 1790, Napoleon had more extensive uses for his census than simply congressional districting. With the manpower that he did not conscript into his Grande Armee’ via the census, Napoleon created a legion of civil officials. He dispatched these bureaucrats into every village, town, and city in order to link together, first the entire French nation, and later an Empire that encompassed half of Europe, under a rational, strong, centralized civil administration that registered births, deaths, and marriages among other public records (Kreis, 2000). Indeed, the compilation of public data under Napoleon led to the formation of government commissions for investigative and regulatory commissions, even outside of France.

In fact, “the country where the French revolution had most immediate and permanent effect was the Netherlands.” (Johnson, 1991). The “French period” of the early 19th century changed social structures and politics in Holland and revived Dutch national mercantilism. And, it profoundly impacted the identities of individual Dutchmen. Napoleon’s administrators forced them to have surnames, which was not a common practice in all the Low Countries. The Dutch were wise to the Emperor’s designs on taxes and soldiers and, thinking this would be a temporary measure, offered comical names as a practical joke on their French occupiers. But, ultimately, the joke was on the descendants of those Dutchmen of yesteryear, some of whose descendants are stuck with ridiculous last names such as Suikerbuik (Sugarbelly), Naaktgeboren (Born Naked) and Zondervan (Without a Surname).

Under Napoleon’s system, each person was tied to a physical address which fell within an administrative district. The milestones of these individuals’ lives were recorded as official government statistics, which in the aggregate allowed civil authorities to promulgate regulations and administrative actions based on concrete data, and to monitor the effect of these measures. The effect? Little breathing room remained for scofflaws and illicit activity. With Napoleon’s Census, everyone and everything was accounted for.

## **2. The Cadastre**

As Napoleon's continental administration expanded, it became increasingly reliant upon the cadastre (land and property registry). This extension of the government's role was based on

three assumptions. First, intrinsic to the territorial economy was private land ownership. Second, the cost of governing the territory was to be generated mostly from taxation of the privately owned parcels. And third, a record system, uniformly organized, would be necessary in order to provide protection for rights by the owner as well as collecting taxes on the parcel (Mitchel, 1976).

Professor Robert Burtch explains that the Napoleonic cadastre did not just develop from the whim of the Emperor, but rather evolved due to the expansion of the French Empire into areas of Europe that had retained feudal land tenures that poorly defined peoples' rights and interests in land.

Half-measures always result in loss of time and money. The only way to sort out the confusion in the field of general land records is to proceed with the surveying and evaluation of each individual land parcel in all the communities of the Empire. A good cadastre will constitute a complement of my [Civil] Code as far as land possession is concerned. The map must be sufficiently precise and complete so that they could determine the boundaries between individual properties and prevent litigations. (Napoleon Bonaparte in Blachut, 1975)

But an economy-stimulating land market and ease of administration were not Napoleon's only rationale. Napoleon's statement, "The only thing modern nations care for is property" underscores how well he understood that in order to imbue his subjects with a sense of their rising to the top, they first had to be somebody, somebody with his name recorded with rights and interests in a land parcel. In other words, equality, liberty, and fraternity were made manifest to millions by their obtaining a postal address---another Napoleonic civil administration reform. A key to the Napoleonic cadastral effort was a record system which was designed to meet several purposes. Three of the more important are (Mitchel, 1976):

1. The record would consist of a complete history of all the transactions that occurred within the parcel.
2. The record was expandable and capable of including other types of informational needs that became obvious through government and private industry operation.
3. The record formed a basic management information system in that the government's managers could generate summaries of selected jurisdictions.

Under this system, criminal actors (as Napoleon would have characterized any citizen generating wealth off of untaxed property transactions) were pinched. This had the side benefit of minimizing the extent to which bad actors could engage in predatory behavior and organized illicit activity. Sanctuary was largely eliminated through these public administration advances.

### **3. The National ID Card**

Napoleon's 1803 implementation of national ID cards, the ancestor of all modern ID cards, transformed the free society of the earlier French Republic into a tightly controlled police state.

The Republic had created a degree of freedom unheard of in Europe, allowing free speech and giving workers the right to change their job or go somewhere else. By contrast, in most of Europe at this time the majority of the population lived in various forms of bondage, such as indenture. Unfortunately, in France, a free market and mobility of labour were driving up wages. In response, the French authorities criminalized industrial action and introduced an ID

card for workers, which aimed to ...make it impossible to change jobs [in search of better wages] without an employer's permission and [to] restrict movement, by requiring workers to get an impossible string of visas to move legally (Allonby, 2009).

Allonby notes that after the demise "of the French Empire, the liberated countries often retained the systems of census and control [that] Napoleon had introduced - they were too useful and efficient to abolish."

Allonby sums up the matter from Napoleonic history. "Identity systems require dependency to provide control. They have to be inescapable to work. Napoleon ... felt [his] authority undermined by workers' self-help and welfare groups, where people helped each other out and disseminated information on how to get around the system." Napoleon's national ID cards came about to control labor costs and ultimately repressed civil liberties. However, such identification systems have also become the basis for the provisioning of both public and private services in civilized societies.

### ***Napoleonic Know-how in the Context of Population-Centric Operations***

Attorney and former U.S. Defense Attaché Officer Geoffrey Demarest recognizes the same civil-military-legal quandary COIN operators share with Napoleon: there is a significant "overlap of the concepts of public intelligence that underpin a peaceful society and the Big Brother intelligence that allows the State to repress resistance and opposition." (Demarest, 2011.)

Nevertheless, Demarest underscores precisely how and why elusive non-state actors remain beyond the reach of law enforcement and COIN operators. They resist cadastral surveys in their ungoverned sanctuaries just as they resist any public administration advances that threaten their anonymity and impunity. Unlike the European serfs and indentured peasants of 200 years ago, modern insurgents don't want to be somebody. They don't want a fixed address. When dealing with bad actors in the context of population-centric operations, the more administrative systems in place that tie identity to property parcels, the more civil/law enforcement authorities can limit the mayhem they can cause.

Particularly at Phase 0 (e.g., at the pre-conflict "shaping" phase of involvement), military commanders and civil authorities must be involved in achieving comprehensive, transparent and available public records, (i.e., census, cadastre, and national ID cards), or else they are needlessly aiding and abetting havens for the insurgent. Such neglect also means a failure to build the administrative infrastructure necessary to achieve and sustain peace, prosperity and security. However, the positive identification that such Napoleonic Know-how can enable can be just as important during Phase 3 or 4 kinetic operations, in support of more traditional ISR assets. In the end, as ADM Eric T. Olsen points out:

DoD defines irregular warfare as a "violent struggle among state and non-state actors for legitimacy and influence over the relevant population(s)." 4IW is then inherently both political in purpose and local in character. The focus is on populations and effective governance rather than on territories and material dominance. This has distinct implications for the way irregular wars must be fought and for the forces that fight them. (Olsen, 2010)

In post-conflict Afghanistan and Iraq competing land claims have impaired Stability Operations (SO) and thwarted hopes of a lasting peace. This situation will occur more frequently until commanders and civil authorities appreciate the relationship between people and their land,

information typically registered in a cadastre (land and property registry). An enlightened commander engaged in a population-centric operation is

interested in the demographics and behavioral characteristics of the population, the center of gravity, within his footprint; namely, identifying the power brokers on the ground whose support or obstruction may determine mission success. By tying a name to a place, cadastral data can answer the difficult "who" question, i.e., who is impeding road construction or restricting access of a minority group to a health clinic? The intelligence analyst is interested psychological characteristics of a people group, and cadastral data can identify a group's ideologies and economic pillars. (Batson, 2010)

Two centuries ago Napoleon Bonaparte, renowned for his military genius, moved decisively to improve post-conflict governance and called his cadastre the greatest achievement of his civil code. Perhaps his only oversight in that statement is the powerful impact that the cadastre has in combination with his other administrative feats, the census and national identification.

### ***Napoleonic Know-how in Action (and Inaction)***

Such administrative capabilities, and the data they accrete over time, can be effective in enabling effective population-centric operations at all phases of operational engagement, and are key to reconstructing a shattered nation - "stability, development, peace, and effective local sovereignty" (Manwaring 2006) cannot be realized without them. Operational examples of their criticality abound.

**Afghanistan:** In the current counterinsurgency campaign in Afghanistan, the complete lack of land ownership records and postal addresses (outside the major cities) creates major impediments for ISAF military forces. Analysts have been forced to create geospatial databases based purely on location descriptions and historical activity of civilian and insurgent-related compounds and buildings. This painstaking task is done to aid in the characterization of the insurgent landscape and to decrease the likelihood of civilian casualties. Yet, the fact that the data is sometimes the result of misinformation or disinformation rather than validated civilian, administrative data means that unfortunate military accidents occur more frequently in the population of noncombatants. A comprehensive set of land ownership records and corresponding postal addresses would serve to eliminate many of these events, helping the Government of Afghanistan and ISAF win the hearts and minds of the Afghan populace by reducing civilian casualties. The lack of a national identification scheme only magnifies this problem, making it difficult to irrefutably tie individuals to locations. And, in a country where the lack of a census means a chronic mis-estimation of the population on the scale of several million, it can even be difficult to determine who is and is not Afghan.

**Iraq:** Not only does cadastral data enable population-centric operations, but understanding the differences in cadastral data allows irregular warfare forces to swiftly adapt to the areas they operate in. For example, the parcels of Iraq's urban areas are based on a rigidly structured and well-designed address system where streets and houses are assigned numbers. The Iraqi people may indicate the precise location of a nefarious actor using this system, as it is one they use themselves every day to travel the city. While military operations are often run using geographic coordinates, the existence of an address system and parcel database can

determine the accuracy, speed, and the footprint required to undertake a successful security operation with minimal impact to the population.

Major Dan E. Stigall, a U.S. Army Judge Advocate (JAG) trained in continental civil law at Louisiana State University, deployed to Iraq in 2003, and has published widely on Iraqi civil law since that time. Stigall notes that Iraqi property law is derived primarily from Continental (Napoleonic) civil law but also contains elements of Ottoman and Islamic land law. Though there is still a great need to increase the administrative capacity of the judiciary, Iraq has been and remains capable of sound land administration (Stigall 2008, pp. 20-21). Even within Iraq, land administration systems differ but still offer the advantages of Napoleonic Know-how. While addresses in urban areas are based on street and house numbers, the rural areas of Iraq are based on an agricultural and irrigational parcel system. For example, land plots in areas of Sulaymaniyah Province are defined by a canal system that derives an address based on canal segment-branch-parcel. A rural location can be found at stunning accuracy based on this system. Similarly to the urban example, the accuracy and footprint required are inherently linked to the success, scale, and impact of the operation. Of course, a rigorous addressing scheme does not always imply an orderly administrative infrastructure for maintaining land parcel ownership information. And, this can undermine their value in achieving positive identification and legal occupancy, and winnowing on illicit activity.

Regardless, respecting and understanding the systems that already exist increases the degree to which irregular warfare forces can work with the local population to find what they are looking for, regardless of operating environment. Further investment can help a nation (or region) mature its cadastral system, build a personal identification system that ties legitimate individuals to property, and keep track of the dynamics over time through an ongoing census. Aiding developing nations in the establishment of or improvement to their Napoleonic administrative systems, benefits both the irregular forces and the host nation in many ways as they exchange data and capabilities.

**Sudan:** There are also cases in which systems that vaguely resemble those of Napoleon are abused to empower certain factions of a society over others. Yet, these are also the same administrative systems that an irregular expeditionary force should pay the most attention to in the future. In the currently unfolding crisis in Sudan, the Khartoum government has manipulated its census so that the southern population (where the oil fields predominantly are) cannot demonstrate its majority status and effectuate a legitimate secession. In the face of the January 2011 referendum, the Sudanese Government conducted a National Census in April of 2009 in which they intentionally left off questions on tribe or clan affiliation. The government felt that if the Ethnic Dinka in the South realized they now outnumber the Northern tribes, then they would most certainly vote for succession.

In such a context, establishing a (or overhauling an existing) census system, and making it rigorous by tying identity to individual land parcel records, can be powerful tools in bringing about sustainable governance. As such, before falling into an abyss of kinetic action, military commanders and the larger community of national security decision-makers should seek to institute Napoleonic systems in the target country.

**Somalia:** While Somalia represents a failed state in many respects, the northern parts of Somalia, Somaliland and Puntland, are far more stable than Southern Somalia. This is in part because the basic concepts of the Napoleonic Know-how were put in place with local

government. Disparate clans control the South much more than in the Northern parts of Somalia, with no real land administration/cadastral property rights scheme to temper the competing claims to legitimacy. A continual lack of stability is the result, with terrorist activity from elements like Al-Shababb not only fostered in the Southern Somalia but also provided safe haven to conduct operations worldwide.

**Senegal:** Senegal has long taken a strong stance against terrorism, and in addition to signing on to regional (Trans-Sahel) counter-terrorism efforts, has worked hard to invest in the both the physical and the administrative infrastructure that highly constrains nefarious activity. In September 2009, the Millennium Challenge Corporation (MCC) signed a five-year, \$540 million compact with the Republic of Senegal designed to reduce poverty and invest in economic growth by unlocking the country's agricultural productivity and expanding access to markets and services. This goal will be achieved through the rehabilitation of major national roads and strategic investments in irrigation and water resource management infrastructure. The government of Senegal (the Government) has identified two national-level strategies – to reduce poverty in Senegal through economic growth and to increase the country's food security. Both of these priorities will be facilitated through MCC's \$540 million compact with the Republic of Senegal.

In order to succeed at development, Senegal recognized that it would need a sound infrastructure for identity. As a result, Senegal has taken impressive steps. The new national identity and voter's card system interfaces with the Government's own central database. In addition to personal data, a digital facial image, signature and four fingerprints are collected from applicants at one of the permanent or mobile registration sites. The data is then transferred to a central Dakar site for eligibility checks, including fingerprint comparison. Upon approval the data is transferred to a central production system where an automated, high speed system personalizes, quality assures and produces up to 80,000 cards per day. The National Identity and the Voter's Card are produced from a single system. Both card types are laminated Teslin, incorporating multi-layered security features and a 2D barcode to store the biometrics. Senegal's National Identity and Voter's Card system was implemented within 10 months and included the training of 1,800 personnel. Once launched, the system issued 9 million cards within a 12 month period. Yet, Senegal comes up short on the land administration front:

Despite the efforts to control land tenure in Senegal through a framework of formal law, customary law continues to govern land rights and the transfer of land in much of the country. In Senegal's highly-stratified society, customary practices tend to favor elites (i.e. elders, and religious and political figures) at the expense of lower-caste farmers. The outcome of purportedly democratic elections of rural council members is strongly influenced by candidates' social status and political party. The council members, who wield the power to manage territorial lands, may themselves serve as elite landholders and village chiefs, and it is common for them to approve tacit land sales and leases, circumvent legislation, and engage in other corrupt and self-serving tactics in many areas (Faye 2008; Cotula 2006). (USAID Country Profile, Property Rights and Resource Governance)

The lack of formality in land administration, and the gross infrequency of a census (the first took place in 1976 and the most recent in 1988), has meant far too much breathing room for nefarious actors. Yet, the progress Senegal has made on identity offers great promise for the future of Napoleonic Know-how in diminishing the threat of terrorism in Senegal.

**Mali:** Mali is an example of a place where the lack of a rigorous identity infrastructure allows nefarious actors (say, Al-Qa'ida in the Lands of the Islamic Maghreb – AQIM) too many degrees of freedom. Everything in Mali is paper and is physically filed away in one of the many decentralized government buildings in Bamako. Passports, while controlled, do not contain biometrics and are not held by everyone. Driving a vehicle requires a license which is made of paper, and the license plates in most cases are numbers painted the back side of the truck or car. Most Malians drive mopeds, which require no license and are totally unregulated. As such, policing nefarious actors is highly problematic.

**Refugee Camps – Pakistan/ Kenya/Somalia/Etc.:** Terrorists recruit many of their ranks from refugee camps in which people have little identity, property or representation in a census that might even use statistics to articulate their struggle. The means for unwinding this complicated mess is the subject of long debates. Beyond a focus on aid that alleviates the most acute suffering, national security decision-makers should look to the establishment of Napoleonic administrative systems as a means of slowly untying these Gordian Knots, and bringing order to the chaos. Establishing individual identity, determining a population's needs through a Census, and, as land administration capacity allows, recording refugees claims to physical land parcels is key.

### ***The New Napoleonic Complex***

Sophisticated military commanders, civilian authorities and national security policymakers understand that they must develop an understanding of the socio-cultural dynamics at play over their geography of strategic concern. MG Michael Flynn's bold 2010 report "Fixing Intel: A Blueprint for Making Intelligence Relevant in Afghanistan" had this imperative at its core.

The census, the cadastre, and national identification silently underpin everything that contributes to peace and stability in developed societies. Unfortunately, policymakers have not given impetus to collecting, in countries or regions of interest, the kinds of socio-cultural information on which developed societies rely. Nor have they set the establishment of administrative infrastructures as Reconstruction and Stability goals, despite the many lessons learned from counter-insurgency (Galula, 1964; Sepp, 2005). They leave the collection and analysis of such critical socio-cultural information to either an intelligence community ill equipped to collect and analyze open source data from public records, or they expect practitioners with other duties (for instance Provincial Reconstruction Teams, NGOs, etc.) to "gather as they go." The work of the Human Terrain Teams (HTTs), while admirable, were never meant to, nor would not meet the standards set by Napoleon's administrative infrastructure.

Such realities virtually guarantee that the necessary socio-cultural data will not be available to support foreign aid/investment, development activities, stability operations, law enforcement, or even the more coercive actions usually associated with the military. After all, when a nation lacks systems for positively identifying individuals, for keeping demographic records, and for rigorously tying individuals to precisely defined land parcels, it lacks the capacity to make the determinations necessary to properly govern, to thwart non-state actors, to curb corruption, organized crime, and illicit transactions, or to defend legal freedoms. A



government must invest in its citizenry so that the voluntary institutions of civil society emerge to reinforce democratic gains, invigorate commerce, and promote peace and stability.

There is a need for a radical doctrinal shift in the way the U.S. national security community thinks and behaves, so that it prioritizes the rapid establishment of administrative processes that accrete Napoleonic-Know-how in regions of the world predisposed to persistent conflict. This certainly would be a major departure from the way the U.S. national security community has expended its resources to counter instability in the post-Cold War era. In an era of diminishing budgets to conduct 21st century military operations abroad, now, more than ever an ounce of prevention is worth a pound of cure.

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