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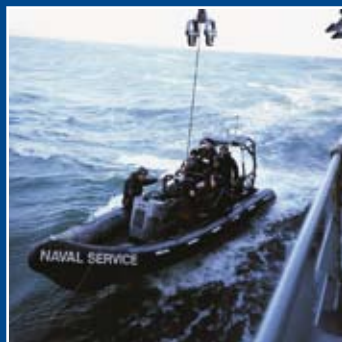

DEFENCE FORCES IRELAND

Defence Forces Review 2010

Óglaigh na hÉireann

Defence Forces Review
2010

Preface

As Director of Defence Forces' Public Relations it gives me great pleasure to launch the Defence Forces Review for 2010. In this our seventeenth year, the Review continues to provide a forum for contributors to raise current issues, provoke thought and generate discussion across the wider Defence Community. The contributors to this edition are drawn from serving and retired military members as well as members of the academic community with interest in defence and security related issues. The broad range of subjects covered indicates the challenges and the level of complexity facing the contemporary Irish soldier both at home and abroad. As this year marks the fiftieth anniversary of the deployment of Irish troops to the Congo I am particularly delighted to have a contribution regarding that mission in this year's edition.

The Editor of the Defence Review for 2010 is Comdt Mark Hearns. Despite a very heavy schedule as an Instructor in the Command and Staff School he assumed this editorial burden with relish and commitment, displaying huge enthusiasm in pursuing this project.

For this year's edition he has assembled an outstanding group of writers, all of whom I wish to thank personally for the effort involved in their work. The strength of the Review relies on the quality of its voluntary contributors, and I am delighted to say that this year's product is a very strong one indeed.

I would like conclude by thanking the staff of the Defence Forces Printing Press and the staff of An Cosantoir for their assistance in publishing the document.

Kieran Brennan
Lt Col
Director of Defence Forces' Public Relations

The material contained in these articles are the views of the authors and do not purport to represent the official views of the Defence Force.

Editor's Note

This year we have included articles exploring both historical as well as contemporary issues impacting on the Defence Community. These articles examine areas such as the nature of warfare, the domains of command and leadership and various themes that could be gathered under the umbrella term of 'the comprehensive approach.' These themes include civil military cooperation and coordination, human rights and duties under international law. The contributions from serving and retired members of the Defence Forces are complemented by articles from established as well as up and coming writers from NUI Maynooth and DCU.

We have also included the abstracts from the MA Theses and Higher Diploma in Arts in Leadership, Management and Defence Studies completed by the twenty two students of the 65th Senior Command and Staff Course. These papers provide an indication of the broad range of research currently conducted within the Defence Forces. Any reader who would like to read a complete paper should contact the Defence Forces Library in the DFTC.

Finally it is important to emphasise that the Review is reliant on voluntary contributions for its content. I would like to sincerely thank all the writers for their thought provoking articles and encourage those considering submitting something to do so for the 2011 edition! There is an open invitation to the wider Defence Community to tender relevant articles. The staff and readership look forward to reading and publishing your work in the years ahead!

Mark Hearns
Comdt

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Mission Command: The Command Panacea? A Study of the Potential Impact of Mission Command Philosophy on the Irish Defence Forces in Peace Support Operations

Comdt Johnny Whittaker

> *"Every soldier carries a marshal's baton in his knapsack"*
> (Napoleon, cited by Johnson, 2003: 101.)

Introduction[1]

Mission Command (MC)[2] philosophy was first documented and developed by the Prussian army in response to its crushing defeat by Napoleon's army at Jena in 1806. Since that time, MC has continued to develop across the entire spectrum of military operations, and has become the command philosophy of choice among many of the world's militaries. Given that today's world is defined by a complex and multi-faceted security environment, an appropriate command philosophy is essential to mission accomplishment. The Irish Defence Forces (DF) operate within this environment, providing up to ten per cent of its personnel to PSOs at any one time as part of its commitment to the United Nations Standby Arrangement System (UNSAS). The DF have "to respond to . . . the more complex and demanding nature of international peace support operations,"[3] wherein "PSO mandates are increasingly robust and complex."[4] Against this backdrop the DF's rigid hierarchical organisational structure, unique culture, and absence of a promulgated command philosophy potentially present difficulties for commanders at all levels engaged in PSOs.

The Genesis and Definition of Mission Command

After their crushing defeat at Jena, the Prussians re-examined their highly centralised system of command and took fundamental steps to reposition their philosophy of war-fighting and how they led. They developed a concept they called *Auftragstaktik*.[5] After much soul-searching, the entire military machine underwent an overhaul which had the *Auftragstaktik* concept at its heart. Since the first demonstration of its utility by the Prussians, MC has continued to evolve and has been adopted and employed by a range of successful military bodies, most notably NATO in the 1990s.

So what is Mission Command? In summary, MC is a style of military leadership developed to allow leaders to perform in complex, change-intensive and high-pressure environments, by promoting decentralised command, alignment, speed of action, and initiative (Figure 1).

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1 Given the imposed space implications, this article represents an abridged version of my original thesis. Its reduction in size necessitated the omission of much of the supporting research and analysis undertaken and methodologies employed to answer the research question posed.

2 Mission Command means freedom to make decisions in a situation that one is faced with without referral, but operating within set guidelines and in pursuance of a superior's intent. The ability to decide on how to resolve a problem, given an end requirement (Spacie, cited in Essens, Vogelaar, Tanercan and Winslow, *The Human in Command: Peace Support Operations*, 2007, p. 205).

3 Department of Defence (2007) *Land Component Handbook*, Department of Defence, Dublin, Defence Forces Press Office.

4 Department of Defence (2008) *Strategy Statement*, Department of Defence, Dublin, Defence Forces Press Office.

5 Author's emphasis. The term can be translated loosely to 'mission-type order', what we today call Mission Command.

In essence it is a methodology that allows staff to understand their commander's intentions. The staff are told what needs to be achieved and why, but not *how*. For the purpose of this essay MC will be defined as "a system of decentralized command under which a subordinate commander is assigned a mission without being told how it should be accomplished."[6]
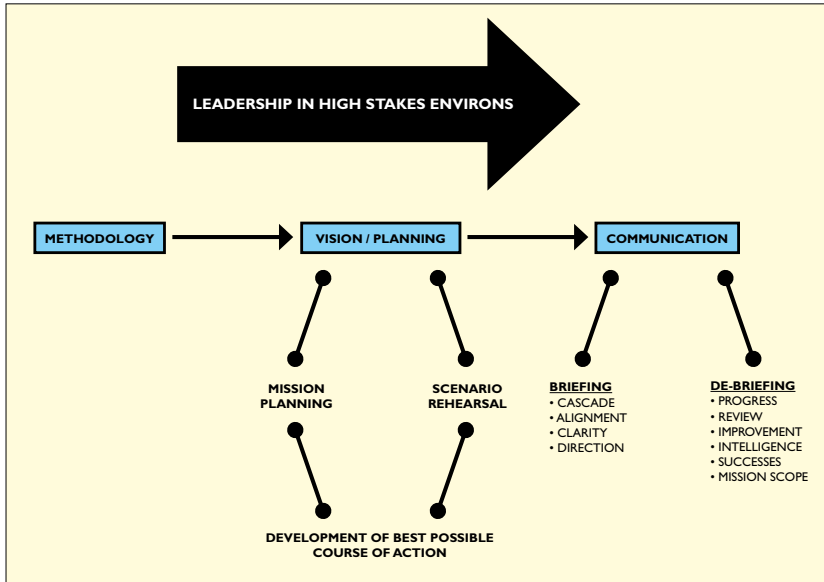
Figure 1: Steps of Mission Command (Riley, 2005:4)[7]

Aim

The aim of this essay is to present the reader with an overview of MC; providing the reader with a background of how and why it has evolved within the military over time and thereafter to inform the reader of the current discourse which surrounds this highly relevant topic. Having traced its origins and defined MC, the author will now outline how the human-in-command (i.e. the human element of command) is central to the debate on MC, and how in turn this is supported by several supporting pillars, namely; organisational culture, organisational structure and morality/values.

The Human-in-Command Approach

In their seminal work, McCann and Pigeau state that in order for command and control (C2) to be effective across the full spectrum of operations, "it is essential that it be human-centred."[8] They argue that because of the allure of technology, C2 has become "obscured in conceptualization of rigid structure and process" and that the human element has been "chronically under-emphasized and under-researched." To counteract this, they present a new

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6 McCann, C. and Pigeau, R. (2000) *The Human in Command: Exploring the Modern Military Experience*, New York, Kluwer Academic/Plenum, p. 217.

7 Riley, A. (2005) 'Mission Command – A toolkit for leadership under pressure', *Cognition EoS Ltd*. (online) (cited 08 October 2008). Available from: http://www.cognition-eos.com/news.html. The fundamental principles of MC are broken down into three key leadership activities, which form a continuous cycle of planning, communication and review. The process is designed to be repeated at each level of command using the same format; this drives alignment

8 Op Cit, p. 164.

framework to analyse C2. They begin by offering a new definition, one that "emphasizes the critical role of command [that is, human will] while acknowledging . . . control [that is, technology]."[9] Liddy[10] concurs and observes that technological advancements have led to *flattened* command structures, requiring new doctrine, allowing soldiers to assume greater responsibility on the multi-dimensional 21st century battle space. McCann and Pigeau define *command* as "the authoritative and responsible expression of creative human will for the attainment of the mission," and *control* as "the application of structure and process for the purpose of bounding the mission's problem space." In developing and advancing their new framework, they posit their own definition of C2 as "the establishment of common intent to achieve co-ordinated action."[11]

The Concept of Intent

The concept of intent (Figure 2) is critical to McCann and Pigeau's definition of C2 and its subsequent analysis. Having re-defined C2, they analyse intent under two facets: explicit (or public) intent, and implicit (or personal) intent. A commander's explicit intent (Figure 2) represents the tip of the iceberg and contains "a vast network of additional (implicit) intents that inevitably qualify it." The authors emphasise that an "individual's implicit intent is a combination of habits, experiences, beliefs and values that reflect personal, military, cultural and national expectations." They claim that implicit intent is also consistent with the concept of tacit knowledge, "that is to say that we know more than we can say." They expand their definition of implicit intent into a Freudian psychoanalytic one, which is broader than the tacit knowledge concept, to include "deep beliefs based on religion, morals, and values that are to a large extent unconscious and pervasive." [12]
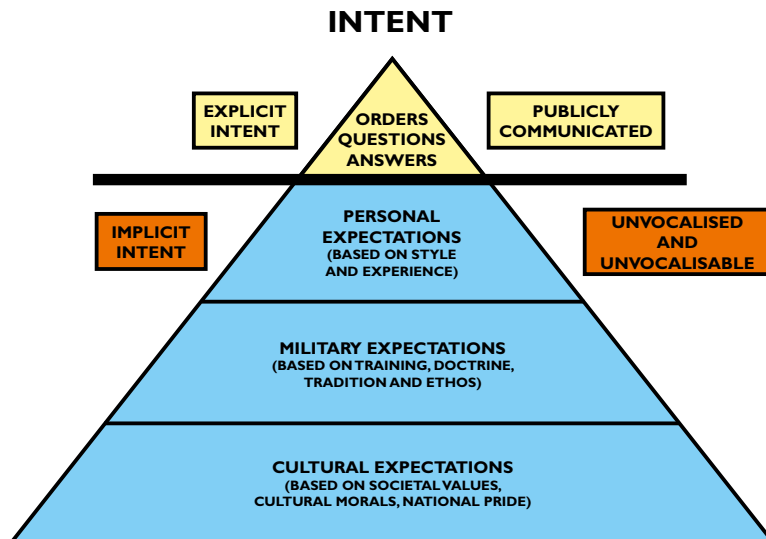

Figure 2: The Intent Hierarchy (McCann and Pigeau, 2000:166)

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9 Ibid.
10 Liddy, L. (2005) 'The Strategic Corporal: Some Requirements in Training and Education', *Australian Army Journal*, Vol. 2 (online) (cited 29 October 2008). Available from: http://www.defence.gov.au/army/AbstractsOnline/AAJournal/2005_A/AAJ_Autumn05_liddy_15.pdf
11 Op Cit, p. 165.
12 Ibid, p. 167.

The Intent Hierarchy

The layers' arrangement and size within their intent hierarchy (Figure. 2) convey their relative importance and influence. McCann and Pigeau purposely and effectively make explicit intent "the smallest, most visible aspect of overall intent; built on a whole set of implicit and largely uncommunicated personal expectations."[13] They also argue that in an ideal world, all levels of the hierarchy would co-exist harmoniously with no conflicting expectations, beliefs or values. They cite the Canadian Army's Somalia incident, among others, as a way of reflecting the stress and confusion induced by "perceived inconsistencies between explicit orders and implicit cultural beliefs and values." Here they are pointing to conflicts which arise between layers in the intent hierarchy, and suggest ways of reconciling those conflicts. In doing so they propose that "beliefs, values and morals that have had more time to instil themselves will be more enduring and resistant to change."[14] Mapping their hypothesis onto military operations, they emphasise the need for "overlapping implicit intent . . . in order to . . . maximise success."[15] By extension they maintain that commanders need to devote considerable time and effort into establishing shared implicit intent before operations. One way to achieve this is for commanders to establish a command climate that "fosters trust, confidence, motivation, creativity, initiative, pride, discipline and esprit de corps."[16]

They go on to stress that military organisations must continually reinforce and enlarge implicit intent among members at every stage of their careers, maintaining that "sharing implicit intent is at least as much about unconsciously learning subjective norms and developing normative beliefs as about consciously seeking opinions and achieving consensus." Two key methods of achieving this are discussed: exposing soldiers to a consistent set of organisational values, and providing time "to be exposed to one another's expectations and beliefs." For a military operation, common intent as a constituent part of C2 is the "sum of shared explicit and implicit intent," where an organisational structure "that supports the commander . . . and . . . affects the balance between implicit and explicit intent" is proposed.[17]

Common Intent, Leadership and Organisational Structure

C2, as defined in the preceding paragraph, incorporates both explicit and implicit intent and coalesces within centralised and decentralised organisations. It is argued that in the former, subordinates will be told what to do and how to do it, whereas in the latter, achieving common intent tends to produce high levels of shared implicit intent, leaving the *how* up to the subordinate. In general, within decentralised organisations, decision-making authority characteristically spreads to subordinates, empowering them with command initiative and independence.

The theory of common intent proposed in Figure 3 is proven to be consistent with a wide range of leadership styles, from autocratic through transactional to transformational, with a mixture of all three being present in common intent. At one end of the continuum, autocratic leaders impose their detailed explicit intent, while on the other end transformational leaders indoctrinate followers into their implicit intent hierarchy. According to this hypothesis C2

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13 Ibid.
14 Ibid, p. 168
15 Ibid, p. 169.
16 Ibid, p. 170.
17 Ibid, p. 173.

must be defined and discussed from a uniquely human perspective, one that is consistent with prevailing operational experience, and that defining C2 in terms of common intent represents a first step in that direction.

From a business perspective, D'Arcy[18] says that one of the key characteristics of a high-performing organisation is a flexible organisational structure that shares responsibility and emphasises teamwork and empowerment among its employees. He contends that hierarchies alone do not work in civilian businesses and that the optimum organisational structure tends to be flatter. For him the keys to success in business are effective leadership and the distribution of leadership as a means of "minimising hierarchy, leveraging expertise and keeping decisions near customers."
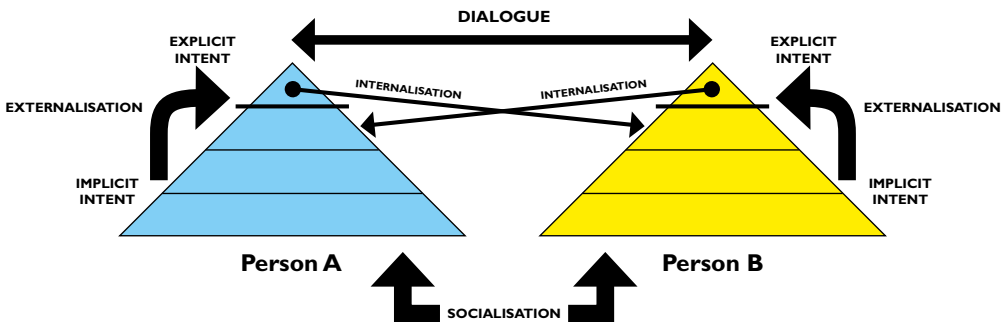
Figure 3: Mechanisms for Sharing Intent (McCann and Pigeau, 2000:170)

Morality and Values

MC in a PSO context must focus on issues of morality, be based on embedded values, and be centred on human interests and values. The human-in-command approach to PSO is underpinned by the need to exercise sound moral judgement, that leadership is "an ethical act" and that operations "must be especially sensitive to some moral and ethical code."[19] McCann and Pigeau state that values and attitudes are the foundation of the command edifice and that what guides leaders and team members are the values and attitudes of the military organisation. They emphasise the critical importance of selecting and developing military members who reflect the values of the nation.[20] Accordingly when a strong set of values becomes embodied in ideology or in organisational philosophy, it can serve as a guide and as a way of dealing with uncertainty about intrinsically uncontrollable or difficult events. The values now become basic underlying assumptions.

In his thesis Nolan[21] confirms that well-developed and relevant core values, sufficiently embedded in the organisation, are especially important to all command philosophies, and that

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18 Gabriel D'Arcy, Managing Director of Bord na Móna, delivered a lecture on strategic leadership to the 65th SC&SC on 4 Feb 2009, during which he outlined his thoughts on how to build and harness a successful business. He drew heavily on his experience with Kerry Group plc, and from his current role as MD of Bord na Móna.

19 Lester, R. (2001) 'Human-in-Command: Peace-Support Operations', *Air and Space Power Journal*: 8. (online) (cited 24 October 2008). Available from: http://www.airpower.maxwell.af.mil/airchroicles/cc/lester.html

20 Op Cit, p. 401.

21 Nolan, N. (2008) 'The Good, The Bad and The Ugly: Ethical decision-making in the Military', *64th Senior Command and Staff Course Thesis*, National University of Ireland, Maynooth.

moral development in soldiers must be made relevant to their daily working lives. He suggests that the DF should develop a core ethics doctrine. According to Nolan, "ethics seek to provide a degree of order to the inherent tension between personal conscience, professional duty and constitutional authority."[22] In addition, he establishes that organisational morals and values can and must be inculcated by the leader, who, by personal example, fosters and creates the organisational climate.

Organisational Culture

Closely related to an organisation's morals and values is organisational culture. It can be argued that it is shared consciously and sub-consciously by its members and transmitted in the same manner to new members. Crucially it is a leadership's responsibility to create an organisational culture and that by adopting MC philosophy requires a "change in culture given that MC is a complex command philosophy that to be effective must be accepted as a fundamental part of the everyday culture and climate of the Army."[23] In turn this delivers changes in culture and climate based on professional development and adherence to core values, whereby MC is as much a *way of thinking* as it is a *way of doing*.

There is strong argument which suggests that culture can be stable over time but that it is never static, and that crises sometimes force a group to re-evaluate some values or set of practices. The key cultural shifts required if MC is to be employed successfully include a permissive one "reinforced by the organisation being seen to reward appropriate behaviour and being seen not to punish the mistakes," according to Stewart.[24] This permissive culture, which allows the exercise of initiative, is a requirement if MC is to be nurtured. It would therefore be inappropriate to impose command doctrine top-down without ensuring that it is *appropriate* to the *culture and capability* of the organisation concerned. Vogelaar and Hans-Kramer[25] maintain that MC is hard to introduce unless the organisational culture changes to adapt to it, and advise that one should not underestimate the kind of organisational change required for MC to be accepted.

A Review of the Findings

As stated at the outset, this essay is based on a thesis which was submitted in part fulfilment of the MA LMDS programme with NUI Maynooth. Hereunder the results which were yielded from my personal research into MC:

The Human-in-Command

The human-in-command is the primary pillar of MC philosophy, reinforcing the views advanced by many of the leading military academics. Additionally, although MC philosophy is well understood, espoused and partly operationalised, its application is inconsistent. Interestingly, and in contrast with some leading military academics in the field, my research concludes that centralised, hierarchical organisations, such as the DF, *can* accommodate and enable MC

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22 Ibid, p. 56.
23 Lester, Op Cit, p. 16.
24 Stewart, K. (2006) 'Mission Command: Elasticity, Equilibrium, Culture, and Intent' 22. (online) (cited 29 October 2008). Available from: http://pubs.drdc.gc.ca/inbasket/CEBsupport.061122_1521.TR-2006-254.pdf
25 Vogelaar, L. and Hans-Kramer, E. (2004) 'Mission Command in Dutch Peace Support Operations', *Armed Forces and Society*, Vol. 30 (3), pp. 409-431.

philosophy and that the leader is more important than organisational structure in enabling MC. In order for MC to be enabled, trust and initiative are required as key ingredients, which in turn facilitate a permissive culture.

Organisational Culture and Structure

Organisational culture and structure emerged as supporting pillars which underpin the human-in-command. In that context the leader is central to creating and influencing organisational culture. This view is supported in the business world where leaders imbue their values and shape organisational culture. It has been noted that within the past decade DF culture has changed, specifically at the middle-ranking leadership level (Commandant); and that this change is leading toward a more receptive and participative culture. Although analysis of the change was beyond the scope of this study, this indication could, if confirmed, act as a catalyst to enabling MC philosophy, should the DF decide to adopt it as their command philosophy.
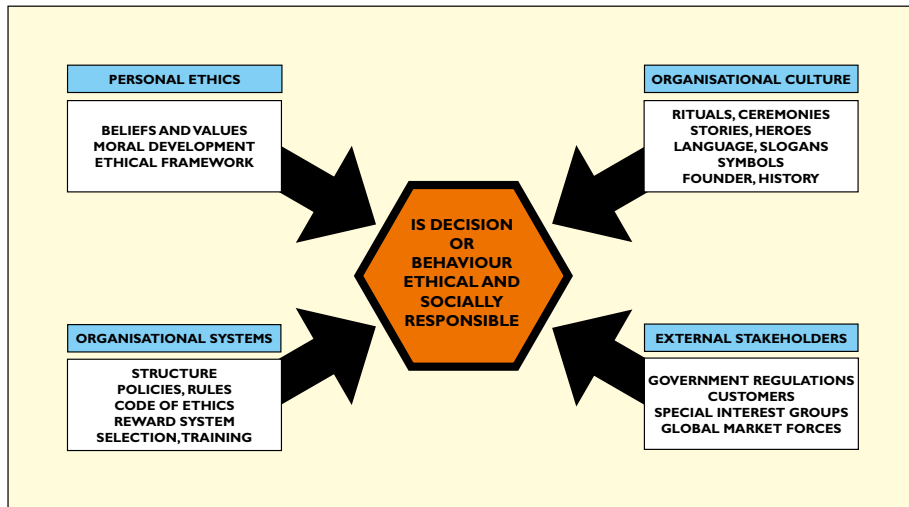
Figure 4: Forces that shape managerial ethics (Daft, 2007:257)[26]

Morality and Values

Leading on from the themes already outlined, leaders play a pivotal role in instilling their morals and values into followers by setting example, educating, and establishing the right ethical and moral tone (Figure 4). In doing this, a leader's actions and values act as a guide to deal with the uncertainty of intrinsically uncontrollable or difficult events. Nolan stresses the essential need to instil core values into all command philosophies. Having highlighted the absence of any formalised ethics doctrine within the DF, he goes on to underscore the need for the DF to establish and disseminate an ethics doctrine. If the DF were to embrace MC as their command philosophy, Nolan's recommendation represents one of several critical first steps.

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26 Daft, R. (2007) *Understanding the theory and design of organisations*, USA, Thomson South Western.

Recommendations and Implications

Some of the recommendations which arose from the research and their implications are outlined as follows:

- There is a requirement to promulgate and establish a standard, codified command doctrine for the DF – ideally MC. This initiative would achieve two things: firstly, it would close off the current conceptual gap of the DF having no definitive command philosophy; and secondly, it would enable MC to become the command philosophy of choice for the DF at home, and therefore the default philosophy for PSOs.

- Secondly, MC philosophy needs to become an integral part of existing DF leadership doctrine, particularly given that the research firmly indicates how central leadership is to MC philosophy. Situating MC within leadership doctrine would drive the required cultural change, thereby enabling the organisation to adopt MC as its command philosophy.

- Finally, formal instruction on MC philosophy needs to be developed and imparted to all DF personnel. This could be achieved by teaching MC doctrine on all career courses for DF leaders at various DF educational institutions. This would be a necessary first step in facilitating its dissemination and adoption throughout the organisation.

Conclusion

This essay set out to provide the reader with an overview of MC philosophy; tracing its origins, offering some key definitions in respect of MC, C2 and leadership. Thereafter the essay focussed on the ongoing military academic debate in respect of MC philosophy. The human-in-command was shown to be situated at the centre of this debate and is supported by a number of pillars, namely; organisational culture, structure and morality/values. As a result of this intriguing study, I have concluded that the absence of any codified, promulgated command philosophy potentially leaves the DF conceptually disadvantaged to adapt effectively to the contemporary PSO environment. The adoption of MC as the DF's command philosophy would undoubtedly address this conceptual gap.

The Niemba Ambush: A Reappraisal

Dr Edward Longwill

Introduction

United Nations Operation in the Congo (ONUC) had serious consequences for the Irish state. Peacekeeping redefined neutrality and led to the most extensive modernisation campaign in the military since the Emergency. During the course of the mission from 1960 until 1964, over 6,000 Irish troops participated and 26 soldiers died.[1] However the deaths of nine soldiers at Niemba have not been satisfactorily researched and a long standing consensus based on secondary sources has never been challenged with archival evidence. Remarkably no academic or journalist has studied the army's files on the incident. These files contradict assertions that Irish soldiers died at Niemba because of a lack of firepower and combat experience, unsuitable vehicles, insufficient radios, and poor standards in training, command and discipline. Most disturbingly of all, the charge that Irish soldiers desired a reprisal against Congolese tribesmen has not been scrutinised. This article is the first work, academic or otherwise, to examine the army's reports and files of the mission and will argue that the consensus is severely inaccurate. Despite existing assertions, the army successfully adapted to the conditions of UN service and perhaps performed better than any other contingent.

Initial Despatch

Prior to ONUC, Irish peacekeeping amounted to 59 officers serving with United Nations Observer Group in Lebanon (UNOGIL 1958).[2] Cabinet files reveal how fast the Irish government responded to the UN's request for an Irish battalion (500-600 men) to serve in the Congo. The Congolese government requested a UN peacekeeping force because natives rose up against Belgian colonial settlers. On 17 July 1960 the Irish government received the request and the following day the Taoiseach Sean Lemass held a meeting with his Defence, Finance and External Affairs ministers, the Attorney-General, and Frederick Boland the Irish Permanent Representative to the UN. They supported the dispatch of a battalion but this required an amendment to the Defence Act 1954.[3] On 20 July TDs debated the necessary amendment and most welcomed the opportunity for the small Irish state to play a disproportionately large role in world affairs. After General von Horn, the Chief of Staff of the United Nations Truce Supervision Organisation in the Middle East (UNTSO) took command of the Congo operation, the UN nominated an Irish officer, Colonel Justin McCarthy, as Acting Chief of Staff of UNTSO.[4] This indicated the calibre and international prestige of senior Irish officers. In fact Irish General Sean McKeown later became Chief of Staff of the Congo mission. He described the post-Emergency institutional decline and a 'the sense of lack of purpose in our minds.' Initially the army recommended merely 'a reinforced company… 250-300 soldiers.' However the UN requested a battalion which McKeown described as 'quite staggering.'[5] A reinforced company would have been amalgamated with another foreign contingent whereas

1   Speech by the Taoiseach Brian Cowen, *Ceremony to mark the 50th Anniversary of the Defence Forces' Involvement in Peacekeeping*, McKee Barracks, Dublin, 26 June 2008.
2   General Sean McKeown 'The Congo (ONUC): The Military Perspective,' *Irish Sword: Journal of the Military History Society of Ireland*, vol. 20, no. 79, summer 1996, pp.43-47.
3   National Archives, DT S 16137, *Request for Irish assistance in UN military force in the Congo*, 18 July 1960.
4   *Dáil Éireann* - Volume 183 - 20 July 1960, Defence (Amendment) Bill, 1960 - Second and Subsequent Stages.
5   General Sean McKeown, 'The Congo (ONUC): The Military Perspective,' pp.43-47.

a battalion would operate independently. Perhaps the army lacked the confidence to commit an entire battalion or senior officers had reservations over their inexperienced troops. Despite these doubts McKeown and his command staff recommended a battalion because he knew that UN service would regenerate the military.[6] When the UN requested a second battalion he viewed this as 'unquestionably over ambitious' yet recommended its dispatch describing it as 'worth the gamble.'[7]

The Success of the 32nd Battalion and Dispatch of the 33rd Battalion

After the UN request it took only nine days for the dispatch of the 32nd battalion to leave on 26 July 1960. This contingent consisted of 650 soldiers, 43 of whom were officers.[8] Once deployed their initial responsibilities simply involved maintaining law and order and the protection of life and property. As a result of the hurried deployment to the Congo this contingent, like all contingents, began the mission with an extremely limited briefing. The overall ONUC commander ordered each contingent to establish 'all information about communications in the area' e.g. roads, rail and river.[9] UN commanders also ordered each contingent to conduct a major intelligence gathering operation because of the scarcity of information. At high command level the UN sought information on the Armee Nationale Congolaise (ANC, a rebellious Congolese army consisting of natives) and Belgian forces' locations, strengths, commander names, and details on the road and rail networks in unoccupied areas. With the use of 'patrols and intelligence agencies within a month of arrival' contingents gathered this information.[10] Therefore the UN deployed each contingent 'blind' into their area of operations.

By using a policy of impartiality, friendliness and by distributing medicine and food, the 32nd battalion won favour with the various groups.[11] The Irish contingent became one of the most accepted within the mission. Authors of the 32nd battalion's report claimed this occurred because Irish soldiers adopted a simple approach of 'friendliness… an interest in their welfare… hospitality' and this led to positive relations with natives and Belgian settlers alike.[12] In fact the report stated that a Congolese commissioner and assistant commissioner stood on the tarmac at Goma Airport, where the 32nd battalion left to return to Ireland, and 'in tears begged us to stay with them.'[13] The ANC posed the greatest challenge to the 32nd battalion during their tour. As Conor Cruise O'Brien has written, the Congolese army mutinied against their exclusively white Belgian officers. 'If…. independence really had arrived… they could do what they liked, which was how they interpreted independence. So they mutinied and chased out their white officers… and in general went on a rampage of mutinous drunken soldiery.'[14] Strategists within the UN believed peacekeepers could disarm the ANC. Duggan has written that disarming native forces would have involved the use of force and a loss of confidence.[15] ONUC commanders abandoned this proposal because they feared it could provoke the ANC

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6 Ibid.
7 Ibid.
8 *Dáil Éireann* - Volume 183 - 20 July 1960, Defence (Amendment) Bill, 1960—Second and Subsequent Stages.
9 Military Archives (MA), Unit History 32nd Infantry Battalion In The Congo, Section 8, (a) operations.
10 Ibid., Section 8, (b) intelligence.
11 Ibid., Section 7, (d).
12 Ibid., Chapter XIV. Lessons and Recommendations. Summary United Nations Mission. Lessons and Recommendations. Section 3.
13 Ibid.
14 O'Brien, Conor Cruise. 'The Congo (ONUC): the political perspective', *Irish Sword: Journal of the Military History Society of Ireland*, vol. 20, no. 79, summer 1996, pp.37-42.
15 Duggan, John P. (1991) *A History of the Irish Army*, Dublin, p.251.

into a revolt.[16] Despite this volatile situation the Irish contingent successfully negotiated a compromise in which the ANC agreed to confine their weapons to barracks.[17]

The achievement, success, and the fact that no fatalities occurred, may have given the Irish government enough confidence to authorise the dispatch of a second battalion - the 33rd battalion. By sending the 32nd battalion followed by the 33rd battalion the total Irish contingent in ONUC amounted to 1,400 men.[18] This resulted in approximately 16% of the entire army.[19] However, when one excludes the support units within the military this amounted to almost all of the available infantry. Within ONUC the overall Irish contingent became the fifth largest yet as a proportion of the domestic army it became the greatest. General McKeown has written that although a number of months passed between the dispatch of the first and second battalions, the formation and organisation of the second battalion also occurred with urgency, 'this was the background to our problem.'[20] Unlike the positive experiences of the 32nd battalion, the 33rd battalion had an eleven man patrol ambushed at Niemba resulting in nine fatalities.

Existing Assertions on the Niemba Ambush

The current consensus based on secondary sources is that the army's equipment and training factored in the Niemba ambush. T. McCaughren blamed the event on soldiers' equipment.[21] Similarly a British officer held vehicles and communications equipment responsible for the outcome.[22] Journalist Raymond Smith gave a similar perspective and blamed a lack of combat experience, sub-unit training, vehicles and communications equipment.[23] As recently as 2002, Eunan O'Halpin reiterated this consensus.[24] Incredibly none of the authors or writers that created, or perpetuate the consensus on Niemba have scrutinised the military's records on the Congo mission. In order to determine if the standard of training, command, weapons, or equipment of the army resulted in the outcome of ambush it is necessary to analyse each facet in detail.

Training

Personnel of the 32nd battalion had been rushed together and transported to the Congo in a short space of time and this prevented 'unit training during the week of concentration in the Curragh prior to the move to the Congo.' However 'sub units [training] made up for this deficiency as soon as they got organised in their localities in the Congo. Many drills were evolved and practiced, safety regulations were emphasised and discipline was instilled at all levels.'[25] The 32nd battalion's report recommended that any future battalion should select men who 'had recently taken weapons courses and driving courses.'[26] No recommendation

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16 O'Brien, Op cit, pp.37-42.
17 MA, Unit History 32nd Inf Batt, Chapter XIV. Lessons and Recommendations. Section 7.
18 *Irish Times*, 8 Dec. 1960.
19 Average number of troops in 1960 was 8,865. *Dáil Éireann* - Volume 206 - 11 December 1963, Ceisteanna - Questions. Oral Answers. Strength of Defence Forces.
20 McKeown, Op cit, pp.43-47.
21 T. McCaughren, *The Peacemakers of Niemba*, (Dublin, 1966).
22 H.E.D. Harris, 'Irish Army in the Congo', *Military Review*, no. 42, 1962, p.72.
23 *Irish Times*, 8 Nov. 1985.
24 'Irish lives were undoubtedly lost because of inadequate weapons and equipment, confused rules of engagement, poor communications and the absence of common operating procedures amongst the various national contingents in the UN force.' See Eunan O'Halpin, 'Ireland and the international security environment: changing police and military roles', p.145, in William Crotty and David E. Schmitt (eds), *Ireland on the World Stage*, (Essex, 2002).
25 MA, Unit History 32nd Inf Batt, Chapter IX, Section 3.
26 Ibid., Chapter XIV. Lessons and Recommendations. Section 5.

for battalion unit training had been made. The 33rd battalion's report noted 'a reasonably high standard of individual training' evident in the battalion from 'the moment it was assembled in the Curragh.' However as a result of time constraints 'no training higher than individual training could be attempted.'[27] Further training commenced once the men of the 33rd battalion had been dispersed to their posts and specific responsibilities and roles were established.[28] It is important to clarify that the Congo mission was the first of its kind and no specific training existed. The 33rd battalion's report stressed that 'training procedures were advanced as experience was gained.' Contingents from other nations faced the exact situation as the Irish. However, the 33rd battalion had been so successful in developing techniques and procedures that other contingents sought Irish advice. In fact, one contingent requested written instructions regarding the techniques they developed.[29] Command standards amongst Irish officers proved relatively high, but some NCOs needed 'some time to find their feet' as the Congo required more responsibility 'than had been customary at home.'[30] General McKeown's appointment as UN Commander in Chief of all UN forces in the Congo reflected the standard of officer training in the Irish military.[31] As UN commander, General McKeown noted the comparable standard of Irish officers and those from other contingents. He has written that 'with some exceptions, our own Irish officers were well-trained, as were the Canadians and the British, but after that, the quality of the staff training was of a questionable order, and it confronted us with endless problems.'[32] Irish officers even worked on a potential Congolese officer training school and NCO training school, and contributed to a syllabus. However the initiative never began as a result of political instability within the Congo.[33]

Irish soldiers arrived in the Congo wearing woollen uniforms and this became a focus of ridicule. Duggan has written that 'the 32nd battalion had to learn many things the hard way about kit, conditions, equipment etc.'[34] General McKeown has explained that because the army did not have tropical uniforms and received the request to send troops at such short notice, 'we didn't have anything else to send them in' he admitted that the bull's wool uniform 'was a bit of a public-relations disaster' and the public thought the army must have been 'simple people.'[35] However the army anticipated that the troops would purchase tropical uniforms from local tailors within the Congo.[36] Ammunition was distributed to 'each officer, NCO and man, and not collected until the last day of service.' The policy had been described as a 'calculated risk taken after much consideration' on the basis that every soldier should have sufficient ammunition to defend himself at all times, and 'also that he should be ready for action with the least delay.' The army allowed troops to keep ammunition 'on' the soldier and this contradicted official military policy of returning ammunition to a quartermaster once a patrol ended. Even medical personnel were trained and armed so they could 'defend themselves on patrols if necessary.'[37] It is clear from these sections of the 32nd battalion's report that the contingent had a high standard of command which ensured the safety of its

27 MA, 33 Inf Batt, 'Operations Section History' Section 1.
28 Ibid, Section 2.
29 Ibid, Section 3.
30 Ibid, Section 4 and Section 5.
31 This was announced in December 1960 and he took command in January 1961.
32 General Sean McKeown, 'The Congo (ONUC): The Military Perspective', pp.43-47.
33 Ibid.
34 Duggan, Op cit, p. 251.
35 McKeown Op cit, pp. 43-47.
36 MA, Unit History 32nd Inf Batt, Chapter IX, Section 2.
37 Ibid, Section 3.

personnel. In fact the policy of the 32nd battalion seemed over cautious in relation to the positive response it received from the native Congolese and Belgian settlers.

Discipline

The army conceded that discipline standards needed to improve for the Congo. Duggan has written that the level of discipline in the Congo surpassed domestic standards.[38] However Major General Vincent Savino claimed that standards in Ireland had been equally as high.[39] The 32nd battalion developed a policy that demanded 'instant obedience' anything less would result in 'the need to inflict comparatively heavy punishments.' In the post-Emergency era the army believed that discipline decreased significantly and new standards required the issuing of severe punishments in response to actions which had previously been looked upon as 'trivial offences.'[40] NCOs received orders to increase their severity to regain 'the authority and power over men which they once indisputably wielded.'[41] Harsh punishments in the Congo instilled this new discipline and ultimately the army could use repatriation for soldiers who 'demonstrated their unsuitability for overseas service.'[42] Discipline increased to such intense levels that of the 758 discipline offences committed by the men of the 32nd battalion, 45% of charges related to absence without leave. However the 'vast majority of these were short absences varying in duration from a few minutes.'[43] Understandably many soldiers found it difficult to adapt to this intense level of discipline and suffered 'bouts of exasperation, depression, and frustration.' The report recommended 'a good basic disciplinary training is imperative if these feelings are not to be allowed to find expression in insubordination and disobedience' and the need to deal with the 'lack of leadership and personal example displayed by some of the junior NCOs.'[44]

Despite the difficulties which soldiers faced in adapting to what perhaps felt like a new army; repatriation was only used against a single soldier from either the 32nd or the 33rd battalions.[45] For the men of 32nd battalion the report noted 'at no time was there any evidence of panic or fear even when the worst was expected.' On the contrary the report described the men as 'over daring when caution might be the better choice.'[46] Four soldiers of the 32nd battalion received recommendations for acts of bravery in separate incidents.[47] A self-satisfied 32nd battalion stated that of over 600 men over a period of six months only 50 convictions arose for drunkenness.[48] Other disciplinary convictions included three soldiers for 'loading weapon without authority' and a small number for 'quitting of arms', i.e. not having one's weapon on one's person.[49] Since the 32nd battalion did not experience any direct threats to personnel the policy of ensuring the highest level of discipline possible may have been an apparent over reaction. The 33rd battalion adopted the same measures developed by the 32nd battalion.

38 Duggan, (Dublin, 1991), p.251.
39 Major General Vincent Savino. Interviewed 8 November 2008.
40 MA, Unit History 32nd Inf Batt, Chapter XI, Pre-Congo Discipline.
41 Ibid.
42 Ibid, Section 7.
43 Ibid, Section 4.
44 Ibid.
45 MA, Unit History 32nd Inf Batt, Chapter IX, Section 3.
46 Ibid, Chapter XI, Section 20.
47 Ibid.
48 Ibid, Section 4.
49 MA, Unit History 32nd Inf Batt, Chapter IX, Summary of Disciplinary Offences – 32 Inf Bn.

Radio and Communications

The 32nd battalion's report contained many criticisms of its communications network. Initially in the Congo, communications had been described as 'chaotic' and in the early period as 'most unreliable when working at all.' Some messages took three days to reach battalion HQ and 'very often they were never delivered at all.'[50] However one must state that this did not result from incompetence or obsolete equipment. The report noted that the troops were dispersed to extreme distances, 'B Company at Kindu was a distance of over 300 miles away by road and two hours flying time by air over dense jungle.' When one considers that the length of the island of Ireland is approximately 300 miles, the domestic army in the pre-Congo era could not have envisaged the need for radio equipment capable of transmitting such distances. Furthermore such an extreme dispersal ran contrary to the military doctrine of any army, and the Irish contingent questioned 'the advisability of splitting up a battalion over such a large hunk of territory in a situation such as existed in the Congo at this time.'[51] Irish contingents possessed 'C.12 wireless sets', the same radio equipment used by NATO forces at the time. In fact the 33rd battalion did a signal test with a C.12 over a distance of 375 miles and achieved signal strength of 75%; natural features such as mountains and bad weather reduced the set's transmission ability.[52] By organising a relay system the 32nd battalion HQ communicated with all outposts, 'the signal officer experimented with these sets from ground to air at long distances and they worked.' However the relay system restricted transmissions to one per day.[53] Battalion operators retrospectively described the C.12 as a 'first class set' in terms of range and reliability, and the '3L set' and the '88 sets' as giving 'perfect communication with the ground plane aerial' and as 'satisfactory.'[54]

Aforementioned academics, journalists, and military officers not present or involved in ONUC have claimed that the standard of the 33rd battalion's radio equipment and operators contributed to the outcome of the Niemba ambush, by not pre-warning the patrol, and in relation to the speed and deployment of the search and rescue patrols. Primary evidence completely contradicts this because the 33rd battalion's retrospective assessment stated that 'the reliability of the command net could not be better and communications were possible at all times during the hours of duty of operators. This situation existed right throughout the full tour of the 33rd battalion.'[55] An assessment of their communications equipment described 'excellent service' that 'worked for the full period almost without giving trouble.' Furthermore no shortage of equipment existed; perhaps the experiences of the 32nd battalion ensured the 33rd battalion received enough equipment. The 33rd battalion described the fifteen 'WS 31' sets and the 24 'WS 88' sets as 'adequate.'[56] Although the 33rd battalion found itself with 'three times more outposts than the available trained WT operators could properly man,' a signal unit from the Indian contingent assisted at battalion HQ.[57] As the army's report noted, the only communications problem existed with the 'rear link.'[58] Assistance from the Indian Signal Troop allowed more regular transmissions within the 33rd battalion.[59] Aid from the

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50 MA, Unit History 32nd Infantry Battalion In The Congo, Section 9.
51 MA, Unit History 32nd Inf Batt, Section 10.
52 MA, 33 Inf Batt, 'Signal Section History', Section 2.
53 MA, Unit History 32nd Infantry Battalion In The Congo, Section 9.
54 MA, Unit History 32nd Inf Batt, Chapter IX, Section 11.
55 MA, 33 Inf Batt, 'Signal Section History', Section 3.
56 Ibid, Section 4.
57 MA, 33 Inf Batt, 'Operations Section History' Section 2.
58 MA, 33 Inf Batt, 'Signal Section History', Section 4.
59 Ibid.

Indian soldiers did not expose incompetent planning by senior Irish officers. During future UN missions it became normal for different contingents to pool resources and exchange personnel. In fact medical personnel from the 32nd battalion transferred to other contingents.[60] Furthermore, in ONUC and often in subsequent UN missions, a contingent's exact role did not clearly emerge until deployment had taken place. This produced many planning difficulties.

It is indisputable that even with Indian assistance Irish radio operators in the 33rd battalion had been stretched to the limit. Throughout the entire six month mission of the 33rd battalion its radio operators worked seven days a week and their shift began at 0730 and ended at 2230. They received a three hour break for lunch and a four hour break for dinner. In an emergency the radio required constant manning and during the Niemba incident one operator spent over 36 continuous hours on his radio.[61] On 9 November in response to the ambush 123 formal and 30 voice conversations exchanged between Irish operators.[62] Therefore one must reject the assertion that communications staff or equipment resulted, or in any way contributed, to the ambush or the number of fatalities. Quite simply in an emergency the 33rd battalion possessed the level of communications it needed. Interestingly the 33rd battalion retrospectively rated the standard of the Irish operators compared to foreign contingents as 'below average' in terms of 'speed and quality' but described them as 'above average in terms of initiative and sense of responsibility.' The report explained this apparent contradiction because other contingents had been 'over-disciplined' meaning they would not break protocol even when the circumstances excused. The battalion's report stated that the Irish operators 'with sufficient training and practice… would probably develop into first class operators.'[63] One could even speculate that Irish operators who self-assessed situations and made decisions, which technically constituted as acts of insubordination, made the reaction to the Niemba incident swifter. One reason for this had been the fact that radio operators under specific orders not to transmit signals (or to relay) outside of specified time periods, without clearance from higher authority, technically disobeyed orders to accelerate the deployment of the search and rescue teams.

When one examines the performance of other contingents, who possessed an abundance of equipment and operators, it appears that the Irish performed incredibly well under the circumstances. General McKeown, as commander of all UN contingents in the Congo, sat in the perfect position to determine the average standard of communications within different contingents. He has written that 'communications at times were deplorable and frequently inaccurate, largely because of the language problem, technical problems and general bad staff work.' He has described the average training and equipment of other contingents as 'one of the very great headaches we suffered from' his exasperation at the standard of foreign contingents made him assert 'the only way of finding out what exactly was going on in a particular area was to go there and find out for oneself.'[64] Arguably the 33rd battalion possessed one of the best communications systems within ONUC.

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60 MA, Unit History 32nd Inf Batt, Chapter XIV. Lessons and Recommendations. Section 5.
61 MA, 33 Inf Batt, 'Signal Section History', Section 6.
62 Ibid, Section 9.
63 Ibid, Section 8.
64 McKeown, Op cit, pp. 43-47.

The consensus asserts that the Niemba patrol did not carry wireless equipment and this influenced the outcome of the ambush. Files for the 33rd battalion state clearly that the day before the ambush occurred Lieutenant Kevin Gleeson, commander of the ambushed patrol, received radio instructions from his battalion commander to clear and repair roads or bridges which the Balubas, a local militant tribe, blocked or damaged.[65] Although the patrol did not have radio equipment on their vehicles on the day of the ambush, even if they had possessed such equipment its practical use would have been limited. Battalion HQ would have only been aware of the general area that the patrol operated in because the maps in possession of the 33rd battalion were 'practically useless.'[66] Other contingents faced similar problems. After the ambush, the two survivors of the patrol avoided returning to the vehicles fearing Balubas remained in the area. In fact when the search party that found Private Fitzpatrick searched the area, they became aware of 'large numbers of Congolese moving about in the close bush' and when Lieutenant Enright reported this to HQ he received an order to leave the area at once.[67] Although the Balubas have been described as 'a primitive people' in other incidents Balubas captured Belgian equipment and destroyed vehicles and communications equipment. Even if a survivor returned to the vehicles and made a radio call, the extreme distances between company units would have resulted in a rescue party needing hours to not only reach the general area, but hours more to find the exact location of the patrol. One could argue that equipping the vehicles with radio would have made absolutely no difference to the outcome of the ambush, or the number of fatalities. Corporal Michael Bradley concurred with these assertions.[68] Even in the Dáil, Kevin Boland, Minister for Defence, in response to criticism regarding the radio equipment issue, described it as 'extremely doubtful if it would have been of any avail in the circumstances prevailing on that occasion.'[69] Although he did not elaborate, presumably his assertion had been formed on the basis of the aforementioned arguments.

Vehicles

The aforementioned writers and authors who have created or sustained the consensus on the Irish patrol at Niemba have criticised the quality of army transport and patrol vehicles. This criticism is unjustified because prior to the Congo mission the military needed vehicles capable of driving on Irish roads and in the Congo only cities had proper roads. Elsewhere in the Congo the 'roads' consisted of dirt tracks. The 32nd battalion's report on vehicles described these tracks as having 'four or five inches of dust or gravel on them' but the condition of the dirt tracks deteriorated rapidly in the rainy season because the dust and gravel turned to mud.[70] This forced the 33rd battalion to recommend a speed limit of 35mph to prevent vehicles leaving the roads and causing accidents.[71] A Pakistani transport platoon is regularly cited by the 32nd battalion for providing assistance.[72] Revealingly the 32nd battalion did not recommend that any future Irish battalion (i.e. the 33rd battalion involved in the ambush) should arrive with more vehicles, it only suggested sending more Irish drivers because 'it is most likely that all vehicles for future operations in the Congo will be supplied by the UN.'[73] Perhaps

65 MA, 33 Inf Batt, Chapter 5, Niemba, pp. 173-74.
66 MA, 33 Inf Batt, p. 31.
67 MA, 33 Inf Batt, Chapter 5, Niemba, Section 183.
68 Corporal Michael Bradley. Interviewed 16 October 2008.
69 Dáil Éireann - Volume 185 - 24 November 1960, Ceisteanna - Questions. Oral Answers - Congo Ambush.
70 MA, Unit History 32nd Inf Batt, Chapter IX, Section 26, Suitability of Vehicles.
71 MA, 33 Inf Batt, 'Transport Section History' Section 7.
72 MA, Unit History 32nd Inf Batt, Chapter IX, p. 79.
73 Ibid, Chapter XIV. Lessons and Recommendations. Section 4.

their experiences led them to believe in future the UN would task a specific contingent with transport. In fact the UN adopted this policy for later missions.[74] The 33rd battalion arrived in the Congo with ten Land Rovers and five jeeps, found this number insufficient and received a loan of Bedford trucks, Land Rovers and saloons from the Pakistani transport platoon. However these vehicles had previously been with the Ethiopian and Swedish contingents.[75] This is further evidence of different contingents pooling resources and discredits the assertion that the Irish contingent had been less equipped than others. The 33rd battalion experimented with vehicle modification. Steel armour caused unbearable heat in the climate and engineers protected the exposed sides of jeeps and trucks with wooden panels. This may seem ludicrous, however, since the vehicles needed to provide arrow proof and not bullet proof armour, thin wooden panels proved practical in terms of reducing vehicle weight and temperature. Irish troops borrowed bows and arrows from local natives and experimented with different types of wood and thickness in front of an 'amazed native population.'[76]

Firepower

The 32nd battalion's report of its weaponry described the Lee-Enfield .303 bolt action rifle as 'inadequate for the conditions of modern warfare.' It viewed the gun as 'robust and trouble-free.' However after firing each bullet a user had to manually reload by manoeuvring a bolt. This resulted in a 'seriously lacking' rate of fire. Many of the foreign contingents in ONUC were equipped with the Belgian FN FAL rifle which was common amongst NATO members and considered to be one of the best rifles of the period. This weapon had a semi-automatic fire mechanism which allowed a user to simply press and depress the trigger in order to load the weapon. The Irish army's report described troops armed with this weapon as at a 'great advantage.' All other weapons of the battalion were described as satisfactory.[77] Interestingly despite the 32nd battalion having experienced a relatively peaceful mission in the Congo, it requested more offensive weaponry, possibly because the political situation deteriorated and the battalion anticipated the likelihood of armed conflict.

The consensus states the nine men of the 33rd battalion who died in the Niemba ambush did so because they used the Lee-Enfield, regarded as an obsolete rifle. The British army only replaced their Lee-Enfields for the FAL in 1957. Therefore Irish soldiers were not equipped with a ridiculously obsolete rifle. Statements given by Private Fitzpatrick and Private Kenny, the only survivors of the ambush, detailed the weapons carried by the patrol. Private Fitzpatrick's statement, made to Commandant Liddy, the Legal Officer of the 32nd Infantry Battalion, clearly detailed the armament of the patrol as having five Carl Gustav sub-machine guns, two Bren light machine guns, and four Lee-Enfield rifles.[78] This is extremely important because it reveals that the majority of the patrol carried automatic weapons, and more men carried the Gustav sub-machine gun than the Lee-Enfield rifle. Therefore when one attempts to analyse the importance of the arms carried by the patrol in terms of understanding the patrol's defensive/offensive capability, one must examine the Gustav sub-machine gun. The Gustav has been described as the ideal weapon for bush

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74 For UNIFIL there were eight infantry battalions and three logistics battalions. See Katsumi Ishizuka, Ireland and International Peacekeeping Operations 1960-2000, A Study of Irish Motivation, (London, 2004), p. 105.
75 MA, 33 Inf Batt, 'Transport Section History' and Unit History 32nd Inf Batt, Chapter IX, p. 79.
76 MA, 33 Inf Batt, 'Equipment', 'Wooden Armour.'
77 MA, Unit History 32nd Inf Batt, Chapter IX, Ordnance, Report on Weapons, Ammunition, Equipment, Section 5 Weapons.
78 MA, 33 Inf Batt, Chapter 5, Niemba, Section 178.

warfare. In fact US Navy SEALs who operated during the Vietnam War used the gun as their weapon of choice, viewing it as superior to assault rifles because it was light, manoeuvrable and its short barrel length reduced a user's profile. Furthermore the Gustav had a much larger magazine capacity than an assault rifle.

Several Irish army interviewees described the Gustav as a 'satisfactory', 'accurate' and 'very effective' weapon for engaging multiple targets at close range (30-50 yards).[79] Furthermore when asked which weapon would an interviewee prefer if they had been in a bush ambush scenario, the Gustav or the FAL, Corporal Michael Bradley replied 'there is no doubt that the Gustav would have been better for that [scenario], and Regimental Sergeant Major Harry Dixon stated he would have been 'comfortable with the Gustav.'[80] Perhaps comments made in the Dáil in response to the Niemba ambush created a lasting perception that the patrol had been poorly armed. Independent TD Frank Sherwin asked for a comparison between the armament of an Irish and Swedish company. Boland told him that 'I have no particulars of the firepower of a Swedish Infantry Unit comparable in numbers to an Irish Infantry Company serving in the Republic of the Congo and I cannot, therefore, make the comparison suggested by the Deputy.'[81] When Boland listed the armament of the eleven man patrol he wrongly claimed that they possessed 'two Bren guns, four Gustav sub-machine guns and four rifles.' He made the further incorrect statement that 'the medical orderly accompanying the patrol did not carry firearms.'[82] The 32nd and 33rd battalions had strict policies that every man on a patrol, irrespective of his role in Ireland, must carry a weapon.[83] Furthermore Private Fitzpatrick's statement confirmed all members of the patrol carried weapons. Another misleading event which might have given the impression that the Irish soldiers were not adequately equipped occurred when the government ordered the Irish army's Quartermaster General to the Congo for 'a two-week fact finding mission.' The *Irish Times* reported that he had been dispatched to examine the problems of 'supplies and equipment.'[84]

Niemba Explained

A report from the 33rd battalion speculated that Balubas pre-planned the Niemba ambush. One indication involved a Congolese 'houseboy' who had been employed by the Irish army, demanded his wages before the normal pay day and after receiving them he never returned. The army report speculated that this native 'had been warned by his people that something was about to happen.'[85] Both the statements of Private Fitzpatrick and Private Kenny, the two survivors of the ambush, detailed how on 8 November 1960 the patrol was impeded by a road block of '35 or 40' Balubas who confronted the soldiers.[86] Lieutenant Gleeson, commander of the patrol, attempted to de-escalate the situation. However according to Private Fitzpatrick the Balubas organised themselves into sub-units of six men and began 'running and screaming… Lieutenant Gleeson told us not to fire until he gave the order.' Private Kenny's statement claimed that Lieutenant Gleeson also said 'we have to wait until they fire

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79 Corporal Michael Bradley. Interviewed 16 October 2008. Colonel Declan O'Carroll. Interviewed 27 October 2008. Major General Vincent Savino. Interviewed 8 November 2008.
80 Corporal Michael Bradley. Interviewed 16 October 2008. RSM Harry Dixon. Interviewed 16 February 2009.
81 Dáil Éireann - Volume 185 - 24 November 1960, Ceisteanna - Questions. Oral Answers - Fire Power of Congo Infantry Companies.
82 Dáil Éireann - Volume 185 - 24 November 1960, Ceisteanna - Questions. Oral Answers - Congo Ambush.
83 MA, 33 Inf Batt, Chapter 6, Section 206.
84 Irish Times, 13 Dec. 1960.
85 MA, 33 Inf Batt, Chapter 5, Niemba, Section 177.
86 Ibid, Section 178. One theory is that Balubas set up an ambush hoping to catch pro-Belgian forces.

at us first.' Lieutenant Gleeson shouted native words at the charging Balubas in an effort to deter them. However they ignored him and fired a volley of arrows. Gleeson gave an order to open fire but within seconds the patrol was overwhelmed and Private Fitzpatrick's statement claimed 'they were almost on top of us when Lieutenant Gleeson gave the order to scatter.' Private Kenny's account of the retreat concurs with that of Private Fitzpatrick; the patrol fled into the bush and crossed a shallow river. Within the bush more Balubas, who remained quiet and had not been previously detected, began attacking the patrol. Although surprisingly the 33rd battalion did not critically examine this piece of evidence, it suggested careful planning, organisation, and execution of the ambush. After the patrol became completely separated in the bush the Balubas began searching the area. Remaining hidden and quiet proved the best survival strategy because Balubas ran towards the source of gunfire.[87] Private Fitzpatrick and Private Kenny were separately rescued and found to have multiple arrow wounds and severe bruising from club blows to the head. Private Brown died two days after the ambush. He travelled miles from the ambush site and approached Baluba women, asked them for help yet the women informed their warriors of his location and they killed him.

Every factor in the ambush is attributable to the UN rather than the Irish army. An extreme dispersal of troops forced the 33rd battalion to organise small eleven man patrols. Units of the battalion existed in ten different locations and distances between posts varied from a minimum of 60 miles to 330 miles as 'as the crow flies' making the actual commuting distance significantly longer.[88] One patrol from the 33rd battalion completed an independent mission covering 1,200 miles in nine days, built eleven bridges, and 'traversed roads where no UN patrol had set foot.'[89] All accomplished without detailed maps. Although the battalion gave an impressive performance throughout its tour, the thin spread of manpower produced a vulnerability easily exploited by a hostile force. Corporal Bradley has given an assessment of the tactical situation.[90]

The Congo mission exposed the difficulty of the 'no first use of force' principle which has remained relatively unchanged within UN peacekeeping missions. Essentially this meant that a patrol could not open fire unless first fired upon. The principle has been explained by the 33rd battalion's command HQ as 'every effort should be exerted to avoid harm to anyone, since public reaction to the employment of force by UN personnel might well prove disastrous to the success of the entire UN operation.'[91] Colonel Ned Doyle has accurately written that the 'no first use of force' doctrine left UN soldiers very exposed to attacks.[92] The initial UN directive stated that 'weapons will not be used for offensive purposes but only for self protection.'[93] Many other soldiers from different contingents had been killed when engaged by either Congolese or Belgian secessionists. Although the 'no first use of force' doctrine has been briefly written about by other academics, all have failed to examine the

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87 Ibid.
88 MA, 33 Inf Batt, Section 55.
89 MA, 33 Inf Batt, p. 31.
90 'The UN is to blame nearly for everything. A big mistake was made that these men were so far removed from HQ.' Even if the Niemba patrol had radioed for reinforcements, 'they were 60 miles away: they were out in the middle of nowhere and would not have known their exact position. The patrol should not have been sent out in the first place. The commanding officer should have never made that decision; they were a reconnaissance patrol travelling through hostile bush country. Gleeson did what he was told; he was sent out there, he was not prepared.' Corporal Michael Bradley. Interviewed 16 October 2008.
91 MA, 33 Inf Batt, Section 16, 'Directive No.2.'
92 Irish Times, 8 Dec. 1985.
93 MA, Unit History 32nd Inf Batt, Chapter XIV. Lessons and Recommendations. Summary United Nations Mission.

theoretical advantages it gave a hostile force. It would have been possible for an attacking party to come as physically close to their targets as they pleased without a response from a UN patrol. For this reason it remained feasible for Congolese tribesmen armed with bows and arrows, spears and clubs to overwhelm the Irish patrol. General McKeown has also failed to state the theoretical significance of the 'no first use of force' doctrine. Rather than attempt to defend the credibility of the patrol, he has simply reiterated the inaccurate consensus. He has written 'what did happen in Niemba… we were duly brought to task by our betters in Sunday newspaper articles and elsewhere about the lack of training our troops had in bush warfare before sending them to the Congo.'[94] This comment is useful because it accurately states that the consensus emerged from journalists, who knew nothing about the army or peacekeeping, and who also failed to investigate the event. Duggan devoted a small number of sentences to the incident, offered no analysis and has simply written about the most obvious facts surrounding the ambush.[95] RSM Dixon stated that Irish soldiers received extensive ambush training.[96] However Corporal Bradley reiterated the 'no first use of force' disadvantage allowed the tribesmen to overwhelm the Niemba patrol before the soldiers could react and Colonel Declan O'Carroll concurred that 'if the men were taken by surprise; if that happens in any situation it doesn't matter what weapons or training you have – you have lost the initiative and are at a disadvantage immediately.'[97]

No academics or journalists have thought to examine how Belgian paramilitary units, the gendarmerie, not under a 'no first use of force' doctrine performed against Balubas in combat. The gendarmerie are described by the 33rd battalion as a 'fearsome looking lot… all had bushy beards and the floppy hats used to shade the sun from their eyes gave them a real wild west look. They were armed to the teeth.' One could describe the policy of the gendarmerie as 'sweep and clear'; if an attack occurred against Belgians in the area then the response of the gendarmerie involved entering the nearest Baluba territory and eliminating any resistance. This often degenerated into killing adult males who did not flee. Interestingly, in one instance a ten man gendarmerie patrol engaged 'between five hundred and a thousand Balubas.' The patrol slaughtered a number and forced the remainder to flee.[98] However the Balubas became more sophisticated in their organisation and attack strategies. Despite the gendarmeries' firepower and their ability to attack as they pleased, the Balubas gradually forced the gendarmerie out of rural areas until eventually the gendarmerie sought protection in defensive positions within towns.[99] The gendarmeries' automatic weapons and experience of bush warfare could not prevent this. Therefore if this happened to the gendarmerie it is not surprising that the Irish patrol at Niemba had nine of its eleven men killed in the ambush.

An Irish Demand for Reprisals?
The contemporary press speculated that Irish soldiers planned a reprisal. Lieutenant Colonel Richard Bunworth told a reporter 'no one need have any fears about them.' He stated disciplined men 'will do what they are told.' It has also been alleged that a senior officer in the 33rd

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94 McKeown, Op cit. pp. 43-47.
95 Duggan, (Dublin, 1991), p. 252.
96 RSM Harry Dixon. Interviewed 16 February 2009.
97 Corporal Michael Bradley. Interviewed 16 October 2008. One could even argue that since the crux of the engagement between the Irish patrol and the Balubas occurred on a dirt track this made bush warfare training irrelevant. Colonel Declan O'Carroll. Interviewed 27 October 2008.
98 MA, 33 Inf Batt, pp. 24-26.
99 MA, 33 Inf Batt, 'Equipment', 'Mounting a Browning.'

battalion warned his men not to retaliate.[100] The story of the ambush and the response amongst Irish soldiers has been completely tabloidised in a most inaccurate television documentary broadcast by RTE Factual.[101] It explicitly claimed the average soldier wanted reprisals against Balubas and implied officers confined troops to barracks to prevent this happening. Even otherwise commendable academic works contain this falsehood. Unfortunately a senior Irish officer has contributed to the lack of knowledge surrounding the event. Colonel Doyle claimed the troops in the sector had been confined to barracks by Commander Scomep, an officer from a foreign contingent, and that Ethiopian soldiers carried out most of the search.[102] The truth is that the first Irish search party, led by Lieutenant Enright, discovered 'large numbers of Congolese moving about in the close bush surrounding his position' and received orders to leave the area.[103] On 9 November battalion HQ dispatched a second search party consisting of 92 men led by Commandant Hogan.[104] Therefore almost every Irish soldier in the sector participated in the second search. The first opportunity for a reprisal came on 9 November when a patrol from B Company met a Baluba war party being carried in two lorries along the road. Believing there existed a major engagement the Balubas told them they wanted 'to join the fight at Niemba.' The soldiers told them what happened and they appeared 'confused and disappointed' and the tribesmen returned to their area.[105] A second opportunity for a reprisal occurred when an Irish unit moved into Niemba railway station. One hundred Balubas occupied the station and refused an Irish request to leave. Commandant Hogan decided to 'clear the railway station' and discussed plans with Commandant McMahon. Then Lieutenant Enright handed him a radio message from Commander Scomep ordering:

1. Act in accordance with UN Directive – No reprisals.
2. Recover bodies and identify.

Irish officers abandoned the planning of the operation to take the railway station.[106] One must state clearly the officers did not plan a reprisal. To conduct an effective search, or to receive reinforcements, securing the station was a sound military objective. Perhaps Commander Scomep sent the message over concerns that Baluba fatalities inflicted during the operation to take the station would appear as a reprisal. In November 1960 UN peacekeeping contingency planning had not been developed and it took several months until clarification existed regarding the use of force to achieve an objective (Security Council resolution taken on 21 February 1961). Irish troops withdrew from the station and set up a defensive position protected with 'grenade booby traps' in which 'Lieutenant Enright displayed a courage and resourcefulness deserving of the highest praise.'[107] However that night at one army camp, a soldier woke up, grabbed his rifle and saw a figure moving in the vegetation. He fired a number of shots and hit a fellow soldier named Private Davis who subsequently died of his injuries. An investigation exonerated the soldier on the grounds that 'in view of the dangerous situation the men were right in opening fire on the movement which they observed.'[108]

100 Irish Times, 11 Nov. 1960
101 'War Stories: Part One', RTE One, Broadcast date: 28 March 2008.
102 Colonel Doyle, interviewed in Katsumi Ishizuka, Ireland and International Peacekeeping Operations 1960-2000, A Study of Irish Motivation, (London, 2004), p. 59.
103 MA, 33 Inf Batt, Chapter 5, Niemba, Section 183.
104 Ibid, Section 183-185. (92 men; 71 soldiers and 21 of a forward command HQ).
105 MA, 33 Inf Batt, Chapter 5, Niemba, Section 187.
106 Ibid, Section 183-185.
107 Ibid, Section 186.
108 Ibid, Section 192.

The third opportunity and perhaps the most justifiable, or at least understandable, occurred on 10 November. An Irish patrol under the command of Lieutenant Condron set out for a staggering round trip of 360kms. His patrol came across a truck loaded with ten Balubas suffering from gunshot wounds. These men had been involved in the Niemba ambush against the Irish patrol. They gave an account of the ambush from their perspective and claimed the Irish attacked the Balubas. Perhaps the frightened Balubas made this claim in an attempt to prevent any action being taken against them. They informed the soldiers they intended to drive to the nearest hospital and the patrol allowed them to proceed.[109] Therefore when Irish soldiers came into contact with injured members of the ambush party they responded in a humanitarian manner. The fourth opportunity for a reprisal, and the one that could have been labelled as legitimate offensive action, occurred on 11 November thirty miles outside of Niemba. An Irish unit found itself confronted by a small party of Balubas who demanded Irish permission to pass. The Irish patrol de-escalated the situation, disarmed the tribesmen and the patrol passed through without incident.[110] Although the 33rd battalion's report did not state this, the incident clearly demonstrated the remarkable level of discipline and integrity of the soldiers. Rather than choose offensive action the patrol bravely chose to negotiate.

On 11 November Colonel Byrne flew to Manono to interview Shebani, the Baluba leader who claimed the Irish patrol opened fire first. He refused Colonel Byrne's request to punish the responsible Balubas and locate the body of Private Browne.[111] Army files are limited in relation to what happened next. However at some point the Irish launched 'Operation Shamrock.' This involved an Irish unit, under the command of Commandant Pearse OC of B Company, arresting injured Balubas from hospital.[112] Using information extracted from these tribesmen, and information given to future Irish contingents, two years later they found the location of Private Browne's body.[113] On 14 November Baluba tribesmen killed 33 African mine workers.[114] Throughout November 1960 the situation deteriorated to the extent that civilians (Belgian and Congolese minority tribes) fled to the nearest town Albertville. However by 22 November civilians evacuated and the Irish contingent drew up defensive plans to withstand a major Baluba assault.[115] Despite the rapidly deteriorating situation, the 33rd battalion continued with its de-escalation policy if confronted by Balubas. One report in relation to an Irish patrol on train guard duty which had been confronted by a war party noted 'any discharge of weapons by my men would have led to a massacre of tribesmen and also some loss to ourselves. The control and leadership displayed by the Platoon Commanders prevented this.'[116]

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109 MA, 33 Inf Batt, Chapter 5, Niemba, Section 193.
110 Ibid, Section 194.
111 Ibid, Section 197. Eight of the nine dead soldiers' remains had been discovered in the early searches.
112 MA, 33 Inf Batt, Chapter 6, Section 207.
113 MA, 33 Inf Batt, Chapter 5, Niemba, Section 203.
114 Irish Times, 17 Nov. 1960.
115 MA, 33 Inf Batt, Chapter 6, Section 204.
116 Ibid, Section 205.

Conclusion

Many events in Irish military history have lost their factual basis and descended into mythology. It is not enough to rethink the consensus of the Niemba ambush - one must reject it outright. Assertions made in 1960 have never been scrutinised against primary evidence. Niemba demonstrates the caution which one must use when utilising secondary literature or misinformed interviewees as factual evidence. The brave men who died at Niemba did not do so because of incompetence, weaponry, vehicles, radios or indiscipline; they died because of the UN's 'no first use of force' doctrine and extreme dispersal policy as a result of limited manpower. If one can charge anyone with incompetence over the event then one should lay it upon the academics, journalists, and military personnel who have either created or sustained the false consensus.

How Helpful is the Concept of Total War?

Comdt Ian Byrne DSM

Introduction

> *'No one starts a war – or rather, no one in his senses ought to do so –*
> *without first being clear in his mind what he intends to achieve by that*
> *war and how he intends to conduct it.'*
>
> <div align="right">von Clausewitz, C.[1]</div>

The concept of 'absolute war' as a theory was founded and underpinned within the reality of Napoleonic warfare. Regardless of theoretical propositions Clausewitz acknowledges that other types of war may develop to challenge our theory against new realities. As such 'we must be prepared to develop our concept of war as it ought to be fought, not on the basis of its pure definition.'[2] War results from the prevailing conditions factored by human nature, as was the case 'when war assumed its absolute state under Bonaparte.'[3] This reality existed in a war between contending states or nations, one that was open and declared, and one that became a contractual relationship lasting until either a declaration of victory or a resignation in defeat. The concept of war itself has changed with time and it can now adopt an asymmetric nature, open-ended with both inter and intra, state and non-state actors. Depending on the political context it can be assigned any term along a continuum from the Middle East Conflict to the Global War on Terror, but regardless of the term, Jomini forebodes that 'there are natural limits' which 'cannot be passed without incurring great disaster.'[4]

Once the war begins, the natural limits and the roles of any form of philosophical or social morality will be tested. Clausewitz refers to the fallacy of kind-hearted people who would like to think that war might be resolved without bloodshed[5] but most would presume that morality can easily be discarded by its very nature. Svechin, as a fellow neorealist, sees war as a chaotic jumble of events but he asserts that strategic thought must defer towards a conclusion. This 'strategic thinking begins when one in the course of military operations begins to see a certain path that must be travelled in order to achieve the goals of war',[6] whatever these goals may be or wherever the limits of force may end. 'If one side uses force without compunction, undeterred by the bloodshed it involves, while the other side refrains, the first will gain the upper hand.'[7] The sentiments of General Philip Sheridan to Otto von Bismarck after the Battle of Sedan in 1870 that the infliction of as many telling blows as possible 'causing the inhabitants so much suffering that they must long for peace'[8] leads inevitably to a Newtonian style war of reactions. This contest in the level of force where 'each will drive its opponent towards extremes'[9] ensures that any attempt 'to introduce a principle of moderation into the

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1 von Clausewitz, C., (1976) *On War*, Oxford University Press, New York, p. 223.
2 Ibid, p. 225.
3 Ibid.
4 De Jomini, Baron A.H., (1992) *The Art of War*, Greenhill Books, London, p. 22.
5 von Clausewitz, Op cit, p. 15.
6 Svechin, A.A. (2004) *Strategy*, 4th edn. East View Information Services, USA, p. 239.
7 von Clausewitz, Op cit, p. 14.
8 Strachan, H. 'Essay and Reflection: On Total War and Modern War', *The International History Review*, Vol.xxii, No.2, June 2002, p. 341.
9 von Clausewitz, Op cit, p. 14.

theory of war itself would always lead to logical absurdity.'[10] War will involve both the threat of, and the physicality of death and it is through the development of the most effective means in the use of force that death in war can be amplified. This remains central to the existential idea of war. In the current environment 'the pivot of total war has become less the conduct of war and more its cultural and political baggage'[11] and it is this ethical and political emphasis on morality and proportionality that can alter the degree of totality. The contemporary idea of a war without limits subscribes to this study of 'total war' and in particular its potential extremes.

If 'on the most general grounds the conception of limited war surely remains relevant – indeed, imperative',[12] then it must follow that the concept of total war certainly deserves some enquiry, not least to determine its utility. There have been many wars over the last few centuries, with most considered as total when perceived through the epistemological lens of nationalism, genocide, holocaust or world wars. The realist will see war as inevitable and one that cannot be entered into without accepting the zero-sum phenomenon. This acceptance was easier in the days of Clausewitz where the nature of war was more easily understood and the involvement of the military was confined to a limited spectrum of operations – usually offence or defence. The liberalist will always attempt to see the just cause but this becomes difficult in today's operations where the military are not involved only in war-fighting, where the use of force is applied outside the context of battle, and when democracy is something a country fights for with a non-state actor. Each of these challenges highlight that 'the New World has not been charged with instructing the Old in ways of making war but with rescuing it from the consequences',[13] potentially a total war for either or both sides involved in conflict.

It is worth noting that the U.S. has been involved in more wars than Germany, and the U.K. in more than both put together, all of which impacted on the international system. Many civil wars have taken place with a varying and increasing degree of totality. The Romans murdered three-quarters of the people of Carthage after a three-year siege and in 1648 at the conclusion of the Thirty Year War the German population had reduced from 21 million in 1618 to a mere 13 million.[14] The Second World War is considered a total war since it involved almost the entire Northern Hemisphere with casualties in the order of 53.5 million. Rwanda experienced a total war to the degree that an entire country imploded as a result of mass genocide involving over half a million inhabitants. These demonstrate that in one form or another the world has already experienced degrees of total war and it is not necessary that the entire world must be involved. 'The actuality or the threat of war was by far the most important influence on international relations in the twentieth century.'[15] Two total wars in the first half of the century, the threat of one in the second half and many regional conflicts striving towards totality continually shape our society and impact on our geopolitical framework. The concept of total war thus certainly remains relevant. Jeremy Black states that in examining the definition and use of the phrase 'it is profitable to consider the idea that, even if the concept is helpful, 1860-1945 is not the most appropriate period for discerning'[16] whether total war is a realistic explanation. In agreement

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10 Ibid.
11 Strachan, Op cit., p. 342.
12 Osgood, R.E. (1994) 'The Reappraisal of Limited War', in Freedman, L. (ed.), *War*, Oxford University Press, p. 350.
13 Strachan, Op cit., p. 342.
14 Markusen, E. and Kopf, D. (1995) *The Holocaust and Strategic Bombing*, Westview Press, Oxford, pp. 22-24.
15 Gray, C.S. (2007) *War, Peace and International Relations*, Oxon, Routledge, p. 124.
16 Black, J. (2006) *The Age of Total War 1860-1945*, Praeger Security International, London, p. 153.

with the principle but not the intent this essay examines the concept of total war to include the many degrees of totality since its origin, both overt and threatened.

Understanding 'Total War'

'No longer can areas exist in which life can be lived in safety and tranquillity, or can the battlefield any longer be limited to actual combatants.'[17] The precursor for this idea of total war is the absolute war introduced by Clausewitz and to question the helpfulness of Clausewitzian theory would be short of academic suicide! In the seventeenth century during the times of Gustavus Adolphus a great number of men were sent into battle. The strategy was one of attrition and the 'resources were such as to prolong war, on a number of different fronts, but not to bring it to a decisive and complete victory.'[18] From the nineteenth century in America a shift in policy 'toward confiscation and emancipation'[19] saw war develop into a military and political process and 'most military historians acknowledge that the modern concept of "total war" had its dress rehearsal in the American Civil War' with 'the destruction of civilian morale.'[20] In the twentieth century, what distinguished the paradigm of total war as seen in World War II 'was the very enormity of its scope and impact.'[21] In the twenty-first century war has now morphed to the extent that '[t]here will be no distinction any longer between soldiers and civilians.'[22]

The terms total war and absolute war are often used as synonyms but fundamentally the attainment of absolute war is influenced by Clausewitz's paradoxical trinity where the relationship between war, politics and society conflict. This trinity forms the heart of what total war is about. It comprises primordial violence, hatred and enmity represented by the people, the play of chance and probability by the military, and finally the subordination to policy by the Government.[23] In 1918 Leon Daudet wrote a book entitled *La Guerre Totale* inspired by another French author Alphonse Seche. Seche refers to an era of total war beginning in 1793 with the *levee en masse* and ending where all means at the disposal of the economy should be controlled by the State and devoted to the war effort. He writes 'the absolute communion of the nation, its total collaboration in the struggle – are these not an excuse for the brutality of enemy troops toward the civilian population?'[24]

Also in 1918 the man largely credited with the development of the total war paradigm, General Erich Ludendorff wrote concerning the First World War 'what made this war different from all others was the manner in which the home populations supported and reinforced their armed forces with all the resources at their disposal.'[25] The participants in war merged such that 'the army and people were one.'[26] Ludendorff's first theory replicates the theory of Clausewitz using the assumptions that total war:

17 Douhet, G., in Hawkins, W.R., 'Imposing Peace: Total vs. Limited wars, and the Need to put Boots on the Ground', *Parameters*, Vol.xxx, No.2, Summer 2000, p.72.
18 Freedman, L. and Holden Reid, B., 'Total War and the Great Powers', in Freedman, Op cit, p. 245.
19 Sutherland, D.E., 'Abraham Lincoln, John Pope, and the Origins of Total War', *The Journal of Military History*, Vol.56, No.4, October 1992, p. 568.
20 Sutherland, Op cit, p. 567.
21 Chickering, R. and Forster, S., 'Are We There Yet? World War II and the Theory of Total War', in Chickering, R., Forster, S., and Greiner, B., (eds.), (2005), *A World at Total War*, Cambridge University Press, p. 1.
22 Douhet, Op cit, p. 72.
23 von Clausewitz, Op cit, pp. 30-31.
24 Markusen and Kopf, Op cit, p. 36.
25 Ludendorff, Gen E., in Gray, C.S. (1999) *Modern Strategy*, Oxford University Press, p. 188.
26 Ibid.

'included the necessity of extending the fighting to the entire territory of the enemy, rather than confining it to the battlefield; the need to involve the whole population in the war effort; the value of propaganda; and, the importance of a strong central authority.'[27]

Ludendorff later provided a murky picture of war with his belief that total war would be short and would be total in two respects. 'All available resources of the nation were to be mobilized completely at the beginning of the conflict and they were to be exploited ruthlessly to the single end of military success.'[28] This theory resulted from the inability to gain substantially more troops on the eastern front in 1914 and recognition that the war of attrition could no longer be sustained. This paved the way and the 'most dramatic and traumatic reorganization for "total war" occurred in Germany , with the Hindenburg programme of 1916-17.'[29] By then Ludendorff's belief that 'total political and moral unity of the populace was the necessary prerequisite of total war,'[30] led to his second theory. He desired 'total unity among the leadership, army and people',[31] reflecting both his own and Clausewitz's acknowledgement of the trinity. In 1942 Joseph Goebbels undertook a total war concept and convinced Hitler of its merit. In 1943 at an infamous Sports Palace speech, with the banner of "Total War – The Shortest War," he proclaimed that 'the German people stood in political and moral solidarity' and that 'the Fuhrer, the people and the army were united in their resolve.'[32] It was from here that 'Hitler and his associates pushed war to new extremes.'[33]

The key facet of the contemporary concept of a total war as distinct from other types of warfare involves the relational intersection between soldiers and civilians as acceptable targets. Civilians are now involved in the war effort just as much as frontline soldiers. 'War is the supreme challenge to, and test of a country's military institutions, and, in a war of any size, a challenge to its social, political and economic institutions as well.'[34] There are four fundamentals that support this facet. The end is a *total war aim* with the final result of unconditional surrender and subjugation in defeat. This aim, insufficient on its own without at least one of the other three fundamentals, can be achieved through the use of *total methods* with no adherence to the internationally accepted legal or standard moral frameworks. Victory will be achieved through a *total mobilisation* of resources directed for the purpose of warfare. This is supported through *total control* from a centralised leadership where the political context focuses its entire effort to that effect.[35] Suffice to say the combination of all these into one single event has not yet occurred but the progressive nature in each of these fundamentals displays a tendency towards, and the potential for total war.

27 Markusen and Kopf, Op cit, p. 36.

28 Kutz, M., 'Fantasy, Reality and Modes of Perception in Ludendorff's and Goebbel's Concepts of "Total War"', in Chickering, Forster and Greiner, Op cit, p. 191.

29 Gray, (1999), Op cit, p. 188.

30 Kutz, Op cit, p. 192.

31 Ibid.

32 Ibid., p. 200.

33 Baumann, R. and Hellman, G., 'Germany and the Use of Military Force: "Total War," the "Culture of Restraint" and the Quest for Normality', *German Politics*, Vol.10, No.1, April 2001, p. 61.

34 Marwick, A. (1970), *Britain in the Century of Total War*, Penguin Books Ltd, England, p. 12.

35 Forster, S. and Gessler, M., 'The Ultimate Horror', in Chickering, Forster and Greiner, Op cit, p. 56.

Total Methods

The theory of an ideal war was devised in the understanding of a certain reality but theory and reality seldom converge. 'War raises many questions for which law has no answers'[36] and total war or a tendency to such raises even more. It is arguable that a total war aim need not be considered as the sole end-state, but within the philosophy of total war the ways of achieving it can in reality be no less total, regardless of whether the totality of its end-state is attained or not. A total war for one may not be a total war for another, but the use of total methods and the lack of any restraint in and adherence to internationally accepted legal and standard moral frameworks implies a journey towards total war. This journey creates a connection between total war and genocide. This connection, 'on which there is a wide consensus in the scholarly community is the tendency for war to create social and psychological conditions conducive to the outbreak of genocide and genocidal killing.'[37] Many nations have attempted to achieve, deliberately or otherwise, the ideal of total war but many more nations or races have been more decisive in perpetrating the 'ideal' genocide. Historical practice has proven the totality of both ideals to be illusive because of various international circumstances 'hence neither total war nor absolute genocide has ever occurred.'[38] It is clear however that this is in the eye of the beholder and victims of the Cromwellian Campaign in Ireland, Napoleonic War, World War I, Armenia, World War II, Korea and Rwanda might offer alternative evidence.

The ethic of total war facilitates the destruction of the enemy society, combatants and non-combatants. 'International warfare, whether between "tribal" groups or city states, or other sovereign states or nations, has been a perennial source of genocide.'[39] This does not mean that the two must necessarily be related. Forster and Gessler outline two distinct phenomena. They claim that the Iran–Iraq War displayed several elements of total warfare with little tendency towards genocide, and yet the example of Rwanda provided this generation with the most horrific war crimes imaginable but did not approximate the definition of total war.[40] This philosophy presumes that of Ludendorff where in the nineteenth century 'the demand for unconditional surrender during the Civil War' along with 'calls for the complete subjugation of the French'[41] and the readiness of the belligerents to use terror to win showed a certain obvious intent. The twenty-first century however has developed into a modern age of consciousness where war and genocide can be viewed with the clarity of much hindsight, and where total war may not be as distinct from genocide as Ludendorff may have deduced. For example, the English policy of imperialism and military invasions resulted in many forms of external genocide against a foreign people, whereas the civil war in Rwanda created internal genocide with the systematic murder by the Hutu extremists of members of the Tutsi minority and the moderates of the Hutu majority in 1994. The Jewish Holocaust, which requires no elaboration, was a genocide that occurred within the context of World War II. Seven thousand five hundred Bosnian Muslims were slaughtered in Srebrenica alone during the Balkan conflict. These highlight the fact that the link between a total war philosophy and genocide has without doubt become inextricable.

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36 Warnke, P.C., 'Vietnam and Nuremburg', in Freedman, L, Op cit, p. 184.
37 Markusen and Kopf, Op cit, p. 64.
38 Forster and Gessler, Op cit, p. 58.
39 Markusen and Kopf, Op cit, p. 64.
40 Forster and Gessler, Op cit, p. 59.
41 Ibid.

Total war is generated from military conflicts involving non-combatants while civil war involves an indigenous military conflict for survival. Both inherently attack the civilian pattern of life and result in victims who play no role in the conduct of warfare. Genocide, while immediately associated with racism, has been embedded in warfare for generations and uses every resource at its disposal to prosecute atrocities, also against innocent non-combatants. Thus a total war philosophy no longer requires the justness and ethics of symmetry. In consideration of the modern context where the symmetry of war gains most publicity it is the balance between one method over another that attains most interest and focuses most planning. It is fair to say that a total war originally would have been synonymous with two equally opposing forces engaging in a symmetrical battle, with one eventually overwhelming the other to such an extent and using such methods that unconditional surrender becomes the preference over total annihilation. It is also fair to suggest that genocide is conducted by a stronger force against a weaker element and in a form closer to an asymmetric nature. The modern paradigm of conflict is accepted to be one engaged with people who do not wear uniforms, who are not clearly distinguishable, and as such it has become truly asymmetrical. Therefore genocide has greater linkages to the asymmetric modern battlefield of today than the symmetric outdated Clausewitzian ideal, but the totality of the outcome is no less significant. It is pertinent that genocide is 'inherent in the logic of total war in practice as well as theory; it represent[s] one potential outcome of the quest for total war.'[42] The idea of annihilation with the intent to reduce a population's ability to wage war or retaliate with an associated reduction in the 'ethical' standards of war over the generations brings today's reality of genocide even closer to the ideal of total war.

Total Mobilisation

Machiavelli introduced economics into the study of war 'in order to enlarge the field of human planning' while 'Vauban had opened up to military men the resources of natural science and technology.'[43] The most noteworthy contributions to war during this developmental era concern manpower and its replacement of citizen armies with professional ones. Along with the cessation of siegecraft in favour of an aggressive, mobile and combative strategy 'they revolutionized warfare, replacing the "limited" war of the Old Regime with the "unlimited" war of subsequent times.'[44] Alexander Hamilton the economist wrote in 1787 that 'safety from external danger is "the most powerful director of national conduct"; even liberty, if necessary, must give way to the dictates of security.'[45] The limited war fought with limited means for limited objectives was enhanced through Frederick the Great's destructive pursuit of the enemy, to Napoleon's *levee en masse*, to the Industrial Revolution – and it is still evolving with every new revolution in military affairs. 'In a total war, more than any other type of conflict, victory is dependent on the scale of resources that can be mobilized.'[46] Frederich List's principle that 'the greater the productive power, the greater the strength of the nation'[47] still holds true today but ultimately as shown in many conflicts since, it is the willingness of one country to commit more resources to achieve the war aim that makes the difference.

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42 Ibid, p. 68.
43 Palmer, R.R., 'From Dynastic to National War', in Paret, P. (ed.) (1986) *Makers of Modern Strategy from Machiavelli to the Nuclear Age*, Princeton University Press, New Jersey, p. 91.
44 Ibid.
45 Mead Earle, E., 'The Economic Foundations of Military Power', in Paret, Op cit, p. 217.
46 Broadbery, S. and Howlett, P., 'Blood, Sweat, and Tears', in Chickering, Forster and Greiner, Op cit, p. 157.
47 Mead Earle, Op cit, p. 248.

Thus a total war aim must direct total resources. A chronology of technical innovations from gunpowder to ballistic missilery shows the exponential course of potential mobilisation. 'Military-technical enthusiasm is most appropriate when it is tied to some dominant weapon, or "leading-edge" theory of strategy'[48] and this remains the case. The drivers of technologies are no longer the military but ironically the civilian industrialists who project themselves further into the total war theatre by their very actions. They now have the potential to become in themselves both the source and the target of warfare. The distinction between Clausewitz's army and the people is becoming more vague as the progression of mobilisation in previous conflicts showed 'the army itself became quite literally "the Nation in Arms," and the longer the war lasted the more this became the case.'[49]

If a total war aim is conceived as the end, and if the end justifies the means, then nothing less than total mobilisation through the use of every resource directed for the purpose of warfare is essential. Although 'any system subject to its rigors for any length of time [is] likely to collapse from physical and psychic stress'[50] Moltke was aware of the implications of total economics in war. By the end of the nineteenth century he realised the necessity for total mobilisation and its effects, for 'nationalism had intensified its emotions; industrialization had exacerbated its destructiveness.'[51] The central elements of total mobilisation align themselves to those of industrial war: mass, industry and force as core concepts of progress and organisation.[52] Technologies have been available in every case since the French Revolution but William Cohen, former U.S. Secretary of Defence illustrates that in each case it was the victor who 'transformed the essential elements of its armed forces in such a manner as to achieve a dominant and decisive advantage in warfare.'[53] As progress develops greater capacity for lethality with larger profit margins for the manufacturers it follows that the limit on lethality is entirely dependent on mass, industry and force. If nation states continue to commit capital resources towards military force then the concept that capitalism promotes peace depends on these factors of production, and the greatest limitation has proven to be that of the labour force. They must be integrated into total mobilisation since people cannot simultaneously fight as soldiers while maintaining the industrial base to supporting the war effort. This was proven by Great Britain who fought a total war during World War II through 'macroeconomic management and microeconomic controls',[54] which proved a success in so far as victory was concerned.

If the modern availability of destructive weapons were available during previous conflicts, the ideal of totality would surely have been ever closer. The use of gas alone by the Nazis in their Jewish genocide during World War II was perfected for the sole purpose to increase the kill rate and it was so successful that the disposal of the remains became the limiting factor. Concerning the Second World War it was written that 'the conscious abandonment of most if not all restraints was paralleled by the wider war aims adopted by belligerents in total war',[55]

48 Gray (1999) Op cit, p. 204.
49 Howard, M., 'Some Concluding Reflections', in Chickering, Forster and Greiner, Op cit, p. 378.
50 Showalter, D.E. 'Total War for Limited Objectives', in Kennedy, P. (ed.) (1991) *Grand Strategies in War and Peace,* Yale University Press, London, p. 110.
51 Ibid.
52 Smith, R. (2006) *The Utility of Force*, Penguin Books, London, p. 105.
53 Cohen, W.S. in Gray, (1999) Op cit, p. 201.
54 Broadbery and Howlett, Op cit, p. 163.
55 Beckett, I.F.W. 'The Emergence of Total War', in Freedman, Op cit, p. 259.

and the greater push to sustain the total war aim involves a manipulation of all resources to that effect. The sheer prosperity of this age is proof of its preparedness for war.[56] This has been our history and it is said that history can repeat itself!

Total Control

Total control involves a centralised leadership focusing its entire effort on the war and 'as a result, war will be driven further from its natural course' and 'the political object will be more and more at variance with the aim of ideal war.'[57] The introduction of nuclear weapons into World War II was entirely a political decision and was rationalised as a means to end the war. So far it has been the only time that such a weapon has been used in conflict, but the threat of nuclear weapons has been enough in recent times to restart other wars. Nuclear power was initially conceived as effective for smaller tactical assets but the 'unlimited' potential devastation of nuclear missiles and bombs, and the nuclear means to transport them elevated the technology to the strategic decision-making process. The advent of the atomic bomb within this development 'if not a master narrative leading inevitably to total war, has taken us to the brink and allowed us to see into the abyss of the unthinkable, our self-destruction.'[58] This self-destruction is not only achievable through nuclear weapons but also through any one of the elements of the concept of total war. Primarily it has been governments that choose to go to war and those 'countries armed with conventional weapons go to war knowing that even in defeat their suffering will be limited. Calculations about nuclear war are differently made.'[59] This affects not only nation states but also the non-state actors in today's conflict environments post 9/11. The decision to use nuclear weapons rests not only with the polity but currently perhaps with rogue states and state sponsored terrorists. In this event Clausewitz was foreboding as 'if the state is thought of as a person, and policy as the product of its brain, then among the contingencies for which the state must be prepared is a war in which every element calls for policy to be eclipsed by violence.'[60] This is even truer where the brain rests within non-state actors and not simply as a metaphor for a democratic state. In addition, 'when strategy is freed from effective political control, it becomes mindless and heedless, and it is then that war assumes that absolute form that Clausewitz dreaded.'[61]

No large-scale war has been fought by opposing symmetrical forces since the Second World War. Without deterrence and with the destructive weapons that exist today there may be no victory celebration. The engagement in a total war with nuclear capability would take only a matter of hours for the decisive blow to occur. Previous engagements in 'war lacked political utility, because its awful and self-sustaining dynamic ensured that rational objectives would be usurped in the course of its conduct' and as such they lasted longer.[62] The Cold War relied on the avoidance of engagement, however this avoidance itself was not often far from engagement. If speculations of total control, or indeed the lack of it, have any validity, 'they show that it will not be easy to keep a "controlled general war" from getting out of hand.'[63] Fortunately the scale and effect has reduced in the post-Cold War era and politics remains

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56 Smith, Op cit, p. 107.
57 von Clausewitz, Op cit, p. 29.
58 Messer, R.L., 'Accidental Judgements, Casual Slaughters' in Chickering, Forster and Greiner, Op cit, p. 297
59 Waltz, K., 'Nuclear Weapons: More May Be Better', in Freedman, Op cit, p. 354.
60 von Clausewitz, Op cit, p. 30.
61 Craig, G.A. and Gilbert, F., 'Reflections on Strategy in the Present and Future', in Paret, Op cit, pp. 865-866.
62 Strachan, Op cit, p. 359.
63 Sallager, F.M. (1969) *The Road to Total War,* Van Nostrand Reinhold Ltd, Canada, p. 177.

the key to a move away from total war scenarios. These scenarios do not require opposing forces analysis, estimates of mobilisation or any of the trappings of conventional war. 'The number of one's cities that can be severely damaged is at least equal to the number of strategic warheads an adversary can deliver',[64] it just depends on who strikes first and where. It is hoped that Bernard Brodie is correct and the 'traditional offensive strategies of annihilation must give way to those that sought to control and avoid their application.'[65]

Colin Gray states that a terrifyingly apt illustration of the merit in Clausewitz's twin focus on absolute and real war 'may be found in the practice of nuclear strategy.'[66] Nuclear states have the best motivation to prepare for war through self-preservation since any nuclear war will paradoxically be both limited and total. It will be limited in time and resources but total in result, supporting the view that totality in war can be attained in many ways. Although the presumption of justification rests with democratic states 'in practice…the ability of politico-military command to insist upon tight limitation of nuclear effort could be desperately fragile.'[67] This is evident in an interview by McGeorge Bundy, a former aide to the U.S. Secretary of War who pointed out that under the wartime doctrine of strategic bombing, Hiroshima and Nagasaki in fact were legitimate military targets, "in the same way that New York is a military target today."[68] This indicates not only the usefulness of the concept of total war but the reality of the political decision with regards to the morality of killing millions to save millions. 'The causes of war are manifold and complex, but the underlying roots are usually found in political, economic, territorial, or ideological competition'[69] and this is as certain to continue as is the philosophy of human nature. The end is supposed to justify the means but it depends on the end in sight and the leadership in power. 'Wars tend to become total as the price of victory rises and the quest for decision remains unsatisfied.'[70]

Conclusion

The practical application of a total war concept lies in the widening of ethical and legal acceptability using technology as its manifestation. This facilitates doubt on the morality of violence in contemporary circumstances specific to the realities of today's conflict. 'The perceived legitimacy of the mass-killing project, be it genocide or war, is a very important element in securing the cooperation of the ordinary citizens.'[71] They are required to build, decide on and implement the killing project. Today, it is the government who decide on war, the politicians who administer the government and the people who build the weapons. Colin Gray 'interprets modern strategic history by referring to the rise and fall of the theory and practice of total war' with two notable caveats. The first is that of a people's revolutionary war where the theoretical aspiration logically rests in a total war, and the second is a nuclear war with the ever-feared promise of totality.[72] War has developed over the centuries from being a large-scale effort into a total effort. Total war was so acceptable that it became, and could become again a policy of war, one to plan for rather than to avoid.

64 Waltz, Op cit, p. 354.
65 Hunt, B.D., 'The Outstanding Naval Strategic Writers of the Century', *Naval War College Review*, Vol.37, No.5, September-October 1984, p. 99.
66 Gray (1999) Op cit, p. 105.
67 Ibid.
68 Messer, Op cit, p. 299.
69 Pierre, A., 'The Impact of Arms Sales', in Freedman, Op cit, p. 353.
70 Gray (1999) Op cit, p. 157.
71 Markusen and Kopf, Op cit, p. 75.
72 Gray (1999) Op cit, p. 189.

Implications

'Modern technology may require some adjustment to another assumption of Clausewitz, namely that in time of both peace and war the responsible political leadership will usually be able to make all significant policy decisions.'[73] The decisions today impact on policy for the future. Situations must be pre-judged and preparations for any future total war are being made now in the context of future nuclear capability. In any case the involvement of civilians in warfare is inevitable and if the concept of total war remains one where either the entire state and its resources are engaged in the war effort, or whether it is the expansion of war to include civilians as legitimate targets, then the concept of total war is very much at the heart of contemporary conflicts.

The realisation of an inevitable totality has placed emphasis on degrees of deterrence but unfortunately the concurrent development of warfare from symmetric to asymmetric provided a further convergence between the reality and the ideal of total war. Furthermore, the asymmetric linkage to genocidal tendencies portrayed in recent times demonstrates the continuing relevance of total war where both are capable of thriving in any environment especially where a political totalitarianism exists. The world and its people have lived with both the threat of totality and of annihilation many times. The range of totality, actual or threatened, differs from World War I to Rwanda, and from World War II to the Cold War, but the threat always remains. Any civilian can be target, participant, or just hostage to fortune in today's warfare. Over a short time in our existence 'the ideological premise that war represented a struggle for survival thus released strategic and political actors from the constraints of rational analysis.'[74]

Reflection

'We should go to war only when it is worth going to certain death, as now',[75] a motto equally attributable to either Stalin or Hitler and although Clausewitz never used the term 'total war', his philosophy like Stalin and Hitler, emerged from his own reality. This reality supported no reason to cease a war unless uncompromising victory and unconditional surrender are accepted on both sides. Indeed Clausewitz was more interested in why wars did not become total! In today's environment with lessons provided from history and our realities from experiences the concern is surely the converse. Perhaps 'globalisation has eroded if not destroyed the Grotian "system of states" that provided the framework for Clausewitzian concepts' but that does not necessarily make them any less helpful. This concern also comes from the philosophy of human nature, not only that war is inevitable but also that the totality of war can be inevitable. The ideal of Clausewitz's absolute war was equally as idealistic as Ludendorff's total war except that several contemporary realities of history have almost turned the ideal into reality and concept into fact. The concept of total war cannot but be helpful in the complex and insecure environment we live in.

> *No fugitive, not even the manchild carried in a woman's belly!*
> *Let them all without distinction perish, Every last man of Ilion,*
> *Without a tear, without a trace!*[76]   - Homer

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73 Craig and Gilbert, Op cit, p. 864.
74 Kutz, Op cit, p. 206.
75 Tolstoy, L., in Chickering, Forster and Greiner, Op cit, p. 377.
76 Homer. (1992) *Iliad,* translated by Fitzgerald, R, Alfred Knopf, London, Book Six, Lines 13-74, p. 143.

Responsibility to Protect:
A Break with the Past or More of the Same?

Jenny Flynn

> "*One can hardly talk about Bosnia, Rwanda, Haiti or Somalia, or any cases of possible outside intervention, without recognizing from the very beginning that ethical dilemmas abound in the way we define our goals, our interests, and the means we use to pursue them.*"
>
> - Michael J. Smith, 1998[1]

The formulation of the principle of 'Responsibility to Protect' (R2P) in December of 2001 met with mixed reactions from the international community. Considered too radical by some and too conservative by others, R2P represented a watershed in the debate on humanitarian intervention. Optimists celebrated a step forward; crediting R2P with creating a new language with which to frame the discussion of state sovereignty, pessimists claimed indifference; believing that realpolitik concerns would continue to trump ethical or moral imperatives to intervene. Endorsed with unprecedented speed by the members of the United Nations (UN), the foundation for consensus on R2P was laid by the time the UN World Summit was adjourned in 2005.

Ireland's approach to the development of the R2P concept was set out in detail for the first time by Minister Peter Power, at the annual conference of the Royal Irish Academy Committee for International Affairs in Dublin in 2008. According to the Minister the doctrine represents "one of the most significant developments of international law to emerge in recent years." He went on to emphasise Ireland's embrace of its responsibilities under R2P as demonstrated by the creation of a Conflict Resolution Unit with the Irish Department of Foreign Affairs designed to "[contribute] to the R2P objective of assisting States develop their own capacity to protect their populations."[2] Laudable as the doctrine and the Irish approach may be, the question remains, however, to what extent does this new form of humanitarian intervention represent a break with the past? What follows in this brief paper is an examination of the ways in which R2P differs from that which has gone before. The conceptual change that R2P has brought about, the evolution from 'sovereignty as power' to 'sovereignty as responsibility' will first be assessed. Then the institutional and operational changes R2P has suggested will be examined; with a particular focus on the role of the UN Security Council (UNSC) and the practical changes between interventions past and present. Through the above it will be demonstrated that while R2P has created a new concept of sovereignty and a new legitimate criteria for humanitarian intervention, its lofty ideals and revolutionary practices have been curtailed, and in some cases rejected, by an inherently cautious international community.

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1 The author wishes to thank Dr John Doyle for his comments and Klara Droog for her assistance. Smith, M. J. (1998) 'Humanitarian Intervention: An Overview of the Ethical Issues', *Ethics and International Affairs,* 12(1), available: http://www3.interscience.wiley.com/cgi-bin/fulltext/119942918/PDFSTART [Accessed 18 Jan 2010]

2 Department of Foreign Affairs (2008) *Minister for Overseas Development, Mr. Peter Power T.D. stresses importance of the Responsibility to Protect doctrine,* Press Release 21 Nov, Dublin, available: http://www.foreignaffairs.gov.ie/home/index.aspx?id=75798 [Accessed 09 May 2010]

Sovereignty - A Conceptual Change?

The earliest definitions of sovereignty developed out of the Westphalian model of states. Serving the colonial ambitions of the strongest European countries, 'sovereignty as power' was applied at the expense of weak territories and unprotected populations. Early notions of sovereignty granted the right of intervention in the affairs of other states to those states capable of enforcing that right; privileging the capacities of the Great Powers above all else. Over the past three centuries, a seismic shift has occurred in the interpretation and application of this principle. With the American and French Revolutions the notion of sovereignty as 'popular', based on the right of the people to choose their own government, began to dominate. This theory remained at the centre of the decolonisation movement that followed World War II. According to Alex Bellamy; ."..states in the post-war era were obliged to demonstrate that they governed with the will of the people. Those which were patently unable to do so lost legitimacy and recognition."[3]

This notion of state sovereignty experienced a further refinement in the early 1990's. Although provisions were in place at that time to assist international refugees, internally displaced persons (IDPs) were left at the mercy of their national authorities; the principle of state sovereignty used by these authorities to prevent international aid from reaching those in need. In order to remedy this, the UN Special Representative on IDP's, Francis Deng, reformulated the concept of 'sovereignty as power' to 'sovereignty as responsibility.' This notion of the state as responsible for protecting the safety of its citizens and respecting their fundamental rights leads to the implication that states which fail to fulfil these sovereign responsibilities are therefore not entitled to "the full panoply of sovereign rights"[4]; namely the rights of territorial integrity and non-interference. In such cases, the responsibility to protect these citizens falls to the international community, which may, under the auspices of the UNSC, employ whatever means necessary to prevent a humanitarian crisis and protect those at risk. Expanded on by the 2001 International Commission on Intervention and State Sovereignty (ICISS), the definition of sovereignty as responsibility became the keystone of the principle of 'Responsibility to Protect' (R2P). Placing the focus on protection rather than intervention, 'sovereignty as responsibility' shifts the discussion away from the controversial 'right to intervene' by emphasising instead the 'responsibility to protect'; putting the individual at its core and looking at sovereignty from the perspective of its victims.

Clearly, the shift from 'power' to 'responsibility' is a significant break from previous notions of sovereignty. However, despite its good intentions, this conceptual change faces criticisms and challenges from the very regions it aims to assist. Condemned as a 'Western' ideal; it is accused of privileging the values of the global North and opening the door to breaches of the global South's territorial and ideological sovereignty. China opposes the R2P notion of 'sovereignty as responsibility' on the grounds that the responsibilities involved would be derived from "'self-interested' concepts of human rights and ideologies held by 'a few countries'."[5] The Cubans voiced a similar concern that sovereignty based on the fulfilment of responsibilities would constitute an attempt by the West to "forcibly impose certain ideological conceptions

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3   Bellamy, A. J. (2009) *Responsibility to Protect: The Global Effort to End Mass Atrocities,* Polity Press, Cambridge.
4   Ibid, p. 19.
5   As quoted in Bellamy, A. J. (2009) p. 26.

of human rights on a number of countries in the Third World."[6] Although many states, not least the two detailed above, use their sovereignty to legitimise gross human rights abuses within their borders, the concerns voiced by the Chinese and the Cubans are nonetheless not without merit. There is a body of literature that focuses on the gap between East and West in this regard and it has been noted that the human rights norms propounded by R2P do serve to legitimise and bolster more powerful Western states at the expense of non-Western ones.

A second element of this North-South debate is rooted in the fear that redefining sovereignty as responsibility would make it easier for powerful states to justify the invasion of weaker territories under the guise of some arbitrary humanitarian concern – in effect constituting a "contemporary revival of imperialism."[7] Those states born out of decolonisation, conscious of their historical experiences, are understandably reluctant to relinquish their right to territorial integrity and non-interference, whatever the circumstances.

Although R2P's definition of 'sovereignty as responsibility' does make a break with past understandings of the concept, it continues to draw the type of criticisms that have for decades plagued attempts to standardise and legitimise humanitarian interventions while accommodating the sovereign rights of the state. The question remains, therefore, as to whether or not a conceptual change can lead to any kind of substantive operational adjustments?

UNSC – An Institutional and Operational Change?

In light of the provisions of the UN Charter limiting the use of force between states, the difference between peacekeeping and intervention can thus essentially be boiled down to consent; that is the consent given by domestic authorities to allow a foreign force to enter its sovereign territory. Peacekeeping missions usually have it, humanitarian interventions usually do not. Legal scholars have dedicated time and energy analysing and reinterpreting (or distorting, depending on which view you take) the language of the UN Charter, in search of the illusive legal justification to intervene in situations of humanitarian crisis. Genuine humanitarian interventions have been defended on the grounds that they do not seek to gain territory or subvert the political independence of a state and therefore do not technically violate Article 2.4's provisions. That same article was also challenged on the basis that the defence of human rights is in fact not "inconsistent with the Purposes of the UN."[8] Article 39 faced a similar objection: because it refers to "the existence of any threat to the peace," and not any threat to *international* peace, it is argued that it therefore permits the UN to act to prevent or stop human rights violations within a sovereign state.[9] Of course these arguments face infinite legal rejoinders and are based on selective interpretations of the Charter's intended meaning; particularly problematic is Article 2.7 and its explicit statement that "*Nothing* contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state..."[10].

6 As quoted in Bellamy, A. J. (2009) p. 27

7 Welsh, J. M. (2004) 'Taking Consequences Seriously: Objections to Humanitarian Intervention', in Welsh, J. M., ed., *Humanitarian Intervention and International Relations*, New York: Oxford University Press, pp. 52-68.

8 United Nations (1945) *Charter of the United Nations (Art 2.4)*

9 Holzgrefe, J. L. (2003) 'The Humanitarian Intervention Debate', in Holzgrefe, J. L. And Keohane, R. O., eds., *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*, Cambridge University Press, p. 15.

10 United Nations (1945) *Charter of the United Nations* [Online], available: http://www.un.org/en/documents/charter/index.shtml [Accessed 05 May 2010] (Italics added)

The contentious nature of this debate is reflected in the reluctance of states to claim humanitarian aid as the primary purpose of any intervention taken in the past 50 years. During the cold war period, India justified its 1971 intervention in East Pakistan as self-defence; as did the Vietnamese in Cambodia in 1978 and the Tanzanians in Uganda in 1979. Where humanitarian abuses were invoked as a secondary reason, they were flatly rejected by the UN in all cases; the principle of sovereignty continuing to override humanitarian concerns in the minds of the Council members. America contributed to the residual post-war suspicion of intervention for humanitarian reasons by using these reasons to justify its involvement in the Dominican Republic in 1965, in Grenada in 1983 and in Panama in 1989 – interventions that were clearly primarily motivated by Cold War political concerns.[11] Furthermore, the vast majority of humanitarian interventions taken in the period from 1990 to 1999 were authorised by the UNSC as collective actions taken to address a threat to international peace and security under Chapter VII of the Charter (Kosovo being the most notable exception to this trend). According to Jennifer Welsh, one reading of this post-cold war reliance on Chapter VII resolutions affirms that states were at that time "still uncomfortable asserting that a human rights violation by a government against its own people is, in itself, a sufficient justification for the use of force."[12]

Of particular note in this period was UNSC Resolution 688 (1991). Condemning the Iraqi governments repression of the Kurds and Shiites during the first Gulf War, UNSCR 688 was the first Resolution recognising internal upheaval as presenting a threat to international peace and security. The British, French and American ground forces established a number of safe havens in the north of Iraq on the basis of this Resolution; their administration by the UN High Commission for Refugees (UNHCR), within the territory of Iraq, was considered groundbreaking in its navigation of the issue of territorial sovereignty.[13] However, even in this example, the case for intervention on humanitarian grounds was supplemented by the threat posed to international peace and security by the "massive flow of refugees towards and across international frontiers";[14] namely Iraq's northern border with Turkey.

The haphazard practice of humanitarian intervention that had come to characterise the 1990s ended with NATO's 1999 action in Kosovo and the subsequent birth of R2P. Managing situations that risked a Security Council veto on one hand and a potential genocide on the other required a formula that would address the institutional and operational elements of an intervention on humanitarian grounds. If it failed in this, the UN risked becoming irrelevant in the international system as regional organisations like NATO filled the gap created by UN hesitancy and indecision. Equally as pressing was the concern that the international community would lose their faith in the UN system – with horrors like the massacre at Srebrenica, the deaths in Somalia and the inaction in Rwanda staining the UN consciousness, a system needed to be implemented to recognise the Security Council's "moral duty to act

11 Weiss, T. G. and Hubert, D. (2001) *The Responsibility to Protect: Research, Bibliography, Background - Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty*, Ottawa: International Development Research Centre, available: http://www.idrc.ca/en/ev-9439-201-1-DO_TOPIC.html [Accessed 12 Jan 2010]
12 Welsh, J. M. (2004) p. 56.
13 Rosenblum, M. R. (2005) 'The Price of Indifference vs. The Price of Reform - The Price of Indifference: Refugees and Humanitarian Action in the New Century, Arthur Helton (Oxford University Press', *Human Rights Review,* 7(1), available: http://www.springerlink.com/content/7h169qyt06a5j1p2/fulltext.pdf [Accessed 16 Jan 2010]
14 Iraq (5 Apr), SC Res. 688, UN SCOR, 46th Sess., UN Doc. S/INF/47 (1991) 31, available: http://daccess-dss-ny.un.org/doc/RESOLOUTION/GEN/NR0/596/24/IMG/NR059624.pdf?OpenElement [Accessed 12 Jan 2010]

on behalf of the international community"[15] and to ensure that such tragedies would never be allowed to happen again.

A Break with the Past or More of the Same?
Following four years of intensive dialogue, R2P was endorsed by all 192 UN member states at the 2005 World Summit and was reaffirmed by the UNSC in a 2006 Resolution. However, the version of R2P outlined by the ICISS and the version embraced by the international community contain some significant institutional and operational differences. These disparities have significantly curtailed the effectiveness of R2P and have limited its potential to make a clean break from the intervention debates of the past.

The original ICISS report published in December 2001 explicitly recognises that "there is no better or more appropriate body than the UNSC to authorise military intervention for human protection purposes."[16] However, according to the report, if the UNSC fails to authorise action in cases of blatant humanitarian need, "concerned states may not rule out other means to meet the gravity and urgency of that situation,"[17] and if ad hoc coalitions or indeed individual states choose to take this path and act without Security Council authorisation it may have "enduringly serious consequences for the stature and credibility of the United Nations itself."[18] This broad, somewhat threatening, statement seems to suggest that UNSC authorisation, though desirable, is not absolutely necessary for an intervention to take place under R2P. This notion did not sit well with the Permanent-5 (P-5) members of the UN Security Council and though the World Summit Outcome Document of 2005 does endorse the R2P concept by claiming that states have the responsibility "in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity," it contains the condition that this action must happen "through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis."[19] As a consequence of this continued reliance on UNSC authorisation, R2P fails to remedy the problem of politicisation that permeates UNSC decisions and debates.

The sceptics claim that institutionalising a system for humanitarian intervention is nigh on impossible given the ability of any of the P-5 to change the rules of the game at any time and the role that geopolitical interests play in the decisions of the Security Council. Kofi Annan himself stated that the hesitation to intervene in Rwanda in 1994 stemmed from UN members reluctance "to pay the human and other costs of intervention, and by doubts that the use of force would be successful," rather than from "concerns about sovereignty."[20] In an effort to remove obstacles to intervention, such as those raised by the Russians and Chinese in relation to Kosovo in 1999 and those of the US in relation to Rwanda in 1994, attempts were made to institutionalise the belief that "one veto should not override the rest of humanity."[21] R2P recommended a code of conduct for the P - 5; a policy of 'constructive abstention' in order

15 Annan, K. (2000) *Millennium Report of the Secretary-General of the United Nations,* United Nations, New York.
16 International Commission on Intervention and State Sovereignty (2001) p. XII.
17 International Commission on Intervention and State Sovereignty (2001) p. XIII.
18 International Commission on Intervention and State Sovereignty (2001) p. 55.
19 2005 World Summit Outcome, GA Res. 60/1, UN GAOR, 60th Sess., Supp. 49, UN Doc. A/60/49 (2005) 3, available: http://daccess-dss-ny.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement [Accessed 11 Jan 2010]
20 Annan, K. (1999) *Report of the Secretary-General on the Work of the Organisation,* Supplement No. 1 (A/54/1), available: http://www.un.org/Docs/SG/Report99/toc.htm[Accessed 16 Jan 2010]
21 United Nations University (2000) Public Lecture: *Kosovo and the Challenge of Humanitarian Intervention by Thakur, R. and Schnabel, A.* [Online], available: http://website1.wider.unu.edu/events/publiclecture-2000-1a.pdf [Accessed 12 Jan 2010]

to prevent them using their veto in times of humanitarian crisis. This fundamental change, designed to make the Security Council more effective in times of need, was also dropped at the World Summit negotiations following the displeasure expressed by the powerful Permanent 5.[22]

There is another point of difference to be noted here in relation to the issue of ad-hoc coalition and individual states taking action without UNSC clearance; although the change here is not between the ICISS document and World Summit Outcome Document, rather it is in the perspectives of the international community and how they have changed given recent events. This element of R2P suffered a serious blow in 2002 with the assembly of the American-led 'Coalition of the Willing' to enter Iraq following the terrorist attacks of 9/11. When claims about weapons of mass destruction fell short of the mark to justify an invasion, the US began searching for other ways to obtain the necessary UNSC resolution and landed on humanitarian concerns. According to Kenneth Roth, executive director of Human Rights Watch, abusing humanitarian intervention in this way "breeds cynicism about the use of military force for humanitarian purposes"; something that "could be devastating for people in need of future rescue."[23] The fears of the Global South in relation to contemporary imperialism can be more easily understood in light of the abusive use of humanitarian intervention as a cover for aggression that is motivated by revenge. Equally as devastating for the normalisation of R2P was the Russian invocation of its 'responsibility to protect' South Ossetians from the Georgian military in 2008; another example of the misapplication of R2P as a thin disguise for politically motivated military action.

Crucial to the implementation of R2P is its advancement of a new norm which allows the Security Council to recognise and classify internal violations of human rights as a threat to international peace and security and, therefore, provide a basis for legal international intervention. Unfortunately, the advancement of this conceptual change does not necessarily mean there will be a corresponding operational change. Over the past fifteen years the international community has failed in its responsibilities in Darfur, Somalia, Srebrenica and the Eastern Congo and Zimbabwe despite having the grounds upon which to intervene. The UNSC's reluctance to intervene in Darfur without the consent of the Sudanese government has been accused of making "a farce of the international commitment to R2P given the fact that the Sudanese Government had been implicated in the very crimes that the Security Council was seeking to halt."[24] What is more, there is the concern, as voiced by Kofi Annan, that by allowing the UNSC to authorise international interventions in domestic humanitarian crises, secessionist movements would commit atrocities solely to provoke their governments into committing violations of human rights in order to attract international attention and aid to their cause.[25]

22 Bellamy, A. J. (2009) p. 74.
23 Global Policy Forum (2004) *War in Iraq: not a Humanitarian Intervention* [Online], available: http://www.globalpolicy.org/component/content/article/154/26043.html [Accessed 16 Jan 2010]
24 United States House of Representatives Committee on Foreign Affairs (2009) Testimony of Ms. Erin A. Weir on the *New Challenges for International Peacekeeping Operations* [Online], available: http://wwwinternationalrelations.house.gov/hearing_notice.asp?id=1106 [Accessed 17 Jan 2010]
25 Annan, K. (2000) p. 48.

Conclusion

Heralded by extreme optimists as a "guide to action" likely to "substantially advance the debate on and practice of humanitarian intervention"[26] and by the extreme pessimists as "dangerously disrespectful of current international law"[27] the 'Responsibility to Protect' principle is nothing if not controversial. The question of whether or not it marks a significant break with past practice of humanitarian intervention, however, is somewhat more difficult to assess.

From the above assessment it is clear that R2P has advanced a significant shift in the definition of state sovereignty; the switch in focus from 'power' to 'responsibility' truly reinventing the concept. However, this shift has met substantial resistance from the global South and East and though its intentions are to protect those most at risk, it is those most at risk that are most resistant to its implementation.

Institutionally and operationally it appears that R2P is suffering the same problems that plagued humanitarian interventions of the cold war and post-cold war periods; the need for UNSC authorisation undermining R2P's aims to overcome institutional politicisation and geopolitical vetoes; the ICISS's attempts to navigate around these issues coming to nothing in the face of the opposition of the Permanent-5.

While R2P has undoubtedly advanced the debate on humanitarian intervention and has thrust the topic back into the international spotlight, until the political will to implement its recommendations is summoned, it will continue to be hampered by modern Great Power politics - Ireland's unconditional welcome of the doctrine is unfortunately not enough. One would hope that, for the sake of the world's most vulnerable populations, the theory of history as cyclical does not find proof in this decade or the next.

> ."..to yet again ignore that distress and agony, to once again be guilty of the tragic neglect with which we reacted to Rwanda thirteen years ago, and to once again make 'never again' a cry that rings totally emptily, is to diminish that common humanity to the point of despair."
>
> - Gareth Evans, 2007[28]

26 MacFarlane, S. N. , Thielking, C. J. and Weiss, T. G. (2004) 'The Responsibility to Protect: Is Anyone Interested in Humanitarian Intervention', *Third World Quarterly*, 25(5), available: http://www.informaworld.com/smpp/content~db=all~content=a713632770 [Accessed 18 Jan 2010]

27 Hamilton, R. J. (2006) 'The Responsibility to Protect: From Document to Doctrine – But What of Implementation?', *Harvard Human Rights Journal*, Vol. 19, available: http://heinonline.org/HOL/Page?handle=hein.journals/hhrj19&id=1&size=2&collection=journals&index=journals/hhrj [Accessed 18 Jan 2010]

28 International Crisis Group (2007) *Responsibility to Protect in 2007: Five Thoughts for Policy Makers, Gareth Evans* [Online], available: http://www.crisisgroup.org/home/index.cfm?id=4773 [Accessed 18 Jan 2010]

United Nations Mission in Kosovo
The Human Rights Advisory Panel

John Joe Ryan

Introduction

The United Nations Mission in Kosovo (UNMIK) commenced its international civil presence under United Nations (UN) Security Council Resolution 1244 (the Resolution) of 10 June 1999. UNMIK was established with a mandate to provide an interim administration in Kosovo which included responsibility, inter alia, for the protection and promotion of human rights. The Resolution did not specify any particular mechanism for the implementation of the human rights mandate and there was also an important gap in the structure of human rights protection due to a lacuna in the jurisdiction of the European Court of Human Rights, (the Strasbourg Court) in Kosovo. Pursuant to Article 34 of the European Convention on Human Rights and Fundamental Freedoms (ECHR), the Strasbourg Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be victims of violations by one of the High Contracting Parties of the rights set forth in the ECHR and its protocols.

Even though all States within the territory of the former Yugoslavia were in the process of becoming High Contracting Parties to the ECHR, as a consequence of the Resolution, Serbia and Montenegro could not be held accountable for alleged violations of human rights arising from an act or an omission attributable to UNMIK because UNMIK, in the exercise of its transitional administration function, was equally not a High Contracting Party. The people of Kosovo therefore did not have an effective means of redress for alleged UNMIK human rights violations by recourse to the Strasbourg Court except in instances where alleged violations were attributable to a High Contracting Party. Access to the Strasbourg Court remedy for redress for alleged human rights violations was therefore not available to the people of Kosovo.

Establishment of the Human Rights Advisory Panel

The unique and original concept of a Human Rights Advisory Panel, (the Panel) gradually evolved from discussions, consultations and written commentaries among and between international organisations, institutions and bodies such as the UN, the European Commission for Democracy through Law, (the Venice Commission), the Council of Europe, (CoE) and the Organisation for Security and Cooperation in Europe, (OSCE) that sought to determine the best means by which UNMIK could ensure the observance of human rights standards and redress human rights grievances. In September 2004, the Venice Commission noted the lack of "an adequate and consistent mechanism for the examination of potential human rights breaches by the two 'institutional' sources of human rights violations in Kosovo, UNMIK and the Kosovo Nato Force (KFOR) and proposed that a provisional mechanism be established for the review of human rights violations pending the establishment of a Human Rights Court." The lacuna in the human rights accountability of the UNMIK mission was also noted and lamented by the OSCE, the CoE and the UN Human Rights Committee. In this instance,

KFOR was ultimately excluded from the jurisdiction of the Panel based on its separate mandate under the Resolution.

The Panel was duly established through UNMIK Regulation No. 2006/12 of 23 March 2006, on the Establishment of the Human Rights Advisory Panel (the Regulation) as it was deemed to constitute the best mechanism to address the lack of jurisdiction of the Strasbourg Court or any court over alleged violations of human rights resulting from actions or omissions of UNMIK. The first Panel members were nominated by the President of the Strasbourg Court on 14 June, 2006 and were appointed by the UNMIK Special Representative of the Secretary General, (SRSG) on 12 January, 2007. The inaugural session was held from 12 to 16 November, 2007 and the Panel was sworn in by the Principal Deputy SRSG on 15 November, 2007. The mandate of the Panel was to examine complaints by individuals or groups of individuals claiming to be victims of human rights violations by UNMIK. In practice, the Panel is an independent body which renders advisory non-binding Opinions to the SRSG upon which he would be generally expected to act, without constraint. This Panel was the first human rights complaint and accountability mechanism of its kind to be established by the UN in the exercise of transitional executive authority in a peacekeeping mission.

Public Information
The Panel conducted a public information campaign and engaged in dialogue with various local and international organizations from the outset in order to inform the public at large in Kosovo and Serbia about its mandate. This campaign included media interviews with TV and radio, press releases, meetings with civil society, non governmental organizations and international organizations and agencies, in particular with those involved in the promotion and protection of human rights in Kosovo. The Panel also designed and produced information brochures in the Albanian, Serbian (Latinic and Cyrilic) and English languages, which were widely disseminated in court houses, court liaison offices as well as legal aid offices, municipal buildings and government buildings in Kosovo and Serbia.

Legislative Framework
The Panel may consider complaints of human rights violations under the principle international human rights instruments. In practice, complaints are primarily based upon the Articles of the ECHR and its Protocols. Complaints that have been filed with the Panel incorporate a wide range of human rights violations, including the right to life, the prohibition of ill-treatment, the prohibition of torture, the right to a fair trial, the right to respect for private and family life, the right to an effective remedy, the right to peaceful assembly and the right to the enjoyment of property. Some 500 complaints have been filed so far with the Panel, the bulk of which concern property issues, missing persons and murder cases.

Two complaints, in particular, have garnered special public interest. The first case concerns the alleged unauthorised and disproportionate use of force by UNMIK Police in the dispersal of a street demonstration which resulted in the deaths of two individuals and injuries to other complainants in Pristina on 10 February 2007, *Balaj et al (04/07)*. The complainants made allegations in relation to the ECHR as well as The Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment. The second case concerns the alleged

lead poisoning and other violations of the human rights of one hundred and forty three (143) members of the Roma community in northern Mitrovica/e, *Mehmeti et al (26/08)*. This case was declared partly admissible by the Panel on 5 June, 2009.

Procedural Framework

The Rules of Procedure, adopted by the Panel on 5 February, 2008 are based loosely on the Rules of the Strasbourg Court and contain provisions for dealing with complaints and the deliberative procedures. The Regulation, which provides for an adversarial procedure, lays down a number of the procedural aspects to be followed by the Panel and the parties. It stipulates that the Panel may only deal with complaints of acts or omissions for which UNMIK is responsible and only in relation to alleged violations of human rights that occurred after 23 April, 2005 or arising from factual matters which occurred prior to that date, where these facts give rise to a continuing violation. The Special Representative of the Secretary General thereafter issued UNMIK Administrative Direction No. 2009/1 on 17 October, 2009 with the declared aim of interpretation of certain provisions of UNMIK Regulation No. 2006/12.

The Panel has dealt with specific issues such as the definition of the scope of the acts or omissions which are attributable to UNMIK, assessment of a complainant's exhaustion of remedies in the context of general UN immunity from legal proceedings, and the identification of continuing and non-continuing violations in relation to the Panel's limited temporal jurisdiction.

Upon receipt of a complaint, the Panel determines if it falls within its jurisdiction, establishes if the complaint is admissible and examines its merits. Complaints can only be admitted if all other remedies in the Kosovo court and administrative system have been exhausted. In addition, the complaint must be lodged within six months from the date on which the final decision in the procedure was handed down or else the complaint must arise from factual matters which occurred prior to that date, where such facts give rise to a continuing violation. The procedure may lead to an Opinion with formal findings, conclusions and recommendations, over which the SRSG has exclusive authority and discretion to act or not. The Opinions of the Panel are published in English, Albanian and Serbian on its website and in the print media as are the subsequent Decisions of the SRSG.

The Panel has dealt with a number of procedural issues, in particular the exhaustion of remedies in its Opinion in *Shaip Canhasi (04/08)* in which the complainant alleged that UNMIK Police conducted an inadequate investigation into the murder of his wife in northern Mitrovica/Mitrovice on 3 February, 2000. The Panel stated in its Opinion that a complainant need only exhaust remedies that are available and effective. It also ruled that the respondent bears the burden of proof to show that the remedy was an effective one which was available at the relevant time, that it was accessible, capable of providing redress and that it offered reasonable prospects of success in circumstances where the respondent invokes a plea of non-exhaustion of remedies.

Jurisprudence

Jurisprudence of the Panel has emanated from rulings on preliminary procedural matters such as temporal jurisdiction and exhaustion of remedies. The Panel has also ruled on a number of substantive issues such as the right to life (Article 2 ECHR), the right to a fair trial (Article 6 ECHR) and the right to protection of property (Article 1 of Protocol 1 ECHR).

The Panel notably dealt with the right to life in the *Canhasi* case (ante), in which it laid down relevant principles concerning the procedural aspect of the right to life. It stated, referring to the case law of the Strasbourg Court that "Article 2 of the ECHR, which safeguards the right to life, ranks as one of the most fundamental provisions in the ECHR and enshrines one of the basic values of democratic societies." The Panel held that it must therefore subject allegations of breaches of this provision "to the most careful scrutiny."

Furthermore, the Panel held that "the obligation to protect the right to life under Article 2 of the ECHR, read in conjunction with a State's general duty under Article 1 of the ECHR to 'secure to everyone within [its] jurisdiction the rights and freedoms defined in [the] Convention', also requires by implication that there should be some form of effective official investigation when individuals have been killed as a result of the use of force (…)."

The Panel also held that certain investigative measures must be taken to ensure an adequate and effective investigation. "Critically the authorities must have taken the reasonable steps available to them to secure the evidence concerning the incident, including, inter alia, eyewitness testimony (…) and evidence from other key witnesses (…). Where there is a plausible or credible allegation, piece of evidence or item of information relevant to the identification, and eventual prosecution or the punishment of the perpetrator of an unlawful killing, the authorities are under an obligation to take further investigative measures (…). Any deficiency in the investigation which undermines its ability to establish the cause of death or to identify the person or persons responsible will risk falling foul of this standard (…)."

The investigation must also be continuous to demonstrate real and consistent progress in its conduct and conversely, lengthy periods of inactivity may indicate a failure to effectively continue the investigation. Whilst "mindful of the need not to interpret the positive obligation to investigate in a way that would impose an oppressive burden on state authorities, bearing in mind the difficulties of policing modern societies and also conscious of the difficult operational choices in terms of priorities and resources," the Panel concluded that it must satisfy itself that the UNMIK authorities did a sufficient amount to discharge their obligation to conduct an effective investigation.

Applying the said principles to the facts of the *Canhasi* case, the Panel found that there were shortcomings in the UNMIK Police investigation and that it had not met the standards required for compliance with the procedural aspect of the right to life under Art 2, ECHR. Whilst UNMIK conducted forensic analyses, including an autopsy, and had taken a number of statements, there was no indication that statements had been taken from all relevant witnesses, including eyewitnesses.

There was no evidence to indicate that any effort had been made to take statements from these individuals even though details of individuals alleged to have been involved in the murder were given to UNMIK Police by witnesses. There was also no evidence to show that any attempt had been made to continue the investigation after September 2000 and it was also noted that the complainant was not apprised of the investigative process despite repeated requests to the UNMIK Police Commissioner for updates and progress reports on the case.

The Panel, based on its findings stated that some form of reparation was necessary for the complainant in the *Canhasi* Opinion and recommended that:

- The respondent should with due diligence undertake effective measures to identify the perpetrators and that such measures must include all reasonable steps to ensure that statements were taken from relevant witnesses;

- The respondent should conduct a comprehensive review of the investigation to determine what further steps might be taken to identify the perpetrators and bring them to justice;

- The respondent should award compensation to the complainant for his suffering resultant upon the inadequate UNMIK police investigation into the murder of his wife;

- The respondent should take immediate and effective measures to implement the recommendations of the Panel about further developments in the case.

In summary, the Panel:

- Unanimously rejected the respondent's objections as to the non-exhaustion of remedies;

- Found that there has been a violation of Art 2, ECHR in respect of the failure of the UNMIK Police to conduct an effective investigation into the murder of the complainant's wife;

- Recommended that the respondent continue with the investigation;

- Recommended that the respondent provide compensation to the complainant in order to affect reparation for the consequences of the UNMIK police violation of the human rights of the complainant under the provisions of Art 2, ECHR.

Conclusions

The Opinion in the *Canhasi* case constituted a milestone as the first instance in which the UN was found to have been in violation of the ECHR in its capacity as a transitional administrative authority. The importance of this Opinion rests in the fact that the UN may be held accountable for violations of human rights under the ECHR and other international human rights instruments in the future when it exercises executive powers in peacekeeping missions.

The Opinion was commended by the UN High Commissioner for Human Rights who stated that the delivery of the Opinion represented an important advance in the demonstration of the commitment of the UN to ensure its own accountability for human rights violations. The Commissioner also expressed the sentiment that careful and timely scrutiny would be given to the implementation of the Panel's recommendations over which UNMIK held exclusive authority and discretion to act.

The Panel is now well established within the organisational structure of the UN as an effective mechanism for the protection and promotion of human rights and as a mechanism to ensure UN accountability for breaches of the ECHR and other international human rights instruments.

It has also set a precedent for the observance of human rights standards and for the redress of human rights grievances by the UN and its components in future peacekeeping missions. As such it constitutes a potential model for an accountability mechanism for the protection and promotion of human rights when the UN exercises executive authority in future missions.

The Annual Reports of the Human Rights Advisory Panel Website and other useful information may be viewed on the Panel Website:

>www.unmikonline.org/human_rights/index.htm<

Challenges of Civil Military Cooperation/ Coordination in Humanitarian Relief

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Introduction

In 1991 the almost unthinkable happened, the Soviet Union collapsed, the Warsaw pact dissolved, taking the menace of global war with it. The end of the Cold War brought a dramatic increase in conflicts within states and a similar increase in international peace operations, as complex multi-actor interventions to end civil wars and build peace have come to be known. While in 1998 the UN deployed 14,000 peacekeepers worldwide, today over 90,000 military and civilians are in the field in 16 UN missions.[1] New international 'coalitions of the willing' led by regional organisations like North Atlantic Treaty Organisation (NATO) in Kosovo and European Force (EUFOR) in Chad, emerged in place of UN involvement in some contexts.

The trend in peace-building since Kosovo in 1999 is towards greater integration of international efforts and the necessity for collaboration between relief, development and security organisations. By the late 1990s, from key donor countries, to United Nations (UN) agencies, to Non Governmental Organisation (NGO) networks, a common understanding emerged that efforts for peace must become more strategic and coordinated if they are to have the ambitious impacts they intend. This consensus has led to efforts in recent years to promote explicit communication, coordination and even formal integration among interveners to achieve greater impact.

Since the late 1990s, this push for more unified efforts has led to such innovations as UN Integrated Missions, which combined the political, peacekeeping, and humanitarian arms of the UN system under a unified command. Indeed, many donor countries have now synchronized the foreign assistance arms of government in what has been variously called the "joined up approach," the "whole of government approach," or, the "3-Ds" approach, referring to defence, development and diplomacy.[2] The goal has been to use military, political and humanitarian/development instruments in a more synchronized and presumably more effective, manner to achieve security, development and peace in conflict affected countries.

Civil military coordination essentially deals with two aspects of military support to civilians, i.e. the provision of security, e.g. a military escort for a humanitarian convoy, or the provision of military assets, including skills, knowledge and manpower, e.g. equipment such as trucks or helicopters, and skills and knowledge such as medical and engineering expertise. The area of civil-military coordination in the field is even more difficult than other interagency relationships given fundamental differences between international military forces and humanitarian and development agencies in terms of their agendas, operating styles, roles, and the principles and doctrines guiding their work. This article identifies the many factors

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1   CIC (Centre on International Cooperation), (2006), *Annual Review of Global Peace Operations*, 2006. Boulder, Colorado: Lynne Rienner Publishers.
2   OECD, (2005), *'Paris Declaration on Aid Effectiveness'* pp. 13 – 14. www.oecd.org Accessed: 12 September 2007.

that render integration and collaboration problematic between diverse assistance agencies, especially between civilian and military agencies, it will conclude with proposals to improve CIMIC within humanitarian relief.

New Begining

In situations of humanitarian relief, the interlinked nature of security, aid and development is inescapable, with security necessary to enable progress on development, and immediate relief and longer-term development gains necessary to solidify the peace by giving people a stake in the new stability. Roles and mandates often overlap as military forces engage in aid provision and governance support, major donor representatives work directly with provincial and local governments, and development actors participate in the security sector reform spectrum (of disarmament, demobilisation and reintegration (DDR), justice reform, police reform). Whether international military forces, UN, humanitarian and relief agencies choose to explicitly work together or not, the outcomes of their efforts in such settings are deeply intertwined. Given this interdependence, improving how military, UN, humanitarian and development actors interact in such settings is critical to increasing the probability that their independent efforts will lead to positive outcomes, and to increasing the chances that some level of constructive coordination may be developed.

The Crowded Stage

A number of actors interact in humanitarian relief.[3] In their work Kovács & Spens identified the various actors involved in the humanitarian aid supply network, see Figure 1.[4]
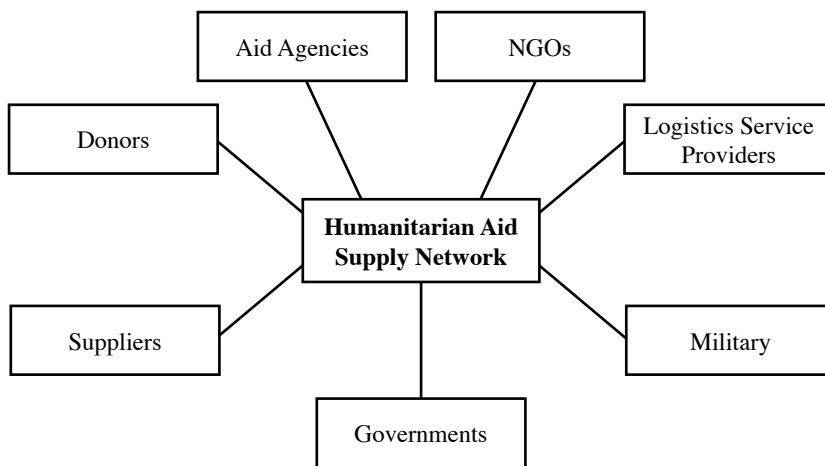
Figure 1: The Humanitarian Aid Supply Network Source: Kovács and Spens 2008, p. 223

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3 Mackinlay, J., ed. (1996). *A guide to peace support operations.* Providence: The Thomas J. Watson Jr. Institute, Brown University. Seiple C. (1996). *The US Military/NGO Relationship in humanitarian interventions.* Carlisle Barracks: Peacekeeping Institute Centre for Strategic Leadership, U.S. Army War College.
4 Kovács, G. and Spens, K., (2007), 'Humanitarian logistics in disaster relief operations', *International Journal of Physical Distribution and Logistics Management*, Vol. 37, No. 2, pp. 99-114.

Although the humanitarian sector disposes of a number of coordination mechanisms and has a policy making body (Figure 2), no agency has the authority to take the lead and coordinate the actions of others. Moreover, as Stephenson[5] contends, a strong competition among agencies for resources, competition for media attention, high staff turnover, and the different organisational backgrounds, cultures and incentives do not create a conducive environment for inter-agency coordination.

Coordination Mechanism	Objective	Responsibly
CERF	Stand-by disaster response funds	OCHA
CAP	Funds mobilization	OCHA
UNDAC	Disaster needs assessment	OCHA
HIC	Information	OCHA
MCDU	Civil military coordination	OCHA
UNJLC	Humanitarian logistics	WFP

Figure 2: Humanitarian Coordination Mechanisms

Conceptual Confusion

Over the last two decades the civil military coordination concept has developed on two levels, the strategic level and the operational/tactical level. When it is used at the strategic level it refers to a type of mission construct and when it is used at the operational and tactical level it refers to a specific function within the military force. These multiple identities and meanings have caused considerable confusion. At the strategic level civil military coordination is used to suggest a multidimensional, whole of government or comprehensive approach, where various civilian and at least one military entity are engaged in a joint initiative or mission.

At the operational and tactical levels, 'civil military coordination' is used to refer to the specific policies, modalities, structures and tactics that are used to manage the relationship between the military and other components of an operation. At this level the focus has predominantly been on the humanitarian military relationship, and two distinct sets of policies have developed over the years: one policy set that deals with the relationship from a military perspective, e.g. NATO Civil Military Cooperation (CIMIC) doctrine, and another, dealing with it from a humanitarian perspective, i.e. UN Humanitarian Civil Military Coordination (UN CMCoord).

On examining the role of military forces during humanitarian emergencies three roles can be assumed:

1. They can promote a climate of security for civilian populations and humanitarian organisations and provide protection for the relief effort.

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5 Stephenson Jr., M. (2004), "Making Humanitarian Relief Networks More Effective: Exploring the Relationships Among Coordination, Trust and Sense Making," Paper prepared for Delivery at the National Conference of the Association for Research on Non-Profit Organisations and Voluntary Action (ARNOVA). Los Angeles, California.

2. They can provide technical or logistical support to humanitarian organisations.

3. Finally, they can provide direct assistance to populations in need.[6]

A further examination of point two demonstrates that similar to governments, military forces can have a monopolistic position or control over certain resources. The cooperation of national military staff and the use of military infrastructure and assets such as airports, warehousing facilities, helicopters, vehicles and classified information facilitate response.[7] Similarly, access to internationally available military resources help augment response capacity and ensure a speedier delivery of relief items to the disaster area and their eventual distribution to the afflicted populations. During conflicts, an operational dialogue with combatant forces ensures access to logistics resources and guarantees safe and secure land, sea and air operations.[8]

Access to such resources increases the level of operational flexibility, can improve operating costs and level of accuracy with respect to the storage and timely transportation of relief items. The military are not monolithic however, and the use of the word 'military' must be treated with caution.[9] This is because a military force may take many different forms. Force size, structure, capability, and posture may vary enormously and there are also disparities in military competence and professionalism.

When analysing specific civil military coordination definitions, policies and doctrines it should first be noted that these have all been developed for the operational/tactical level. There seem to be two main conceptual streams, i.e. 'cooperation' and 'coordination', and an acronym soup of specific functions and titles: NATO CIMIC,[10] EU CIMIC,[11] CIMCO,[12] CMO,[13] CMCoord,[14] etc.

From a UN perspective, coordination refers to a spectrum of relations that range from coexistence to cooperation. This UN coordination concept has been developed in the context of humanitarian civil military coordination, where coexistence refers to a situation where the minimum necessary information is being shared between the humanitarian community and a

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6 Rietjens, S.J.H., Voordijk, H. and De Boer, S.J., (2007), Co-ordinating humanitarian operations in peace support missions, *Disaster Prevention and Management*, Vol. 16, no. 1, 2007, pp. 56-69.

7 Moore, D.M., Antill, R.D., (2002), 'Opportunities and Challenges in Logistics for Humanitarian Aid Operations: A Role for UK Armed Forces?', *Proceedings of the Logistics Research Network Conference*, ILT, Plymouth, September.

8 Tatham, P. and Kovács, G., (2007), 'The humanitarian supply network in rapid onset disasters, In: Halldorsson, A and Stefansson, G (eds.) *Proceedings of the 19th Annual Conference for Nordic Researchers in Logistics,* NOFOMA 2007, Reykjavik, Iceland, pp. 1059-1074.

9 Connaughton, R. (1996). *Military support and protection for humanitarian assistance: Rwanda, April-December 1994.* Occasional Paper No.18, Camberly: Strategic and Combat Institute.

10 The NATO definition of Civil Military Cooperation (CIMIC) is the coordination and cooperation, in support of the mission, between the NATO Commander and civil populations, including national and local authorities, as well as international, national and nongovernmental organisations and agencies.

11 The EU definition of Civil Military Cooperation (CIMIC) is the coordination and cooperation, in support of the mission, between military components of EU led Crisis Management Operations and civil role players (external to the EU), including national population and local authorities, as well as international, national and nongovernmental organisations and agencies.

12 The European Union (EU) is now also developing a new "Civil Military Coordination (CIMCO)" concept.

13 CMO is the activities of a commander that establish, maintain, influence, or exploit relations between military forces, governmental and non governmental civilian organisations and authorities, and the civilian populace in a friendly, neutral, or hostile operational area in order to facilitate military operations, to consolidate and achieve operational US objectives. Civil military operations may include performance by military forces of activities and functions normally the responsibility of the local, regional, or national government. These activities may occur prior to, during, or subsequent to other military actions. They may also occur, if directed, in the absence of other military operations. Civil military operations may be performed by designated civil affairs, by other military forces, or by a combination of civil affairs and other forces.

14 UN Humanitarian Civil Military Coordination (UN CMCoord). The essential dialogue and interaction between civilian and military actors in humanitarian emergencies that is necessary to protect and promote humanitarian principles, avoid competition, minimise inconsistency, and when appropriate pursue common goals. Basic strategies range from coexistence to cooperation. Coordination is a shared responsibility facilitated by liaison and common training"

military combatant force. This would typically include sharing of information about security, movement of humanitarian convoys and the management of shared resources, e.g. a port or airport.

Cooperation refers to a maximum state of civil military coordination where there is a range of cooperative relations between the humanitarian community and a military force that is not regarded as a combatant force, typically including joint planning, division of labour and sharing of information.[15] The UN and NATO understanding of cooperation and coordination seem to be reversed, because in the NATO context, cooperation is understood to imply a less binding relationship than coordination, and NATO argues that the humanitarian community will be willing to cooperate, but not coordinate, and therefore they use cooperation.[16]

Challenges for Civil Military Cooperation/Coordination in Humanitarian Relief
Operational humanitarian organisations regardless of their size or area of specialisation (e.g. refugees, children, food, etc.) face a number of challenges. Each of the following subsections presents issues that negatively impact CIMIC in logistics operations during humanitarian relief missions. The manager/military leader tasked with controlling the influence of these factors is challenged to direct not only those operations within his or her span of control, but must also consider the effect of the following barriers on his or her agency, partners, and relief beneficiaries.

Coordination
Despite its many advantages, military coordination with potential partners in a humanitarian crisis is often difficult because there is no official structure to coordinate activities. Particularly at the operational level, coordination among NGOs, International Organisations (IOs), donor governments, and military forces lacks structure. Because the structures often vary considerably from crisis to crisis, establishing relationships and procedures is difficult.

Response to humanitarian crises is fractioned and organised organisationally along mandates and functional lines.[17] Therefore, when a large scale emergency strikes, a large number of actors converge to the site. Once in the operating theatre, the actors tend to compete over the same range of resources at exactly the same time. Given the plurality of humanitarian organisations, the sector has long identified the need for effective ways and means to ensure inter-agency coordination. However, some aid organisations consider their independence a higher priority than coordination with other organisations. They are not prepared to follow the lead of another organisation, particularly if it is the military. There is also a fear among NGOs of cooption and marginalisation in some crisis regions where military forces have an overwhelming presence.

Some agencies argue that coordination (or integration, as in the UN system) is, by definition, a threat to humanitarian action because it undermines impartiality and represents a fundamental threat to the operational flexibility and physical safety of aid workers. The counter argument

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15 OCHA (2003), Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies, Geneva, Switzerland: OCHA.
16 NATO (2004). AJP-*9 NATO Civil-Military Co-Operation (CIMIC) Doctrine*. 10 April 2007, <http://www.nato.int/ims/docu/AJP-9.pdf>
17 Kent, R. C. (1987), *Anatomy of Disaster Relief: The International Network in Action*, London: Pinter. Borton J. (1993), "Recent Trends in International Relief System," *Disasters*, Vol. 17, No. 3, pp. 187-201.

posits that humanitarian space can be better protected through integrated structures as opposed to a fragmented approach and that the humanitarian perspective will have a more effective voice when at the same table with other elements of an integrated mission. There are also questions about the capability of humanitarian and aid organisations to provide for their own security in highly dangerous settings, the ethics of leaving some area without assistance because they are too dangerous for aid workers, and the ability of soldiers to provide quality aid.

Culture

Civil military coordination is relatively simple to conceptualise as an effort by civilian and military organisations to harmonise their operations, and yet it has been described as a "contested concept with many different, competing definitions and doctrines that describe essentially the same activity…"[18] Military culture and civilian cultures do not generally mesh seamlessly in relief settings. There are inherent stressors between them owing to differences in mandates, objectives, methods of operation and vocabulary. Operationally, aid agencies tend to be flexible whereas the military functions in a top-down manner, the durations of stay of aid agencies can be for many years, the military, on the other hand, prefers well defined end states and exit strategies, aid agencies have a culture of independence while the military is hierarchical, and soldiers are armed when dealing with local actors while aid and development workers are not.[19]

As personnel from humanitarian organisations interact more regularly with military personnel, culture clashes become apparent. Cedric Thornberry, former- Head of UNPROFOR's Civil Affairs, explains that the lack of agency cooperation can be largely blamed on a 'two-way lack of familiarity for the attitudinal abyss which separates aid workers from the military.'[20] Aid workers do often dis*trust* the military, and the military is similarly suspicious of aid workers. Such unfamiliarity inevitably encourages the promulgation of ill-informed stereotypes. The military is frequently characterised as an insensitive, ill-informed, controlling, and inflexible war–machine, while personnel of some humanitarian organisations are seen as sandal-wearing, two-faced, undisciplined, and uncoordinated liberals.[21]

With continuous and multiple points of interface, military personnel and humanitarians interpret the world through the lens of their own culture. Lack of familiarity with the differences embedded in the organisation cultures is a breeding ground for misunderstanding and poor coordination and cooperation.[22] In many circumstances the use of a different language and terminology further obscures understanding, compounded by different interpretations of the same terms of reference.[23]

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18 De Conning, C., (2007), 'Civil-Military Coordination Practices and Approaches within United Nations Peace Operations', *Journal of Military and Strategic Studies*, Vol. 10, Issue 1.
19 Ferks, G and Klem, B., (2006), *Conditioning Peace among Protagonists: A Study into the use of peace conditionalities in the Sri Lankan peace process.* Netherlands Institute of International Relations, Clingendael Institute, Conflict Research Unit.
20 Siegel A. (2003). "Why the military think that aid workers are over-paid and under-stretched" In: *Humanitarian Affairs Review.* no. 1 (2003), pp. 52-55. Duffey, T. (2000). "Cultural Issues in Contemporary Peacekeeping." In: *International Peacekeeping.* Vol. 7, no. 1, pp. 142-168.
21 Duffey, Op Cit.
22 Siegel, Op Cit. Duffey, Op Cit.
23 Heaslip, G., Mangan, J., and Lalwani, C., (2007), 'Integrating Military and Non Governmental Organisation (NGO) Objectives in the Humanitarian Supply Chain: A Proposed Framework', *Logistics Research Network,* Hull, United Kingdom, September 2007.

Resource and Capability Gap

The first challenge facing a humanitarian organisation immediately after a humanitarian emergency is declared is how to bridge the relief resource and capability gap, in other words uncertainty, which is often significant. To stage a response and overcome this gap, military and humanitarian organisations depend on their supply network composed of a number of loose partnerships with a range of actors. Uncertainty can stem from many elements relating to the mission, the organisation itself, or nature of the demand. For example, uncertainty may arise from inherent characteristics such as what and how much material is demanded, product traits, process fluctuations, and supply problems.[24] Decision complexity, supply chain configuration and control structures, long forecast horizons, poor information reliability, and agency culture may create uncertainty.[25] Regarding uncertainty, Sowinski quotes Lynn Fritz, founder of the Fritz Institute: .".disasters are the embodiment of randomness. You don't know when they're going to happen, where it's going to happen, and who's going to be affected."[26]

This problem (of uncertainty) is amplified by distance. Long and Wood observed that often the office coordinating the aid mission is far away from the actual disaster site and must make assumptions about the types and quantities of aid that should be supplied.[27] The same is true for the military where national headquarters make assumptions as to the requirements for troops being deployed. Once response teams, advance military parties are in place at the disaster site, the supply pipeline can transition from a "push" system to a "pull" system based on more accurate needs assessments and communications back to headquarters and donors.[28] These assessments should also include anticipated needs.[29] If supplies are "pushed" through a system, quantities are dictated by an upstream authority with little or no input from the customer. In a "pull" system, quantities are determined at the point of consumption.

Another element of uncertainty creeps in as well-intentioned donors generate supplies and manpower support for the relief effort that are of the wrong type or condition e.g. the tsunami in Asia. Variability in quantity, quality, and suitability burdens the process of sorting, storing, and distribution. The United Nations Disaster Management Training Programme (DMTP) observes that:

> … consistently, many of the internationally supplied relief goods flown into countries… prove to be inappropriate and unnecessary…[and] may even be a barrier to more important deliveries.[30]

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24 Van der Vorst, J.G.A.J, and Beulens, A.J.M., (2002)," Identifying sources of uncertainty to generate supply chain redesign strategies," *International Journal of Physical Distribution & Logistics Management,* 32(6), p. 424.

25 Ibid; pp. 424 – 426.

26 Sowinski, L.L, (2003), "The lean, mean supply chain and its human counterpart," *World Trade*, Vol. 16, No. 6, p. 19.

27 Long, D.C. and Wood, D.F. (1995), 'The logistics of famine relief", *Journal of Business Logistics,* Vol. 16, No. 1, pp. 213-229.

28 Ibid;, p. 218.

29 Pan American Health Organisation (PAHO)., (2000). *Manual Logistical Management of Humanitarian Supply.* Washington: PAHO, September 2000, p. 21.

30 Disaster Management Training Programme (DMTP), (1993), *Logistics* (1st ed.). New York: United Nations Development Programme/Department of Humanitarian Affairs.

Financial Resources

Organisations compete for financial resources, for status, power, recognition and influence. In humanitarian relief different organisations often find themselves competing for financial resources. Mobilising the financial resources needed for an effective international response to a humanitarian emergency has become a costly ordeal. Donor governments provide the bulk of financial resources, while financial support from non-government sources (corporations, foundations, and the general public) appears to be less than one-sixth of total global funding.

There is recognition that disaster preparedness enhances disaster response efficiency and effectiveness. However, donors prefer to fund emergency activities and are often reluctant to cover core costs necessary to strengthen organisational capacity and capability. Military organisations however, receive funding in order to be prepared for a disruption (i.e. the development of a capability), whilst in humanitarian organisations such funding is only received in response to a disruption. Funding for organisational support and infrastructure is often neglected under donor demands that as much aid as possible is pushed to victims. Thus, distribution channels may suffer as warehouses, equipment, communications infrastructure, and training remain unimproved or deteriorating.

Human Resources

Poor or nonexistent training ultimately affects the quality of any operation, particularly a relief operation. Military commanders and humanitarian field managers are faced with an onslaught of requirements during the relief effort, including demands from the affected population and local government, pressure from international media, monitoring agency attention, and restrictions imposed by donors on how aid is administered. In the midst of this confusion, military and humanitarian managers are also faced with recording progress and passing information back to their headquarters and media partners as well as providing a record of events for future managers.

For Aid agencies the unpredictable nature of emergencies makes it difficult to retain well trained employees, and those who have been trained are often volunteers who can only work for short periods before they must return to their "real world" jobs. Organisations may experience as high as 80% annual turnover in field logistics personnel, further compounding personnel issues.[31] This results in a constant influx of untrained personnel, inexperienced in the particulars of logistics within the organisation and relief as a whole. Natsios makes a dramatic point by stating that:

> … the rolling tide of complex emergencies has caused organisations to be drawn into each new major crisis before completing work on the last…this has meant that NGOs and UN organisations are increasingly sending inexperienced staff to the field to run massive operations that even seasoned managers would find intimidating.[32]

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31 Thomas, A. (2003), "Fritz Institute: Leveraging Private Expertise for Humanitarian Supply Chains," *Forced Migration Review*, Issue 21, pp. 64-65.
32 Natsios, A.S. (1995) "NGOs and the UN System in Complex Humanitarian Emergencies: Conflict or Cooperation?" *Third World Quarterly*, 16(3), pp. 417 - 418.

The military has several virtually unique resources. They can both protect and defend themselves and break down the resistance of others with violence, they have rapid access to strategic and tactical transport resources, they can be self-sufficient for a longer period, and they have specialised aircraft capacities, maritime resources, reconnaissance, intelligence capacities, and an effective communications network.[33] The military logistic network and machinery are extensive and speedy (claiming delivery in about five days from project approval, compared to five months for the EU and UN).[34]

Humanitarian organisations, especially NGOs and development organisations, who maintain a presence within a country, will often be the first on the scene when a disaster strikes. Long and Wood state that these "young and predominantly single…[NGO] staffers are not usually trained for emergency situations."[35] Natsios further elaborates that most recruits are trained on the job, with few standardised instructional resources, "…and where NGO doctrine does exist, it comes out of generally shared experiences and responses, is seldom written down, and is not always followed uniformly."[36]

Thomas points out that there may be problems with employee reliability stemming from lack of training.[37] There is a notable lack of employees who are knowledgeable in supply chain or logistics management. In the logistics area, the challenges facing humanitarian organisations are the formal qualification of logistics staff, optimisation of their logistics activities and the integration of activities across business functions.[38] Long notes that "most people from development agencies…have backgrounds in public policy or third world development, and professional logisticians are rare."[39] Lack of funding for back-office infrastructure and processes and the need to upgrade the logistics function including its information and knowledge management aspect have attracted the first wave of structured business-humanitarian partnerships.[40] Binder and Witte conclude that the role of business in humanitarian relief is becoming more prominent even if it remains a limited phenomenon.[41]

Infrastructure Degradation

Inadequate transportation and communications infrastructure is another barrier to effective delivery of aid. In the DMTP logistics handbook, it states "the overall effectiveness of relief logistics often depends on the level of prior investment in both the transport and communications infrastructure and how far relief requirements have been considered in the planning."[42] Rapid onset of a disaster may degrade the country's existing infrastructure to the point where delivery of aid is severely hampered, as in the recent case of Haiti. As noted by Gooley, "Often…transportation infrastructure is in poor condition and cannot handle the huge

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33 Eriksson, P. (2000). "Civil-Military Co-ordination in Peace support operations – an impossible necessity?" In: *The Journal of Humanitarian Assistance.* Accessed: 26 September 2007.

34 Pugh, M. (2001). "Civil-Military relations in peace support operations: hegemony or emancipation?" Plymouth: University of Plymouth.

35 Op Cit, p. 217.

36 Natsios, A.S., (1995) "The International Humanitarian Response System," *Parameters*, 25, p. 70.

37 Op Cit, p. 7.

38 Oloruntoba, R. and Gray, R., (2006), 'Humanitarian aid: an agile supply chain?' *Supply Chain Management – An International Journal*, 11 (2), pp. 115-120.

39 Long, D. (1997), "Logistics for disaster relief: engineering on the run," *IIE Solutions*, Vol. 29 No. 6, p. 27.

40 Van der Laan, E.; M.P. de Brito & S. Vermaesen (2007), "Logistics Information and Knowledge Management Issues in Humanitarian Aid Organisations" proceedings of the SIMPOI/POMS conference, Brazil, August 8-10.

41 Binder, A. & J. M. Witte (2007), "Business Engagement in Humanitarian Relief: Key Trends and Policy Implications," *Humanitarian Policy Group*, Overseas Development Institute, London, UK.

42 Op Cit, p. 12.

numbers of refugees, military vehicles, and relief shipments that pour into these areas in times of disaster."[43]

System-wide, the military commanders and humanitarian managers could encounter delivery options ranging through ships, aircraft, rail, and trucks. At the same time, those routes may be closed or clogged limiting distribution:

> Accurate assessment of the road infrastructure is critical…a road may be a five-foot wide strip of mud only inches above the water line that can accommodate only scooters and livestock, or it can be an eight-lane highway pocketed with bomb craters.[44]

These are obstacles that must be dealt with on a case-by-case basis due to the unpredictable effects of disasters and the vulnerability of the infrastructure.

Communications

A major barrier to delivery of aid is poor communication. Not only are there obvious difficulties associated with speaking to someone using a different language, but as in Haiti the communications infrastructure may be crippled. Relief agencies may not be able to communicate upstream with headquarters or donors during a disaster. Military forces however, can supply specialised capabilities in communications such as communications equipment and information technology and information sharing capabilities.

Technologies are indispensable tools for many essential mission tasks. Modern technologies can extend the range of observation and communication, improve the safety of personnel, and enhance the efficiency and effectiveness of the mission.[45] For civil-military cooperation, technologies of both organisations should be compatible. For example, the use of incompatible communications equipment (field phones, satellite phones, short wave radios) was a widespread problem in the former Yugoslavia. Some UN military contingents possessed more technically advanced equipment than that of NGOs or even other military contingents, making communications in the field difficult and often impossible.[46]

Long and Wood explain that organisational language and terminology may hamper the aid process. For example, some organisations estimate need on a family basis and others use a per person basis.[47] Organisations may use different names and definitions for transportation modes, supplies, the composition of worker teams, etc. Long and Wood observe that:

> Ironically, inter-organisational relations are usually a challenge to the relief effort instead of a source of support. Each organisation has its own operating methods and goals, and it is only with great effort that they coordinate their plans and share resources.[48]

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43 Gooley, T., B. (1999), "In Time of Crisis, Logistics is on the Job." *Logistics Management and Distribution Report,* 38, pp. 82-86.
44 Long and Wood; Op Cit, p. 225.
45 Wheatley, G. and S.D. Welsch (1999). *"The use and limitations of technology in civil-military interactions."* in: *The Cornwallis IV: Analysis of civil-military interactions*, Nova Scotia: The Lester B. Person Canadian International Peacekeeping Training Centre.
46 Beauregard, A. (1998) Civil-Military Cooperation in Joint Humanitarian Operations: A Case Analysis of Somalia, the Former Yugoslavia and Rwanda. Waterloo, Canada, Ploughshares Monitor.
47 Op Cit, p. 218.
48 Ibid, p. 216.

This is an indication that organisational and cultural language may lead to procedural difficulties.[49] This inability to coordinate effectively is common during emergency response and is only made worse by disputes between organisations, and reluctance to share information which will ultimately lead to duplicated efforts and wasted resources.[50] To overcome this humanitarian organisations and military organisations should settle on a common language regarding relief missions.[51]

Personality

Success in cross-sectoral collaboration, particularly in the realm of civil-military relations, often depends on the personalities of the field level personnel and the liaison structures that are established. Reliance on individuals is a risky business, however, particularly among relief and development NGOs and other peacemaking organisations, given high rates of turnover, particularly among field staff. Uncooperative attitudes are not uncommon within and across organisations. This may result from competition for resources, for power, and for notoriety, but it may also arise from personal likes and dislikes or stereotyping.

Coordination between military forces and humanitarian organisations is found to be driven primarily by personalities rather than well-developed standard operating procedures.[52] Since efforts are person-dependent, they vary within and between different military contingents. Beauregard in his study of civil-military activities during a number of disasters identifies six principal factors that hamper coordination and cooperation.[53] These include differences in cultures and ideologies, differences in organisational structures and chain of command, communication breakdowns due to incompatible equipment or absence of communication procedures, refusal by humanitarian organisations of military assistance to protect independence and impartiality, and the threat or use of force by the military. He concludes by suggesting a range of solutions (training, better communication and consultation processes through events that improve mutual understanding, liaison teams) to improve the civil-military relationship.

In their study between military and humanitarian organisations during peacekeeping operations, Rietjens *et al* take an information processing view of coordination.[54] Since effective coordination implies an effective use and exchange of information and there is a need to bridge the gap between information required and information available, they apply Galbraith's four coordination mechanisms – slack resources, self-contained tasks, vertical information systems and lateral relations – to military-humanitarian relationships.[55] Rietjens *et al* conclude that self-contained tasks in combination with lateral relations are the main civil-military coordination mechanisms in complex emergencies. They suggest that the management of humanitarian operations can be improved by adopting an information system based on a variety of sources of information. To improve the quality of information and support the dominant coordination mechanism of self-contained tasks, they stress the importance of strengthening and structuring of lateral relations between humanitarian and military organisations.

49 Long, Op Cit, p. 28.
50 PAHO; Op Cit, p. 5.
51 Barry, J. and Jefferys, A., (2002) 'A Bridge too far: Aid Agencies and the Military Humanitarian Response', *Humanitarian Practice Network* (HPN) Paper, No. 37.
52 Brocades-Zaalberg, T. (2005), "Soldiers and Civil Power: Supporting or Substituting Civil Authorities in Peace Support Operations during the 1990s," Amsterdam, University, Amsterdam.
53 Op Cit.
54 Op Cit.
55 Galbraith, J.R. (1973), *Designing Complex Organisations*, Addison-Wesley Publishing Company, Reading, MA.

Solutions and Recommendations

During humanitarian relief operations, strongly motivated people in both camps (i.e. civil and military) usually find ways to surmount barriers that they encounter, but valuable time is lost inventing and reinventing these solutions. At a philosophical level, it is noted that NGOs are uncomfortable with the military, but in the field there is often effective cooperation. Interaction with the military is set to grow as NGOs are increasingly concerned about personnel security in relief operations. Enhanced CIMIC requires a greater effort of all actors involved in humanitarian relief. The points discussed here are not in any way intended as the ultimate solution, but rather as a starting point for further discussions.

Boundaries

Humanitarian organisations adhere to the principles of neutrality, impartiality, and humanity. A key challenge for the humanitarian community is to clarify for themselves and the military how humanitarian principles apply to activities in settings such as humanitarian relief. The military do not apply these principles in quite the same way and consequently close cooperation between humanitarians and other actors can lead to the perception that the humanitarians have become 'tainted', reducing their ability to gain access to those in need.

The principle of neutrality and the division of tasks from the military is guarded by agencies engaged in humanitarian work. The military have the logistical capacity to deliver aid in certain circumstances where humanitarian actors cannot gain access (due to degraded infrastructure, security threats) so, should the military not intervene? To ensure clear delineation the military should focus its efforts on establishing security and resist the temptation to promote its mission in humanitarian or development terms. Local populations appreciate security and stability in humanitarian crises.

Unless 'clear blue water' between humanitarians and others is retained, the boundaries become blurred, and as a result the lives of both beneficiaries and aid workers can be endangered. The solution to these problems is likely to involve closer contact before deployment to foster understanding and trust between the various organisations.

Planning

The military have a very clear idea of what is meant by levels of strategic, operational and tactical planning, this is not necessarily true of the aid community. There are a number of reasons for this, the use of relatively flat organisational structures in the aid community do not promote hierarchical management as in the military. What is needed is a way of working side by side that advances the portion of their respective work that is mutually supportive, but that is different from integration.

Finance

Funding structures can impede the humanitarian community in delivering aid in a timely and efficient manner. The military often have access to substantial discretionary funds, whilst the humanitarian relief community must go through much longer processes to secure funding. Donors and NGOs need to develop mechanisms that would allow NGOs to respond more quickly to urgent needs in areas where there is an international military presence and preclude the need or temptation for militaries to fill these roles themselves.

A more positive development to encourage aid agencies to plan more strategically has been the donors' insistence on receiving detailed plans from agencies they fund, which outline objectives, outputs, impact, activities and outcomes. This encourages the organisations receiving funds to manage projects effectively and efficiently and work towards a strategic end that benefits the broader stakeholder community and complements, rather than duplicates or erodes, the work of other intervening agencies.

Human Resources

The issue of selection and recruitment remains the cornerstone for effective logistical management in CIMIC. In the delivery of humanitarian aid the quality of people is critical, particularly those that have the skill set to operate complex logistical systems. The implications for training and the costs of solutions are important in this regard. Innovation in problem solving is needed, along with the importance of understanding the sources of uncertainty in the humanitarian supply chain.

Calls persist for more cross-fertilisation to take place within military, UN agency and NGO training programmes and contingency planning. The skills and approaches used and the personalities of the people involved matter to coordination outcomes. As well as strong logistical knowledge and skills, recruitment should emphasise skills that include negotiation, conflict management, and leadership capabilities abilities as well as interpersonal and communication skills if civil and military personnel are to bridge major organisational divides and promote coordination.

Military and civilian personnel should be encouraged to participate in joint workshops and exercises to study subjects of mutual interest, and to learn about each other's perspectives. There could be merit in conducting joint contingency planning, particularly logistical planning.

Communications

In many cases, the use of different 'language' and terminology seem to obscure any understanding of common objectives between the actors. Indeed it is questionable whether the various actors even have common objectives; perhaps it is more correct to say that each organisation will have its own objectives, but that they should all work towards a common purpose or vision.

There needs to be mechanisms for collecting information (e.g. inventory requirements) but equally importantly, for producing useful knowledge from that information. There must be an expedient means of providing that knowledge to those who need it. To assist in the distribution of information, transparency needs to permeate across all organisations military and humanitarian which will provide answers rather than obscuring questions due to institutional resistance.

Furthermore, as language and communication has proven to be a barrier it may prove beneficial to use neutral language when describing coordination meetings. This gesture would avoid misperceptions and mistrust.

Conclusion

A number of common threads emerge from the themes explored in this article, namely boundaries, planning, finance, human resources and communication.

Coordination between the military and relief partners, particularly NGOs, is often uneven and uncertain. NGOs can be difficult partners, especially for the military. There is a wide gap in organisational culture, and NGOs are inhibited by their concern for neutrality and impartiality. Attempts to try to bridge, what are perceived to be cultural and operational disconnects, may very well dilute the consolidated product and service that an inter-agency effort delivers.

A further theme explored is an incremental approach to planning, based on transparency between agencies and a continuous cross-fertilisation process of examining best practice and extending existing networks. NGOs also do not plan well, making cooperation before a crisis difficult. There is an evident lack of mutual familiarity, and NGOs are often reluctant to share information with the military.

The mobilisation of finance has become a contentious issue. Donors prefer to fund emergency activities and are often reluctant to cover core costs necessary to strengthen organisational capacity and capability. As a result, the humanitarian organisation may be incapable of effective delivery of aid in a timely manner due to limiting factors in the distribution process. Earmarking funds specifically for the affected population can also lead to a lack of parts and service support for the trucks and planes required to move material aid and lack of funding for un-allocatable costs such as headquarters expenses. By receiving funding to prepare and train for disasters the military can focus on physical and manpower resources, i.e. training, but this is inherently lacking for humanitarian organisations.

People remain the most critical asset both in the field and at headquarter level. Well thought out strategies for recruitment, retention and career planning therefore must be considered priority by humanitarian agencies, particularly towards their senior logistical managers. Lastly, communication and information sharing in this age of impressive technological sophistication is absolutely vital for real-time activity to be responded to by real-time solutions.

The barriers to better civil military coordination are numerous but not insurmountable. Indeed, during major operations, strongly motivated people in both camps usually find ways to surmount these barriers, but valuable time is lost inventing and reinventing these solutions. Relationships have improved in recent years, but considerable progress is necessary before both sides can realise the advantages of improved cooperation.

The Ultimate Cost of Poor Decision Making is the Loss of Human Life
(Parsons, 1995: 349)[1]

Comdt Tim Daly

Introduction

Irving Janis published his seminal work *Victims of Groupthink* in 1972 and a revised second edition in 1982.[2] His groupthink theory is an explanation of how groups engage in practices that reduce the probability of success, and its impact on decision making has become a recognised phenomenon in modern management literature.[3] The central theme of Janis's analysis is that the more amiability and e*spirit de corps* there is among members of a policy-making group, the greater the danger that groupthink will replace critical thinking.

Janis's most explicit definition of groupthink is "…a mode of thinking that people engage in when they are deeply involved in a cohesive in-group,[4] when members' strivings for unanimity override their motivation to realistically appraise alternative courses of action."[5] He stresses that groupthink is a form of concurrence seeking that interferes with adequate consideration of alternatives which in turn leads to poor decisions. It refers to a deterioration of mental efficiency, reality testing and moral judgement that results from in-group pressures. When decision-making groups become very cohesive, there is a danger that they become victims of their own closeness resulting in poor decision outcomes. Groupthink theory challenges the belief that greater group cohesion is always better.

The Defence Forces recognise the importance of proper decision-making procedures because, throughout the spectrum[6] of military operations, commanders must make decisions, and some of these decisions may place the lives of our soldiers in danger. To ensure that leaders are equipped to make proper decisions, the Defence Forces doctrinal military decision-making process (MDMP) is taught to students on all career advancement courses from Private to Commandant.

However, the MDMP is generally not used outside of military exercises and operations, although the logical analytical thought process may be used intuitively by decision makers. But this lack of decision-making policy and procedures may lead to poor decisions in the areas of personnel, procurement and logistics. I believe it is vitally important to build on the MDMP to produce a comprehensive decision-making model that considers all factors including the influence of group behaviour on decision making. Good decision making procedures emphasise reflection, consideration of all factors, identifying alternatives, minority opinions and flexibility.

1 Parsons, W. (1995) *Public Policy*, Cheltenham, Elgar.
2 Janis, I. (1982) *Groupthink* (2nd edn), Boston, Houghton Miflin.
3 Buchanan, D. and Huczynski, A. (1991) *Organisational Behaviour* (2nd edn), London, Prentice Hall. Handy, C. (1993) *Understanding Organisations*, London, Penguin. Drucker, P. (2001) 'The effective decision', *Harvard Business Review on Decision Making 2001*, pp. 1-19.
4 In sociology, an 'in-group' is a social group towards which an individual feels loyalty and respect, usually owing to membership in the group. This loyalty often manifests itself as an in-group bias. Commonly encountered in-groups include family members, people of the same race, culture or religion and military units.
5 Op Cit, p. 9.
6 In Defence Forces doctrinal terminology, the range of military activities in peace, conflict or war is called the spectrum of military operations.

I suggest that improvements should be considered in light of recent international military trends. In 2005 the US Army Training and Doctrine Command (TRADOC) introduced the concept of Red Teaming[7] in order to reveal weaknesses in plans or operations and to counteract the influence of groupthink.[8] Similarly, the British Army recognises the potential for groupthink to occur. McConville of the UK's Royal Military College of Science states "Defence management is a sphere that is especially susceptible to groupthink…." [9] I believe that it is now prudent for the Defence Forces to consider the impact of groupthink on its decision-making processes.

Janis's Fiascos

Janis presents seven case studies around these general propositions, five of which he characterises as fiascos as a result of groupthink, and two are successes because they avoided it. The five groupthink fiasco cases are: (1) Pearl Harbour defence failure in 1941 (2) US invasion of North Korea in 1950 (3) US invasion of the Bay of Pigs in 1961 (4) US escalation of Vietnam War from 1964 to 1967 and (5) Watergate cover-up in 1972. He argues that each decision was made by a cohesive group and suggests that there is ample evidence to show that groupthink occurred in these groups.

The five fiascos contrast with two cases which produced good policy decisions and avoided groupthink, namely, (1) The Marshal Plan to avert economic collapse in post-war Europe and (2) President Kennedy's successful handling of the Cuban missile crisis in 1962.

Overview of Janis's Model

Janis's groupthink model has five steps: (1) antecedents[10] of groupthink (2) concurrence seeking (3) symptoms of groupthink (4) decision-making defects and (5) poor decision outcomes. He contends that all policy makers are vulnerable to groupthink whenever circumstances promote concurrence seeking. This assumption leads him to expect that when a series of decisions made by any single policy-making group is examined carefully over a period of several years, a significant percentage of that group's decision errors will prove to be at least partly attributable to groupthink, if the group is moderately or highly cohesive.

Theoretical analysis of Groupthink

Figure 1 is a graphical representation of Janis's theoretical five-step groupthink model. It provides an overview by summarising the antecedent conditions in Boxes A, B1 and B2 that determine the symptoms of groupthink in Box C. This in turn produces the symptoms of defective decision making in Box D, leading to Box E, the low possibility of making a successful decision. Janis argues that, in a cohesive decision-making group, the more antecedent conditions listed in Boxes B1 and B2 that are present, the greater the chances of making a defective decision because of groupthink.

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7 The US Army defines Red Teaming as a structured, iterative process executed by trained, educated and practised team members that provides commanders with an independent capability to continuously challenge plans, operations, concepts and capabilities in the context of the operational environment.

8 Mulrine, A. (2008) 'The Army Trains a Skeptics Corps to Battle Groupthink', (online) (cited 8 December 2008). Available from <URL:http://www.usnews.com/articles/news/world/2008/05/15/the-army-trains-a-skeptics-corps-to-battle-groupthink.html>.

9 McConville, T. (2003) 'The war on terrorism', in McConville, T and Holmes, R. (eds), *Defence Management in Uncertain Times*, London, Cass, p. 48.

10 An antecedent is a preceding condition or behaviour that must be present for an event to occur.

Theoretical Analysis of Groupthink

Antecedants

Box A
Decision Makers Constitute a Cohesive Group

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Box B 1
Provocative Situational Context

1. High stress from external threats with low hope of a better solution than the leaders
2. Low self-esteem induced by:
   a. Recent failures
   b. Excessive difficulties on current decision making tasks that lower each member's sense of self-efficacy
   c. Moral dilemmas: apparent lack of feasible alternatives except ones that violate ethical standards

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Box B 2
Structural Faults of the Organisation

1. Insulation of the group
2. Lack of tradition of impartial leadership
3. Lack of norms requiring methodical procedures
4. Homogeneity of members social background and ideology

Concurrence Seeking (Groupthink) Tendency Boxes A+B1+B2

Box E
Low Possibility of Successful Outcome

Box C
Symptoms of Groupthink

Type 1: Overestimation of the group
   1. Illusion of invulnerability
   2. Belief in the inherent morality of the group

Type 2: Close mindedness
   3. Collective rationalisation
   4. Stereotypes of out-groups

Type 3: Pressures towards uniformity
   5. Self censorship
   6. Illusion of unanimity
   7. Direct pressure on members
   8. Self-appointed mindguards

Box D
Symptoms of Defective Decision Making

1. Incomplete survey of alternatives
2. Incomplete survey of objectives
3. Failure to examine risks of preferred choice
4. Failure to reappraise initially rejected alternatives
5. Poor information search
6. Selective bias in processing information at hand
7. Failure to work out contingency plans

Figure 1. (Adapted from figure 10-1 Janis, 1982)

Summary of Theoretical Analysis of Groupthink

Janis argues that a number of conditions act as the antecedents of groupthink in the first step of the groupthink model. These conditions include: (1) high levels of cohesiveness (Box A), (2) provocative situational contexts (Box B1) and (3) organisational structural faults (Box B2). Provocative situational contexts include low group efficacy and high stress. Organisational structural faults are represented as group insulation, lack of leader impartiality, lack of procedural norms and member homogeneity. This article concentrates on the prevalence of group cohesiveness and organisational structural faults in the Defence Forces in order to show the organisation could be a fertile ground for groupthink.

The second step in the model is concurrence seeking (Box A + B1 + B2), characterised as an exaggerated desire to go along with the perceived group position. After concurrence seeking is brought about by the antecedents of groupthink, the symptoms of groupthink, step three, emerge in the decision-making process.

These symptoms (Box C) include collective rationalisations, pressure to conform, illusion of invulnerability and illusion of unanimity. The symptoms of groupthink produce defective decision making, step four, and these defects (Box D) include incomplete survey of alternatives, failure to examine risks associated with the preferred choice, failure to reappraise alternatives and failure to provide contingency plans.

Antecedents of Groupthink
Group cohesiveness
Janis's groupthink theory specifies observable causes or antecedents that facilitate the occurrence of the syndrome (Box A, B1 and B2). The first antecedent is the degree of cohesiveness of the group. He posits that in a cohesive decision-making group, the danger is not that each individual will fail to reveal his strong objections to a proposal favoured by the majority, but that each will think that the proposal is a good one, without attempting to carry out a critical scrutiny that could lead him/her to see that there are grounds for strong objections.

Janis, however, emphasises the importance of group cohesion and insists that when appropriate precautions are taken ."..a group that has become moderately or highly cohesive probably can do a much better job on its decision-making tasks than if it had remained non-cohesive."[11] He argues that groups lacking amiability and *esprit de corps* will show more symptoms of defective decision making and produce worse fiascos than groups that are moderately or highly cohesive, even though they are spared the unfavourable symptoms of groupthink. Janis stresses that group cohesiveness does not automatically lead to groupthink, it is a necessary but not a sufficient condition. He posits that group cohesiveness in itself is not responsible for groupthink, but the chances of it occurring are increased when the conditions listed in boxes B1 and B2 are present.

Group cohesion is defined as the resultant of all the forces that hold group members together.[12] Janis challenges the belief that group cohesion is always better and he argues that he would not expect to find groupthink where members dislike each other. 'tHart says that the tendency for conformity in cohesive groups is widespread.[13] The very cohesiveness of the group promotes this conformity, as group members emphatically want to remain in the group as respected participants.

Earlier research conducted by Janis of military group cohesion in combat units in World War II and directly after it, indicates that social pressures in these groups can have favourable effects on morale but unfavourable effects on compliance with organisational standards of ethical conduct.[14] He theorises that under certain conditions military organisations could be susceptible to groupthink. King contends that military institutions depend on levels of group cohesion that are matched in few other social groups.[15] Being a team player along with loyalty are considered vitally important professional characteristics and armed forces are able to sustain themselves only so long as individual members commit themselves to collective goals even at the cost of personal injury or death.

The additional antecedents are situational context factors (Box B1) and group structural faults (Box B2). Both sets of antecedents play a crucial role in determining whether a moderately or highly cohesive group will develop groupthink symptoms.

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11 Op Cit, p. 246.
12 Festinger, L. (1954) 'A theory of social comparison processes', *Human Relations*, 7, pp. 117-140. Deutsh, M. and Krauss, R. (1965) *Theories in Social Psychology*, New York, Basic Books.
13 'tHart, P. (1990) *Groupthink in Government: A Study of Small Groups and Policy Failure*, Baltimore, Johns Hopkins.
14 Janis, I. (1949) 'Objective factors related to morale attitudes in the aerial combat situation', *The American Soldier*, p. 2.
15 King, A. (2006) 'The word of command: communication and the military', *Armed Forces and Society*, 32:4, pp. 493-512.

Structural faults of the organisation

The other antecedents (Box B2) are the structural features of the group that make it easy for the symptoms of groupthink (Box C) to become dominant. Janis's first structural fault is the insulation of the group and he argues that a decision-making group is isolated if it relies almost exclusively on members of its own group for information and counsel. Often key experts are not consulted and the experts only become aware of the faults after the decision has been made. This is particularly relevant to military organisations, of which Simpkin posits that "The peacetime military establishment of most advanced countries enjoys an unrivalled and largely deserved reputation for blinkered thinking."[16]

Moorhead and Montanari examine the influence of group insulation on groupthink and their analysis suggests that, as predicted by groupthink theory, insulated groups consider fewer alternatives and make poorer decisions than groups which are not insulated.[17] Flippen argues convincingly that group insulation limits the amount of information available to group members and therefore limits the number of different solutions they can generate.[18]

Janis's second structural fault is the lack of a tradition of impartial leadership. In the absence of appropriate leadership traditions, the leader may use his/her power and prestige to influence the members of the group into approval of the policy he/she prefers instead of encouraging them to engage in open enquiry and critical evaluation. According to Janis, the chances of the decision-making process falling victim to groupthink are increased, if the leader is not constrained by any organisational tradition to avoid pushing his own preferred policies, even if he ."..does not want the members to be yes-men...."[19]

Ahlfinger and Esser hypothesise that group leaders promote their preferred solutions, directive leaders,[20] produce a group process characterised by symptoms of groupthink leading to poor decision outcomes.[21] They find that groups with directive leaders produce more symptoms of groupthink, discuss fewer facts and reach decisions more quickly than groups with non-directive leaders. Richardson also reports that groups with directive leaders report more self-censorship and mention fewer facts during the decision-making process than groups with non-directive leaders.[22] This finding is supported by Casey who argues "…opposing an autocratic chief executive is an extraordinarily difficult proposition. The unspoken pressure to conform is intense and the consequences of opposition will be career limiting or career ending."[23]

Janis's third structural fault is the lack of norms requiring the members to adopt methodical procedures of information search and appraisal, such as compiling a balance sheet of pros and cons for each available option. Kameda and Sugimori suggest that poorer decisions are made

16 Simpkin, R. (1985) *Race to the Swift: Thoughts on Warfare in the Twenty-First Century*, London, Brassey's, p. 188.
17 Moorhead, G. and Montanari, J. (1986) 'An empirical investigation of the groupthink phenomenon', *Human Relations*, 39, pp. 399-410.
18 Flippen, A. (1999) 'Understanding groupthink from a self-regulatory perspective', *Small Group Research*, 30:2, pp. 139-165.
19 Op Cit, p. 249.
20 Directive leaders are characterised by having firm views about how and when things should be done. They leave little leeway for subordinates to display independence, believing that they should adhere to the methods and schedules as originally laid down. Directive leaders are led by their own opinions rather than inviting others to contribute their ideas and this may lead to the ideas of others being excluded from consideration.
21 Ahlfinger, N. and Esser, J. (2001) 'Testing the groupthink model: effects of promotional leadership and conformity predisposition', *Social Behaviour and Personality: An International Journal*, 29:1, pp. 31-42.
22 (1994); cited by Esser, J. (1998) 'Alive and well after 25 years: a review of groupthink research', *Organizational Behavior and Human Decision Processes*, 73:2, pp. 116-141.
23 Casey, D. (2009) 'Cosy directors failed to rein in autocratic chief executives', The Irish Times, Dublin, 19 February, p. 16.

by groups whose decision-making procedure required unanimous rather than majority rule.[24] Callaway and Esser also find that highly cohesive groups without adequate decision-making procedures, exhibit less disagreement and make poorer decisions.[25]

Janis's final structural fault pertains to the homogeneity or lack of disparity in social background and ideology among members of a cohesive group. This structural fault decreases the likelihood of disparate views being presented and debated within the group. Where there are moderate differences in social background and ideology among members, they are more likely to devote their deliberations to exploring alternative solutions, instead of focussing on just one available option and gravitating towards a premature consensus.

McCauley suggests that judgements about group homogeneity are difficult to make because of the lack of clear criteria as to what constitutes a common social background or ideology.[26] But he states that the group of naval officers involved in Janis's Pearl Harbour example of groupthink did constitute a homogenous group, because of their shared background, education and training. Hewson supports this view by describing the military as: "…a fairly homogenous, left brained community that does not strongly value artistic creativity, spontaneity, individualism or imagination."[27] He suggests that military people tend also to be self-righteous, and convinced of their purpose and mission, which makes the military environment a fertile ground for groupthink. Winslow commented on military homogeneity in her research on the Canadian Airborne Regiment where inductees were "…levelled into a homogeneous group in an effort to suppress individuality, thus encouraging investment in the group."[28]

Symptoms of Groupthink

Janis's theory divided his groupthink symptoms (Box C, p.8) into three main types. In Type 1, the group overestimates its ability, creating an illusion of invulnerability shared by most or all group members and encouraging extreme risk taking. The group also manifests an unquestioned belief in the group's inherent morality which could cause the members to ignore the ethical or moral consequences of their decisions.

Kowert opines:

> The danger is not simply that the presence of like-minded others can reinforce one's own sense of rectitude and virtuousness far beyond prudence. The mere presence of others is energising in a way that can prompt rash action or even mob behaviour. [29]

In Type 2, the group tends towards close-mindedness with collective efforts to rationalise in order to discount warnings or other information that might lead the members to reconsider

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24 Kameda, T. and Sugimori, S. (1993) 'Psychological entrapment in group decision making: an assigned decision rule and a groupthink phenomenon', *Journal of Personality and Social Psychology*, 65:2, pp. 283-293.

25 Callaway, M. and Esser, J. (1984) 'Groupthink: effects of cohesiveness and problem-solving on group decision making', *Social Behaviour and Personality*, 12, pp. 157-164.

26 McCauley, C. (1989) 'The nature of social influence in groupthink: compliance and internalization', *Journal of Personality and Social Psychology*, 57:2, pp. 250-260.

27 Hewson, H. (2005) 'Hive mind and groupthink: The curse of the perfect IPT', *Defence AT & L*, Nov-Dec, 33.

28 Winslow, D. (1999) 'Rites of passage and group bonding in the Canadian Airborne', *Armed Forces and Society*, 25:3, p. 430.

29 Kowert, P. (2002) *Groupthink or Deadlock: When do Leaders Learn from their Advisors*, Albany, SUNY Press, p. 2.

their assumptions before they recommit themselves to their past policy decisions. In Type 3, the group pressurises its members towards conformity with self-censorship of deviations from the apparent group consensus. This reflects each member's inclination to minimise their doubts and counter-arguments. They gain an illusion of unanimity concerning judgements conforming to the majority view, with direct pressure on any member who expresses strong arguments against any of the group's stereotypes. Self-appointed mindguards[30] then protect the group from adverse information that might shatter the shared complacency, making clear that dissent is contrary to what is expected of loyal members. Janis's proposition is that the more frequently a group displays these symptoms, the more decision quality will deteriorate.

Shaw posits that groups with high cohesion levels are more effective than groups with low cohesion levels in achieving their respective goals, but accepts that the results are not altogether consistent.[31] Janis acknowledges this and notes that when appropriate precautions are taken, a group that has become moderately or highly cohesive can do a better job on its decision-making tasks than if it remained non-cohesive. He states "…cohesive groups can have great advantages if groupthink tendencies can be kept from becoming dominant."[32]

Symptoms of Defective Decision Making

According to Janis, whenever a decision-making group displays most of these symptoms we can expect to find that the group also displays symptoms of defective decision making (Box D, Fig. 1). The most relevant symptoms are: (1) discussions are limited to a few alternative solutions (2) the group fails to re-examine the course of action initially preferred by the majority (3) the members do not obtain information from experts and (4) selective bias is shown by the group towards information that supports their preferred policy. Janis assumes that these defects and some related features of inadequate decision making result from groupthink and lead to a low possibility of successful outcome. But, he accepts, that each defect can arise from other causes such as stupidity, erroneous intelligence, information overload, fatigue, prejudice and ignorance.

Preventing Groupthink

Janis accepts that the problem of preventing costly miscalculations and lapses from sound thinking in decision making is complicated, and he notes that "For constructive thinking to go on, a group must have a fairly high degree of like-mindedness about basic values and mutual respect."[33] Thus, he questions how decision makers can benefit from group cohesiveness without suffering serious losses from groupthink. He proposes nine elementary precautions that ."..may sometimes help to keep us out of danger while the search for an effective cure continues."[34] With these measures, he contends that groupthink can be avoided when precautions are taken to set up norms for vigilant search and appraisal that counteract collective uncritical thinking and premature consensus.

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30 This term, coined by Janis, describes how members of a cohesive group suppress deviational points of view by putting social pressure on other members to ensure that they will not disrupt the consensus of the group as a whole.
31 Shaw, M. (1971) *Group Dynamics*, New York, McGraw-Hill.
32 Op Cit, p. 247.
33 Op Cit, p. 260.
34 Op Cit, p. 262.

The nine measures are: (1) critical evaluator role assigned to each member and each encouraged to give high priority to objections and doubts (2) impartial leader does not state preferences at the outset (3) independent policy evaluation groups set up (4) these groups should occasionally divide into two or more subgroups (5) group members should discuss deliberations with trusted associates and report their reactions (6) outside experts consulted to challenge the views of the group (7) at every meeting at least one member assigned the role of devil's advocate (8) considerable time should be devoted to surveying all warning signals from rivals and (9) after reaching preliminary consensus, a 'second chance' meeting should be held where all residual doubts are aired before a definitive decision is made.

McConville posits that the key to avoiding groupthink is impartial leadership and states "For the leader of a cohesive group to express personal views or preferences ahead of a debate limits the extent to which individuals will be willing to expose their own doubts or preferred options." [35]

Ancona and Caldwell find that individuals who served on multiple teams rather than on only one team had higher levels of interaction with the external environment.[36] This makes team members more comfortable with outside organisational groups and more willing to seek and take advice. They suggest that second chance meetings should be held to reconsider the decision once it has been reached and before it is made known, preferably in a relaxed atmosphere in a social context echoing perhaps the advice of Herodotus who opined: "Whenever the ancient Persians made a decision following sober deliberations, they would always reconsider the matter under the influence of wine."[37]

The Defence Forces and Group Think
My personal research found that some of the antecedents of groupthink are present in the Defence Forces. Respondents at interviews indicated high levels of group cohesiveness and a strong group culture. The positive effects of these factors can frequently be undermined by evidence of Type 3 groupthink symptoms in the form of direct pressure on group members and with reports of mindguards in another case. But significantly there was also evidence of the encouragement of the 'devils advocate' as a groupthink avoidance strategy and a way of combating the negative effects of group cohesiveness.

There was evidence to show that the group insulation antecedent was present, even though the majority of respondents were open to and encouraged the use of outside agencies to source information and critical evaluation. But in practice, it is difficult to source outside expertise and the Defence Forces have been unwilling or unable to reform itself leading to the imposition of change agents such as the Gleeson Commission.

The majority also reported situations in the Defence Forces where there was a significant lack of a tradition of impartial leadership. However, a common thread throughout the research was that the increase in educational standards and exposure to third-level postgraduate

35 McConville, T. (2003) 'The war on terrorism', in McConville, T and Holmes, R. (eds), *Defence Management in Uncertain Times*, London, Cass, p. 63.
36 Ancona, D. and Caldwell, D. (1988) 'Beyond task and maintenance: defining external functions in groups', *Group and Organization Studies*, 13, pp. 468-494.
37 Cited in Janis, Op Cit, p. 271.

qualifications is leading to a more impartial leadership style. Finally, my research supports the view that members of the Defence Forces may constitute a homogenous group, which, when other antecedents are present, could lead to an increased risk of groupthink.

Conclusion

The Defence Forces emphasises the importance of team work and group cohesiveness and it also emphasises the importance of proper decision-making procedures. However, Defence Forces decision-making procedures do not take account of groupthink. The implication of this study for the Defence Forces is that the organisation's leaders are at risk of making poor quality decisions because of the prevalence of groupthink antecedents. While the Defence Forces encourages high levels of group cohesion, which is necessary in military organisation, it does not address the problems that could arise as a result of moderate or high levels of group cohesion combined with group insulation, directive leadership and group homogeneity. The implication of this is that the Defence Forces, by encouraging high levels of group cohesion, could discourage independent critical thinking and fall victim to groupthink. In a cohesive decision-making group, the danger is not that each individual will fail to reveal his strong objections to a proposal favoured by the majority, but that each will think that the proposal is a good one, without attempting to carry out critical scrutiny that could lead to grounds for strong objections emerging.

The commendable emphasis on team work in the Defence Forces should be tempered with an acknowledgement of how the organisational structural faults of group insulation, directive leaders and group homogeneity can lead to premature consensus. As part of a co-ordinated policy to counteract groupthink, a series of awareness lectures should be incorporated into the syllabi of all career courses and leadership seminars. The benefits of groupthink awareness to the Defence Forces are that the negative impact of groupthink is mitigated and decision makers' understanding of erroneous group decisions is increased. Ultimately, it may prevent poor decisions from being made, especially high level decisions involving large amount of taxpayers' money and operational decisions where the lives of Defence Forces members are in danger.

My research concentrated on the existence of four groupthink antecedents but surprisingly, it revealed that all the participants were intuitively putting in place strategies for preventing groupthink. One that I find particularly encouraging is the positive support for having a devil's advocate to present dissenting arguments. There is scope for further research in this area with a view to drafting an organisational policy of appointing a devil's advocate for important projects, purchases or operational decisions.

A group not insulated from outside evaluations, and subject to traditions and norms facilitating critical enquiry and non-authoritarian leadership practices, is more likely to make better decisions than an individual in the group working alone. Yet the potential advantages of group decision making are often lost because of a lack of awareness of groupthink. Effective training, impartial leadership and the development of critical evaluation skills in members of the Defence Forces will help avoid the pervasive affects of groupthink and will lead to a better decision-making culture.

How do Cultural Dimensions Impact on Negotiation in a Military Context?

Comdt Colm Ó Luasa

> *Conflict is inherent in human activities. It is omni present and foreordained.*
>
> (Isard, 1992:1)

Introduction

The Irish Defence Forces primary operational commitment is in Peace Support and Crisis Management Operations overseas. This environment has become increasingly complex and multi-faceted and various mission mandates and ROEs effectively mean that negotiation is often the 'weapon' of first resort. "There is a need for soldiers to function as conflict resolvers and negotiators."[1] The ethos of the Defence Forces, as I understand it, would strongly support this position.

Culture, in many ways, defines how we perceive the world around us and how we interact with it. This essay examines the impact of culture on negotiation in the specific military context of Peace Support Operations. It explores dimensions of culture and their relevance to negotiation against the background of Peace Support Operations. The particular dimensions include attitudes to time, violence, ethnocentrism and communication. Theory is drawn from the field of sociology mainly, but also from psychology, particularly in regard to Emotional and Cultural Intelligence.

Significance of Culture in a Negotiation Context

> To ignore cultural factors is to ignore a significant influence on both the general context of a negotiation and the approach of the individuals towards the process.[2]

An analysis of negotiation models shows that strategic interaction between the parties is based on their concepts of such issues as cooperation versus competition, communication, the existence of viable alternatives to negotiation, relative power of the parties, interests, goals, motivations and the effect of threat moves within a negotiation.[3] However, the context in which negotiation occurs is also important and has a substantial effect on the negotiation process. "Negotiations do not happen in a vacuum."[4] In a Peace Support Operations environment for instance this can be represented by the mission mandate, the security situation, Rules of Engagement[5] (ROE), commander's intent, the physical environment and of course the

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1 Goodwin, D. (2005) *The Military and Negotiation – The Role of the Soldier-Diplomat*, Oxon, Frank Cass, p. xiii.

2 Ibid, p. 75.

3 Fisher, R., Ury, W. and Patton, B. (1991) *Getting to Yes* (2nd edn), New York, Penguin Group. Pruitt, D.G. (1981) *Negotiation Behaviour*, New York, Academic. Scott, W.P. (1981) *The Skills of Negotiating*, Aldershot, Gower.

4 Salacuse, J. W. (2003) *The Global Negotiator,* New York, Palgrave Macmillan, p. 77.

5 Rules of Engagement are the rules which govern how, when, where and in what circumstances military personnel can use force to achieve their mission.

national and organisational culture of the parties involved.[6] Interpersonal interaction and communication are necessary components of the negotiation process. "Reduced to its essence negotiation is a form of interpersonal communication."[7] But any person is likely to filter information being received according to their own cultural beliefs and values. "Efficient communication within a negotiation is affected by issues such as cultural filters."[8] I posit therefore that culture has an impact on all the negotiation issues outlined above. It feeds into and supports the epistemological stance of all the parties to a negotiation and therefore, any negotiation which is undertaken without a clear understanding of the cultural context in which it takes place runs an increased risk of failure. "Culture matters."[9]

Definitions

Before continuing any further it may be useful to examine the definitions of both negotiation and culture. Negotiation is defined as an "exchange between one party and his opponent for the purpose of coming to terms or reaching a mutually acceptable agreement or resolution of a conflict."[10]

Kroeber and Kluckholn identified more than 150 different definitions of culture.[11] The definition favoured by this essay defines culture as "derivatives of experience, more or less organised, learned or created by the individuals of a population, including those images or encodements and their interpretations transmitted from past generations, or contemporaries, or formed by individuals themselves."[12]

Never Mind Culture – Give me my Breakfast!

The importance of culture as a determining factor in negotiation appears to be a matter of debate. Zartman was particularly dismissive; "Culture is indeed relevant to the understanding of the negotiation process – every bit as relevant as breakfast and to much the same extent."[13] This contrasts with de Callières who in 1716 hypothesised that there was a direct relationship between negotiating behaviour and place of birth.[14] However Goodwin acknowledges that "culture is a factor that cannot and should not be overlooked."[15]

Many researchers and authors now accept that culture has an important role to play in negotiation.[16] Culture can be explained through the analogy of an iceberg.[17] The visible portion of the culture iceberg is the behaviour, artefacts and institutions that characterise a culture. But these are an expression of values, beliefs and norms which themselves are based on deeper hidden assumptions (See Figure 1).

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6 Goodwin, Op Cit.
7 Lewicki, R.J., Saunders, D.M. and Barry, B. (2006) *Negotiation* (5th edn), New York, McGraw Hill, p. 162.
8 Goodwin, Op Cit, p. 79.
9 Avruch, K. (1998) *Culture and Conflict resolution*, Washington, US Institute for Peace Press, p. ix.
10 Isard, Op Cit, p. 128.
11 Kroeber, A.L. and Kluckholn, C. (1952) 'A review of culture: A critical review of concepts and definitions', *Papers of the Peabody Museum of American Archaeology and Ethnology*, 47:1, Cambridge, Peabody Museum.
12 Schwartz, T. (1992) 'Anthropology and psychology; An unrequited relationship', in Schwartz, T., White, G. and Lutz, C. (eds), *New directions in psychological anthropology,* Cambridge, Cambridge Universiy Press, p. 324.
13 Zartman, I. W. (1993) 'A Skeptic's View', in Faure, G.O and Rubin, J.Z. (eds), *Culture and Negotiation*. California, Sage, p. 17.
14 de Callières, E. (2000) *On the Manner of Negotiating with Princes,* trans A. F. Whyte, New York, Houghton Mifflin.
15 Goodwin, Op Cit, p. 67.
16 Casse, P. and Deol, S. (1985) Managing intercultural negotiations: Guidelines for trainers and negotiators, Washington, DC, Sietar International. Cohen, R. (1991) Negotiating Across Cultures: Communication Obstacles in International Diplomacy, Washington, DC, US Institute of Peace Press. Salacuse, Op Cit, Thompson, L. (2005) The Mind and Heart of the Negotiator, New Jersey, Pearson Prentice Hall.
17 Schein, E. H. (1985) *Organisational Culture and Leadership,* San Francisco, Jossey-Bass. Schneider, S.C. (1997) *Managing Across Cultures*, New Jersey, Prentice Hall.
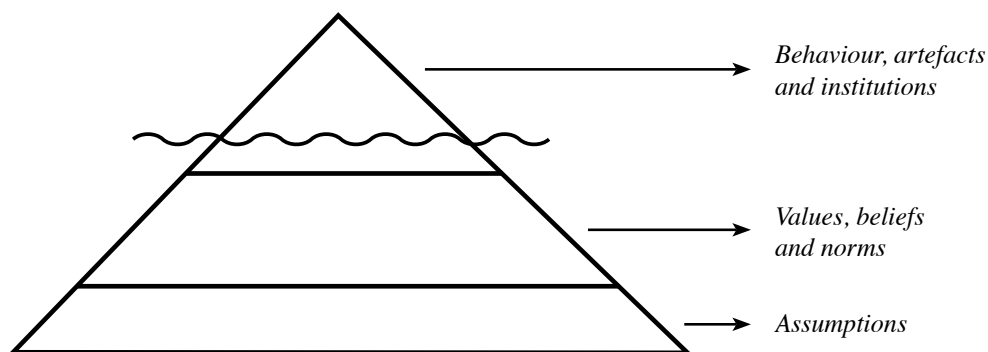
Figure 1: Culture as an Iceberg[18]

These cultural dimensions influence the way negotiators perceive and understand a given situation and advise the negotiator about appropriate behaviour. "The analytical issue is thus not whether culture is at play but the degree to which it affects negotiation."[19] The issue for this essay is what dimensions of culture impact on negotiation and how they do so in a military context.

Cultural Dimensions
In order to comprehend why people behave the way they do in a given context or situation, it is necessary to identify the cultural dimensions at play. These are the bedrock of consequential societal norms and behaviours. They provide the frame of reference to answer the most fundamental questions of self identity for each individual.[20]

Individualism-collectivism refers to the broad value tendencies of a culture in emphasising the relative importance of the individual or the community. "Individualism promotes self-efficiency, individual responsibility and personal autonomy. Collectivism promotes relational interdependence, ingroup harmony and ingroup collaborative spirit."[21] This has a variety of implications for the conduct of negotiation. People from individualistic cultures value influence and control over their world and others. Consequently they are motivated to use tactics that increase their bargaining power and enable them to exert their influence. People from collectivistic traditions tend to engage in more cooperative behaviour and this will directly impact on their approach to negotiation.[22] Those who are from individualistic cultures are more likely to suffer from a fixed-pie bias[23] than those from collectivistic traditions.[24]

In a hierarchical culture, great respect and deference is paid to status. Social status implies social power. Social inferiors are expected to defer to social superiors, who in return,

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18 This diagram was adapted by Schneider (1997) from the original used by Schein (1985).
19 Faure, G.O. and Sjöstedt, G. (1993) 'Culture and Negotiation: An Introduction' in Faure, G.O and Rubin, J.Z (eds), *Culture and Negotiation,* California, Sage Publications, pp. 1-13.
20 Ting-Toomey, S. and Chung, L.C. (2005) *Understanding Intercultural Communication,* California, Roxbury Publishing Company.
21 Ibid, pp. 59-60.
22 Cox, T.H., Lobel, S.A. and McLeod, P.L. (1991) 'Ethics of ethnic group cultural differences in cooperative and competitive behaviour on a group task', *Academy of Management Journal,* 34, pp. 827-847.
23 Fisher and Ury (1981) developed the idea of inventing options for mutual gain as opposed to the assumption that there must be a winner and loser in a negotiation. This will ensure that all parties' interests are met and a larger pie is created which can be divided between the parties.
24 Gelfand, M.J. and Christakopolou, S. (1999) 'Culture and negotiator cognition: Judgment accuracy and processes in individualistic and collectivistic cultures', *Organisational Behaviour and Human Decision Process,* 79:3, pp. 248-269.

have an obligation to look out for the well being of lower status people.[25] In an egalitarian culture, while status differences exist, they are not emphasised and people are less receptive to power differences. This is an important aspect as the attitude to and use of power has a direct relationship to the conduct of negotiation. In hierarchical culture, power is associated with and derived from position and status. However, in egalitarian cultures, power is usually determined by one's Best Alternative to Negotiated Agreement (BATNA)[26]

"Communication processes, both verbal and nonverbal, are critical to achieving negotiation goals and to resolving conflicts."[27] Effective communication within a negotiation is affected by language, style and context. Even in a mono-cultural setting, these seemingly technical issues can, if not handled properly, lead to a breakdown in negotiation. In the context of an overseas military operation, the addition of a cultural filter, through which all communication is received and sent, presents a further complication which is worthy of examination.[28] Hall suggests that human interaction, on the broad level, can be divided into low context and high-context communication systems.[29] In low-context communication, the emphasis is on expressing meaning through explicit verbal messages. In such a direct communication culture, the meaning is contained in the message, without nuance and the conditions under which the message is passed are largely irrelevant. In high-context communication, the emphasis is on conveying the meaning through the context of the message and non-verbal channels. The meaning is embedded and must be inferred to be understood.[30]

Cross-cultural differences in the understanding and concept of time may influence the conduct and process of negotiation. "These differing perceptions of time threaten intercultural interactions because they can lead us to attach judgements to time related aspects of behaviour."[31] Trompenaars and Hampden-Turner categorised cultural perceptions of time as sequential or synchronic. [32] In sequential cultures, time is perceived as a line passing from the past through the individual in the present to the future. Time is viewed as a limited commodity and this is likely to influence behavioural factors in that punctuality is valued, plans are made in advance and more focus is given to time schedules than relationships. Synchronic time represents the past, present and the future as interrelated phases with each affecting the other. In this culture, relationships, obligations and hierarchy often take precedence over punctuality. Within the synchronic model, it is possible to have an emphasis on the past phase so that it has a greater influence on both the present and the future and in turn will affect current decisions and future planning. "Much has been made of the way in which Serbs will refer constantly to the ancient battle of Kosovar, and make it part of the political debate today."[33]

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25 Leung, K. (1987) 'Some determinants of reactions to procedural models for conflict resolution: A cross national study', *Journal of Personality and Social Psychology*, 53:5, pp. 898-908.

26 Fisher and Ury (1981) stress the importance of negotiators knowing their alternatives. Knowing and understanding their BATNA allows parties to manage more effectively differences in power and to understand that they are negotiating to produce something better than that alternative.

27 Lewicki, R.J., Barry, B. and Saunders, D.M. (2007) *Negotiation: Readings, exercises and cases* (5th edn), New York, McGraw Hill.

28 Goodwin, Op Cit.

29 Hall, E.T. (1976) *Beyond Culture*, New York, Anchor Books.

30 Lewicki et al, Op Cit.

31 McDuff, I. (2006) 'Your Pace or Mine? Culture, Time, and Negotiation', *Negotiation Journal*, 22:1, pp. 31-45.

32 Trompenaars, F. and Hampden-Turner, C. (1997) *Riding the waves of culture: Understanding cultural diversity in business,* London, Nicholas Brealey Publishing

33 Goodwin, Op Cit, p. 112.

Ethnocentrism refers to unwarranted positive beliefs about one's own cultural group relative to other cultural groups.[34] In effect it means we attach much more importance to the views, standards, beliefs and attitudes of our own group than any other and "perceive our way of life as the most reasonable and proper."[35] Fisher sees culture as impinging on negotiation in ways which could all have their roots in ethnocentrism.[36] He argues that one's own culture conditions one's perception of reality and blocks out information inconsistent or unfamiliar with one's own culturally grounded assumptions. There is also a tendency to project meaning onto the other party's words and actions which may not be accurate. All these could usher an ethnocentric negotiator to incorrectly assume the motive of the other party. Ethnocentric bias is therefore likely to affect a negotiator's interests, motivations and attitude to power.

Cultural Fluency

If culture has such a powerful role to play in how we interact and ultimately negotiate, it is appropriate to examine how we, as individuals, react to different cultural experiences. What is it that makes some people more fluent and thus more effective when negotiating with those from a culture alien to their own? The answer it appears is a matter of intelligence. Gardner argues that all human beings are born with a multiplicity of intelligences and that there is more to being intelligent than the logical, verbal or mathematical intelligence typically measured on standard Intelligence Quotient (IQ) tests.[37] Moreover he insists that these different intelligences can be developed to achieve great individual accomplishment. He identifies seven categories of intelligence, namely; Linguistic, Logical-mathematical, Spatial, Musical, Body/Kinesthic, Interpersonal and Intrapersonal. Salovey and Mayer coined the term Emotional Intelligence (EQ) and defined it as "the ability to monitor one's own and others' feelings and emotions, to discriminate among them and to use this information to guide one's thinking and action."[38] Goleman[39] and Goleman, Boyatzis and McKee[40] further developed this concept. They drew on the work of both Gardner and Salovey and Meyer to explain it as depicted in Figure 2.

Intrapersonal Intelligence   *Interpersonal Intelligence*
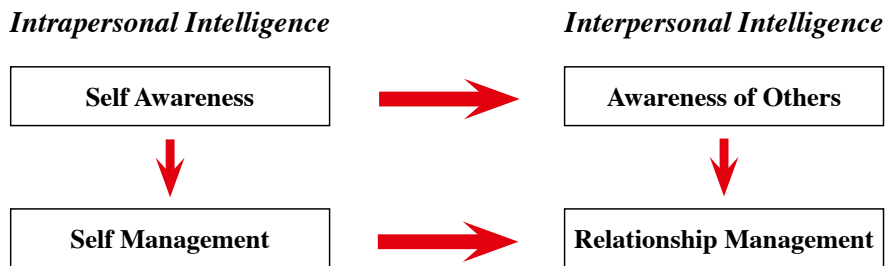
Figure 2: Emotional Intelligence   (Goleman et al, 2002:39)

Kumar insists that "the dynamics of emotions in intercultural negotiations are likely to be much more complex than in intracultural negotiations."[41]

34 LeVine, R.A. and Campbell, D.T. (1972) Ethnocentrism: Theories of conflict, ethnic attitudes and group behaviour, New York, Wiley.
35 Ting and Toomey, Op Cit, p. 235.
36 Fisher, G. (1980) International negotiation: A cross-cultural perspective, Chicago, Intercultural Press.
37 Gardner, H. (1983) Frames of Mind: The Theory of Multiple Intelligences, New York, Basic Books.
38 Salovey, P. and Mayer, J.D. (1990) 'Emotional Intelligence', *Imagination, Cognition and Personality*, 9:3, p. 189.
39 Goleman, D. (1995) Emotional Intelligence: Why It Can Matter More Than IQ, New York, Bantam Books.
40 Goleman, D., Boyatzis, R.E. and McKee, A. (2002) *Primal Leadership: Realising the Power of Emotional Intelligence*, Boston, Harvard Business School Press.
41 Kumar, Op Cit, p. 97.

Cultural Intelligence

> Cultural Intelligence is the ability to engage in a set of behaviours that uses skills (i.e. language or interpersonal skills) and qualities (e.g. tolerance for ambiguity, flexibility) that are tuned appropriately to the culture based values and attitudes of the people with whom one interacts.[42]

"Cultural Intelligence (CQ)[43] is related to emotional intelligence, but picks up where emotional intelligence leaves off."[44] One critical element that CQ and EQ have in common is the need to suspend judgement until enough information is available.[45] Earley and Ang put forward a concept of CQ that seeks to understand individual differences in the ability to adapt effectively to new cultural settings.[46] Ng, Ramaya, Teo, and Wong suggest a generic training framework, based on CQ, for cross-cultural education of military leaders.[47] They posit that a CQ based general cultural education would provide the foundation necessary to develop cultural competence in all military leaders, enhance mission specific cultural training prior to overseas service and enable effective cross-cultural learning in a multi-cultural setting. This echoes the contention that "cultural intelligence can be developed."[48]

The Military Negotiator

Having examined the literature on the dimensions of culture, it is now time to explore its relevance in the specific military context of Peace Support Operations. The following observations are drawn from a series of interviews with Irish and international, military and non – military, practitioners from across the broad range of Peace Support Operations. My findings confirm the relevance of culture to negotiation and indeed make the distinction between the relevance of the negotiator's own culture and the culture of other parties as well as the importance of both national and organisational cultures. Knowledge and awareness of one's own culture is the necessary starting point in attempting cross-cultural negotiation in order to prevent the effect of possible preconceptions and to ensure that, as a peacekeeper one remains culturally neutral.

I contend that attitudes to violence are rooted in culture and linked to emotion. This is a vital issue for military negotiators who are more likely to operate in an emotional and violent environment, particularly at the tactical level. An acceptance of a certain level of threat is regarded as part of a peacekeepers job but Irish Defence Forces' culture appears to support an acceptance of a greater level of threat than other military forces. This illuminates a Defence Forces ethos where negotiation is the weapon of first resort, but underlines the personal courage and professional judgement required in such circumstances.

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42 Earley, P.C. and Peterson, R.S. (2004) 'The elusive cultural chameleon: Cultural intelligence as a new approach to intercultural training for the global manager', *Academy of Management Learning and Education*, 3, p. 89.

43 The acronyms CI and CQ are both used in the literature to stand for Cultural Intelligence. This essay follows the convention of CQ, as used by Earley and Mosakowski.

44 Earley, P.C. and Mosakowski, E. (2004) 'Cultural Intelligence' *Harvard Business Review*, 82:10, p. 139.

45 Earley and Mosalowski, Op cit. Goleman, D. (1998) 'What Makes a Leader?' *Harvard Business Review,* 76:6, pp. 93-102. Triandis, H.C. (2006) 'Cultural Intelligence in Organisations', *Group and Organisation Management*, 31:1, pp. 20-26.

46 Earley, P.C. and Ang, S. (2002) *Cultural Intelligence: Individual interactions across cultures,* California, Stanford University Press.

47 Ng, K.Y., Ramaya, R, Teo, T.M.S. and Wong, S.F. (2005) 'Cultural Intelligence: Its potential for military leadership development', *paper presented at 47th Annual International Military Testing Association Conference,* 8 – 10 Nov 2005, Singapore

48 Earley and Mosakowski, Op Cit, p. 146.

With regards to the cultural attitudes to time, my respondents strongly reinforced the literature in relation to two aspects of synchronic perceptions of time. Firstly, the seemingly inane preamble to many negotiations is culturally significant and indeed an opportunity to develop a relationship with the other party. Secondly, the power of history as a driving force in conflicts needs to be understood and acknowledged.

Issues arising from a clash in cultural communication styles and the use of language were also evident in the research and while experience is of great assistance in understanding nuances, it appears some cultures, including the Irish, are more open to this than others.

The power of ethnicity was illustrated particularly in the manner in which it can be exploited in a conflict resulting in the cultural polarisation of a society. Peacekeepers must maintain impartiality, both culturally and operationally, if they are to operate in this environment.

The respondents emphasised the importance of forging a personal and emotional connection and also demonstrated an implicit acceptance of the importance of EQ and CQ. The importance of having and showing respect for people was illustrated to be the cornerstone of both EQ and CQ and this is facilitated by cultural training and openness to new cultural concepts. Cultural and negotiation training is essential in Peacekeeping Operations and there is a need for a training programme to move across a spectrum from our own culture through general cultural awareness training to mission and appointment specific training.

Recommendations

My research suggests that the following areas be prioritised in order to adequately prepare Defence Forces personnel for service on Peace Support Operations;

- The Defence Forces should adopt a formalised structure of cultural training based on the CQ model proposed by Ng et al (2005) and the CQ framework outlined by Earley and Ang (2003). This structure should include an examination of our own culture, general cultural awareness as well as mission and appointment specific training.

- Mission specific cultural training should include an analysis of the effects of both the key dimensions of culture, as outlined in this thesis, and of history for the specific mission area and its people.

- The Defence Forces should further expand its link with its academic partners in order to avail of the most up to date anthropological, historical and cultural instruction.

- Negotiation training should be expanded for specific overseas appointments.

- Emotional intelligence should be included as part of Defence Forces negotiation training.

- Language and communication training in the Defence Forces should be further developed, particularly in the form of out-placed immersion[49] training in order to better place communication in a cultural context.

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49 Language immersion is a method of teaching a second language. Unlike a more traditional language course, where the target language is simply the subject material, language immersion uses the target language as a teaching tool, surrounding or immersing students in the second language. It develops careful listening skills, as well as cultural and linguistic awareness.

Conclusion

This essay presents the opportunity to reflect on one of the cornerstones of Irish Defence Forces success on peacekeeping operations – our ability to communicate and develop relationships with people. This success can be further developed by continuing to show respect to all parties especially if we are equipped with the pre-requisite cultural knowledge pertaining to ourselves and others. De Callières, nearly three centuries ago, urged negotiators to study virtually every dimension of the country and the people with whom the negotiator will come into contact but also counselled them "to reveal an innate respect for the person whom they are addressing."[50] We should follow this advice and continue to develop and play to our strengths in a peace support environment that is becoming increasingly complex.

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50 De Callieres, Op Cit, p. 95.

Does Neutrality Law Matter?

Simon Deignan

The laws of neutrality are those regulating the coexistence of war and peace. They were formed for the purposes of the confinement of war, maintenance of trade, and preservation of peacetime relations.[1] Historically, neutrality was adopted as a means of security, retained if it kept a state out of a war and abandoned if it did not. An early and perhaps one of the most famous examples of an attempted assertion of neutrality occurred during the Peloponnesian war in the 5th Century BC. During the struggle between Athens and Sparta the island state of Melos resisted attempts to be co-opted into the Athenian war effort resulting in the slaughter of the male population and the enslavement of the women and children.[2] Clearly for the Melians to engage in a dialogue and invoke such an idea, a concept of neutrality and its legal connotations must have existed between city states two and a half thousand years ago. This principle has changed surprisingly little over the years and developed alongside the laws of war until their partial codification in the Hague Conventions of 1899 and 1907, which led to the classification of the laws governing the rights and duties of neutral states in 1907, which is the foundation for today's neutrality law. However, these laws were developed during a time when war was not prohibited, before the existence of a United Nations Charter,[3] and the idea of collective security, and thus are perhaps not as relevant today. I will examine the meaning of modern neutrality and attempt to join the jig-saw principles of neutrality. I will then ponder whether modifications should be made to the existing laws and what the advantages, or indeed, the disadvantages of such changes would be to neutral states such as Ireland.

The Principles of Neutrality

What is a neutral state, how does one become neutral and what must one do? These are questions that continue to arise in international relations today, leading to considerable confusion among states, such as Ireland. According to Detter,[4] a state is considered 'neutral' if it is entrenched in a treaty[5], or by a specific declaration[6], or through its permanent neutrality.[7] Ireland fits into the declaration category, first used in World War II and since, through a National Declaration in various EU Treaties.[8] However, the International Law Commission terms a unilateral declaration 'imperfect',[9] after all is a country neutral if no other states recognise it as such? Rousseau states, "It is, however, doubtful from the legal point of view whether such a procedure is sufficient to establish permanent neutrality status enforceable against third States in the absence of a subsequent treaty and unequivocal recognition by such

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1 Chadwick, E. (2002) *Traditional Neutrality Revisited*. Kluwe Law International, p. 4.
2 Thucydides, *Peloponnesian War,* Penguin classics, 5.84, p. 114.
3 Notably Article 2(4): all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
4 Detter, I. (2000) *The Law of War*, Cambridge University Press, 2nd Ed, pp. 170-171.
5 As in the case of Austria under the State Treaty of 1955, 217 UNTS 223
6 As in the case of Austria under the State Treaty of 1955, 217 UNTS 223
7 Thus Switzerland is permanently neutral
8 The National Declaration reaffirms Ireland's continued attachment to its traditional policy of military neutrality and confirms, in line with this policy, that (i) Ireland is not party to any mutual defence commitment; (ii) that Ireland is not party to any plans to develop a European army; and (iii) that Ireland will take a sovereign decision, on a case by case basis, on whether the Defence Forces should participate in humanitarian or crisis management tasks undertaken by the EU, based on the triple lock of UN authorisation, Government decision and approval by Dáil Éireann – Taken from Department of Foreign Affairs website
9 A/CN.4/542 - SEVENTH REPORT ON UNILATERAL ACTS OF STATES 22 April 2004

States."[10] However, Detter maintains that "until states have taken their position in a dispute they will be assumed to be neutral with ensuing rights and duties."[11]

These rules on rights and duties of neutral states are laid down in Chapter 1 of Hague Convention V of 1907,[12] as this is the foundation of international public law in the area, I have detailed the provisions below;

Rights:

Art. 1 - *The territory of neutral powers is inviolable*

Art. 2 - *Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral power.*

Art. 3 - *Belligerents are likewise forbidden to:*

> *(a) Erect on the territory of a neutral Power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea;*

> *(b) Use any installation of this kind established by them before the war on the territory of a neutral Power for purely military purposes, and which has not been opened for the service of public messages.*

Art. 4 - *Corps of combatants cannot be formed nor recruiting agencies opened on the territory of a neutral power to assist the belligerents.*

Art. 10 - *The fact of a neutral Power resisting, even by force, attempts to violate its neutrality cannot be regarded as a hostile act.*

Duties

Art. 5. - *A neutral Power must not allow any of the acts referred to in Articles 2 to 4 to occur on its territory. It is not called upon to punish acts in violation of its neutrality unless the said acts have been committed on its own territory.*

Art. 6 - *The responsibility of a neutral Power is not engaged by the fact of persons crossing the frontier separately to offer their services to one of the belligerents.*

Art. 7 - *A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.*

Art. 8 - *A neutral Power is not called upon to forbid or restrict the use on behalf of the belligerents of telegraph or telephone cables or of wireless telegraphy apparatus belonging to it or to companies or private individuals.*

Art. 9 - *Every measure of restriction or prohibition taken by a neutral Power in regard to the matters referred to in Articles 7 and 8 must be impartially applied by it to both belligerents. A neutral Power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.*

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10 Review Générale de Droit International Public (R.G.D.I.P) (1984), vol. 88, p. 449. Accessed at http://www.rgdip.com/
11 Detter, Op Cit, p. 171.
12 Detter, I (Ibid, p. 170) calls these provisions the result of the United States view, however she fails to elaborate.

It is clear from these ten articles that traditionally a neutral state was expected to be impartial to belligerents and not to aid or interfere with the war effort. Although the preamble of the convention says one of its purposes is to define 'neutral',[13] it does not explicitly do so, thus we can only assume that a neutral state is one which adheres fully to their duties as set out in the convention. Hence 'neutral' states have legal rights as well as legal duties, and the disregard for their duties will suspend their rights. Detter makes specific reference to *The Tinos Case* (1917) where Greek neutrality was seen as invalid when she proclaims, "only 'effective' neutrality must be respected by third States."[14] Thus in order for a state's, such as Ireland, neutrality to be respected, it must adhere to its duties as decreed in the Hague Convention above. This is the traditional view certainly.

Over the last century, from the outbreak of 'total war', to the development of international institutions and global interdependence, the concept of neutrality as evolved. Pre-1945, during the two world wars, neutrality seems to have had more failures than successes.[15] However post-1945 the United Nations has to some extent eliminated the so called 'anarchy' of international relations in which the traditional laws of neutrality were codified. The very first article of the UN Charter seems to contradict the very idea of neutrality:

> *To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.*[16]

Surely the idea of collective security does not allow for the impartiality to belligerents as called upon in the 1907 Convention. The article also poses the question of who decides when something is a 'threat to the peace?' The answer is, of course, the UN Security Council. Chapter 7 of the UN Charter details the measures which members must follow if the Security Council agrees on such action:

> *All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.*[17]

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13 1907 Hague Convention Chapter V, preamble
14 Op Cit, p. 171.
15 E.g.: Occupations during WWI; Luxembourg and Belgium by Germany, the Greek islands by Entente powers; Occupations during WWII; Denmark, Norway, Luxembourg and Belgium by Germany, Yugoslavia and Greece by Germany and Italy, Iceland by the UK, Iran by the UK & USSR, Portuguese Timor by the Netherlands and Australia.
16 Art. 1. (1)
17 Art. 43. (1)

And:

> *The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.*[18]

Although these appear to directly challenge the status of state neutrality, it has become customary that a state retains its neutrality while complying with UNSC resolutions.[19] In contemporary recognition of neutrality, states do not quote the 1907 convention but instead the UN charter, a most recent example is the UN General Assembly's recognition of Turkmenistan's status of permanent neutrality;

> *Recognizing that the adoption by Turkmenistan of the status of permanent neutrality does not affect the fulfilment of its obligations under the Charter and will contribute to the achievement of the purposes of the United Nations.*[20]

This is also evident in France's recognition of Malta's neutrality;

> *Gives its full support, in accordance with the Charter of the United Nations, to the independence of the Republic of Malta and its status of neutrality, based on the principles of non-alignment.....* [and] *undertakes to respect that neutrality.*[21]

This not only recognises Malta's neutrality through the UN Charter, but also bases it on the principles of non-alignment, which are the rejection of all forms of subjugation, dependency, interference or intervention, direct or indirect, and of all pressures, whether political, economic, military or cultural, in international relations.[22] These principles, developed out of an Indian and Chinese rejection of US and Russian influence during the Cold War, essentially stress an independent state sovereignty.[23]

The pre-eminence of the UN Charter over the traditional convention on neutrality is evident by Switzerland's 2002 membership of the UN. The Swiss president addressed whether this would impact upon Swiss neutrality:

> *Switzerland is a neutral country. We have always understood this neutrality to be an obligation to work towards peace and not as legitimacy for ambivalence or standing on the sidelines. We have never wanted to remain neutral towards victims of violence and oppression. And there is no neutrality when it comes to the rules of the international community*

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18 Art. 49
19 See also *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996*, p. 226, at para. 105 (8 July 1996); "The Court finds that...international law leaves no doubt that the principle of neutrality, whatever its content...is applicable (subject to the relevant provisions of the United Nations Charter), to all international armed conflict."
20 A/RES/50/80 (11 January 1996), accessed at http://www.un.org/gopher-data/ga/recs/50/80
21 R.G.D.I.P. (1982), vol. 86, pp. 166 - 167. Accessed at http://www.rgdip.com/
22 Art. 12 of the 6th Summit of Non-Alignment, Havana, (1979), http://www.cubanoal.cu/Documentos%20de%20Cumbres%20precedentes/1979%20La%20Habana/ingles.pdf.
23 It is perhaps unsurprising that France mentions them.

and international law. International law is the only legitimate alliance partner of a neutral country. The idea of neutrality is to not support hegemony and to champion the peaceful, equitable coexistence of all the countries of this world. That is Switzerland's understanding of neutrality and how it intends to exercise it here in the UN.[24]

Thus we can see that neutrality is no longer strict impartiality but an adherence to international law and more specifically the UN Charter.[25] Does this mean that when the UN Security Council makes a condemnation, such as terrorism or the Iraq invasion of Kuwait, all members by fulfilling their obligations, can still somehow remain neutral? Or that, in the face of threats to peace and security, as decided by the UNSC, no country is neutral? In reality, it is the latter but in legal terms the former is true.

The UN to a certain degree has attempted to transform all states to a status of non-belligerent, eliminating the need to be neutral, and should a conflict arise the Security Council will decide whose side you are on. Therefore the idea of neutrality is still that which is set out in the 1907 Convention unless the UN Security Council decides otherwise, in which case the state remains neutral as long as it supports the Council against the belligerent or threat. Thus the principles of neutrality are becoming the principles of non-belligerence as set out in the UN Charter.[26]

Modifications

If the concept of neutrality is to have any relevance for contemporary Ireland, it needs to be re-examined and defined for a modern society. With the removal of war as a legitimate method of diplomacy, neutrality is heading towards redundancy. Finland and Sweden have already dropped the word 'neutrality' in official texts, Austria appears to be drifting towards possible NATO membership,[27] the Swiss have joined the UN, and Irish courts have found that Irish foreign policy is not compatible with any status of neutrality in international law.[28] The ambiguous policies practised by so-called 'neutrals' need to be properly institutionalised, otherwise there is little point of neutrality existing when nobody is adhering to its ideals. As we have seen above, the use of force is now prohibited unless in certain circumstances and those that instigate it are seen as Cicero's pirates once were, *hostis humani generis*. With the growth of the UN, a more 'moral' approach is emerging in International Law, which is attempting to veer from the realist ideologies of the past. However, some states, such as Ireland, still value the concept of neutrality and the principles it upholds, using it to their advantage on the international stage, either by projecting an independent stance or increasing the credibility of their peacekeepers. Therefore it is necessary to modify the traditional laws of neutrality and have them recognised in an international treaty or organisation so that neutrality does not become a meaningless concept.

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24 61st session of the UN GA, statement by Moritz Leuenberger: http://www.un.org/webcast/ga/61/pdfs/swiss_confederation-e.pdf
25 See also Kofi Annan's speech to the Council of Foreign Relations in New York (1999) *Impartiality does not - and must not - mean neutrality,* accessed at http://www.un.org/News/ossg/sg/stories/articleFull.asp?TID=38&Type=Article.
26 See Roberts, A. and Guelff, R. (2000) *Documents on the Law of War,* Oxford University Press, (3rd Ed), p. 86. "In this reasoning "neutrals" are those states which apply the law of neutrality in its entirety, including its requirements regarding impartiality; while "non belligerents" or "other states not parties to the conflict" are those which, departing from certain aspects of the traditional law of neutrality, assist one of the parties to the conflict or discriminate against another."
27 Doherty, R. (2002) *Ireland, Neutrality and European Security Integration,* Ashgate Publishing, p. 21.
28 Court decision of Horgan vs State, High Court, Kearns J., 28th April, 2003.

Thus I suggest the removal of Article 9 of the 1907 Convention of neutrality (concerning impartiality) and the following five additions:

1 - The right of maintenance of neutrality status through UN membership and in accordance with the Charter of the UN.

2 - The right to be excluded from military obligations under UN Security Council resolutions most notably Article 43 (1).

3 - The duty to not enter a military alliance.

4 - The duty to declare and gain recognition of one's status of neutrality through the UN General Assembly.

5 - The inclusion of two statements;
If a state is found to be in breach of its duties as a 'neutral' all rights will be rescinded.
Neutrality does not mean impartiality.

This could be done through a UN Convention on Neutrality, which, once agreed upon, would become international law. The most striking modification I am making is redefining neutrality as military neutrality or non-belligerence. Thus with such additions a neutral state can offer political and economic support but not military.

There are a number of advantages to such modifications. Addition one would clarify some of the difficulties highlighted earlier with regards to the UN. Although states are beginning to recognise neutrality through the UN Charter, these additions would codify the compatibility of neutral status and the UN Charter. This would be advantageous and welcomed by all current neutral member states who have sometimes struggled to amalgamate the two.[29]

Number two is significant because it eliminates any contradictions with the 1907 Convention which prohibits a neutral state to offer military assistance and/or rights of passage for military means. This is probably the most important addition because it creates a worthwhile purpose to the status of neutrality whereby a state would not be obligated to provide military assistance to UN actions. It would also breathe life into the meaning of neutrality, more than likely prompting more states to strive for 'neutral' status.

Addition three is quite obvious but stresses the need for military neutrality. Membership of NATO very clearly negates one's neutrality as well as all other military alliances. Clarity is again the primary advantage.

Number four has a number of advantages; it prevents countries, like Ireland, from claiming to be neutral without actually gaining UN recognition as such; allows all states the opportunity to question and/or recognise this neutrality; strengthens the organs of the UN as the primary body for peace and security.

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29 Most notably Switzerland who held a national referendum on the subject.

The statements in addition five are necessary in order to avoid any ambiguity or mis-interpretation which is a leading issue today in both neutrality and international law.

In sum, the advantages of such modifications would be the augmentation of the meaning and purpose of neutrality, the strengthening of the UN and non-military diplomacy, and the elimination of hypocrisy and duplicity in neutral states' policies.

There are a number of disadvantages to these modifications. Most obvious is the dilution of neutrality to simply military neutrality. Unfortunately, this is the reality today and there is no possibility of neutrality returning to its strict impartial sense in the near future. The 'neutrals' may also object to this change in meaning because they may claim to still be impartial, and they could complain of the adulteration of their 'ideals.'

The non-neutral members of the UN may also oppose, on the basis that the military obligations would be left up to them. To offset these concerns a UN army could finally be established, to which neutral members could contribute without compromising their state neutrality. This may in theory be an advantage, removing military power from self-interested states, transferring it to the UN for the greater good. The disadvantage is that it is extremely unlikely to happen.

In terms of the recognition, it may prove to be disadvantageous for states like Ireland, who have created "an Irish solution to an Irish problem."[30] The government would have to prevent all US military personnel from using Shannon as a transit to a war not sanctioned by the UN, therefore facing the ire of US diplomats. Conversely, Ireland may decide that this is not a definition it wishes to adhere to, and continue to claim neutrality without gaining recognition, or even declare its non-neutrality. The primary difficulty, of course, in these additions, is convincing states that it's a worthwhile endeavour and that there is some value left in neutrality.

In conclusion, we have seen that although neutrality is a legal concept at least two and a half thousand years old, it is becoming an anachronism in an era of global institutions and integration. Ireland's neutrality is a case in point; the role of public international law in Irish neutrality is illusory. However, because of the superficial and insubstantial role international neutrality law plays today, any state can do this, and as a result the whole concept becomes meaningless. If neutrality is to have any role in the future, it requires re-examining, otherwise we risk dismissing it as the Athenians once did. Unfortunately I am sceptical of the international political will to actualise this.

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30 Dáil Éireann - Volume 561 - 18 February, 2003, Private Members' Business. - An Bille um an Seachtú Leasú is Fiche ar an mBunreacht 2003: Dara Céim. Twenty-seventh Amendment of the Constitution Bill 2003: Second Stage.

Peace Dividends and Statecraft Instruments – United States and European Union Economic Intervention Facilitating Peace in Northern Ireland

Col Michael Beary

> Economic growth created a culture of work. It created a sense of change, a sense of hope; a sense of new circumstances…A significant increase in prosperity gave a lot of people hope and a stake in society and changed the complexion of society. It moved the Provos away from violence, or accelerated the move away from violence.
>
> Dr. Alasdair McDonnell MP
> Social Democratic and Labour Party MP for Belfast South

Reg Empey leader of the Ulster Unionist Party referred to the signing of the St Andrew's Agreement as - *the Belfast Agreement[1] for slow learners*. This comment more than most characterises the true nature of the Northern Ireland problem which had proved almost intractable. In a similar manner to the Balkans, Ireland had almost too much history to handle. The long historical divide between Ireland and Great Britain was entering a new phase and the St Andrew's process of multi party talks in Scotland, between the 11 and 13 October 2006, resulted in the devolution of power to Northern Ireland. The attendance included the Democratic Unionist Party (DUP)[2] and Sinn Féin, and the outcome resulted in the restoration of the Northern Ireland Assembly and the formation in May 2007 of a new Northern Ireland Executive. Sinn Féin further decided to support the Police Service of Northern Ireland and the judicial system. The previously, almost inconceivable image of Republicans and Unionists shaking hands remains, as the DUP made a commitment to power-sharing with Republicans and Nationalists in the Northern Ireland Executive.

The Emergence of an Economically Conducive Context
Interest in the Irish Question started to gain real purchase within the US Administration during the election campaign for the US Presidency in 1992. Senator George Mitchell, initially considered a Green Trojan Horse by Unionists, gained the trust of both communities and established that a high correlation existed between unemployment and violence.[3] People with few opportunities are more likely to turn to violence. The significance being paid by the Clinton Administration could be noted in Mitchell's initial title as Special Economic advisor on Northern Ireland.

The process was brought to a successful political conclusion, in no small measure, through this intervention led by Senator George Mitchell and later in a less overt involvement by the Bush administration. The diplomatic power brought to bear, during this period was

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1   Also known as the Good Friday Agreement signed in 1998 and ratified by referendums North and South.
2   The DUP led by the Rev Ian Paisley was not a signatory of the original Belfast Agreement.
3   Mitchell, George. (20 Mar 2008) Boston Globe, Boston, Mass, p. A9.

considerable, and well documented. The literature is not quite so complete on the economic program necessary to ensure the peace process continued to flourish. It is appropriate to posit that the Northern Ireland Peace Process required a multi faceted solution, within which the economic incentives served as an important support to the diplomatic, informational and political initiatives. Without strong focus on all such aspects, the peace process, which even today remains fragile, may not have endured. A number of key environmental changes assisted the peace process along its path, during the review period between 1995, the occasion of Senator George Mitchell's first engagement with the Irish question and the present day.

Firstly, as noted by Irwin and Byrne, prior to the agreement, the British economic subvention was used by populist politicians to sustain a politics of sectarianism in Northern Ireland, which discriminated against Catholics in housing, public sector employment and economic development.[4] Increasingly an awareness of this imbalance was taking hold and it was recognized internationally that a viable solution could not persevere in such a climate of institutionalized sectarianism.

Secondly, it can be argued that sound pragmatic reasons existed for the development of the appropriate context. Southern Ireland and Britain were evolving as major gateways into the EU for many major US multinational corporations. Thus, sponsoring the Peace process was clearly a policy imperative for the US, and critically for key capitalists and economic agencies. The US Department of Commerce played an active role, at this stage in the process.[5]

Thirdly, the importance of European economic integration was making an impact, diluting the role of sovereignty. The Irish Republic, commencing 1989, also witnessed unprecedented economic growth levels termed the 'Celtic Tiger' effect.

Finally, the 9/11 attacks in the US had a significant impact on the pursuit of political ends through violent means, and many world organizations, with an inclination toward violence witnessed a significant change in attitude toward their struggle.[6] The Republican Nationalist tradition in Ireland noted a steady decline in covert US funding and in particular, funding from organisations such as Noraid.[7]

Esman notes that the solution to protracted ethno-political conflicts requires significant external economic aid, to provide the necessary impetus.[8] The Good Friday Agreement was successfully constructed to ensure, that no negotiating party left the table totally satisfied, all had to accept some compromise. However it can be argued that discomfiture was mitigated, to a significant degree, by the economic support measures emplaced to bolster the process. In the aftermath of the agreement, the International Fund for Ireland (IFI)[9] and a special European Union Special Support Programme for Peace and Reconciliation (SSPPR), administered in an

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4   Irwin, Cynthia and Byrne, Sean. (2002) 'Economic Aid and its role in the Peace Process' in Neuheiser, J and Wolff, S. (eds) *Peace at Last the Impact of the Good Friday Agreement on Northern Ireland*, Oxford, Berghahn, p. 132.

5   O'Hearn, Denis. (May 2000) *Peace Dividend, Foreign Investment, and Economic Regeneration: The Northern Ireland Case*. Social Problems, 47, p. 2.

6   Neuheiser, Jorg and Wolff, Stefan. (2002) *Peace at last: the impact of the Good Friday agreement on Northern Ireland,* New York : Berghahn Books.

7   NORAID is an Irish American fund raising organization founded after the start of the Troubles in Northern Ireland in 1969. The UK, US and Irish governments accused the organization of being a front for the Provisional IRA.

8   Esman, M.J. (1989) 'Economic Performance and Ethnic Conflict', in *Conflict and Peacemaking in Multiethnic Societies*, ed. Joseph Montville, Lexinton Books, New York.

9   The International Fund for Ireland (IFI) was created in 1986 by the Irish and UK governments to which a number of countries including the US contributes. http://www.internationalfundforireland.com/about.html

equitable cross community manner, were essential in cementing the process in place. These funds focused on projects, schemes and initiatives, which promoted reconciliation and greater mutual understanding. They were apportioned on a cross-community or cross-border basis, and attempted to address serious disadvantage and deprivation.

Source	*IFI (1986-2008)*	*US Contribution to IFI (1986-1998)*	*EUSSPPR (1995-1997)*
	849 million EURO	*307.4 million USD*	*350 million GBP*

Figure 1. Economic Assistance to Northern Ireland.

The Psychology of the 'Peace Dividend' – The Impact of the Economic Instrument on Inter-Communal Violence

Quantifying the actual impact of economic incentives on the Troubles is somewhat abstract, but both qualitative and quantitative measures can be reviewed. It is possible to develop a cause and effect relationship between the application of financial support and a decrease in violence. Irvin and Byrne provide such empirical evidence, through survey instruments, examining whether external financial support helped reduce the levels of violence. Their findings establish that both the IFI and the EU SSPPR have economically empowered both communities. Furthermore a correlation between correctly targeted economic assistance, and an environment in which politics and not violence can flourish was developed. Economic deprivation and systematic discrimination of Catholics is presented as the most common argument to account for the conflict, alongside suggestions of economic opportunism of those who actually profit from the ongoing conflict.[10]

The Peace Dividend effect in the Northern Ireland example also has to overcome the significant income available to 'Securocrats',[11] resulting directly from the Troubles. The establishment of a durable peace adversely impacts the financial wellbeing of this Securocrat constituency. Employment and overtime opportunities are reduced in organizations, such as the Police Service of Northern Ireland, and the security forces in general. Paramilitaries on both sides of the divide also have reduced market opportunities as protection rackets, extortion and drug activities are curtailed, with a resulting major negative impact on their local economic circumstance.

The psychology surrounding the development of a 'carrot' solution of economic interventions concerns the development of a Peace Dividend or a Win-Win solution for all parties. The actual impact of foreign funding was reinforced with the espoused notion of a Peace Dividend; the carrot becomes more attractive to the belligerents. A significant Peace Dividend has been identified in relation to a solution to the conflict. A major lesson must be that economic initiatives and progress are vital in providing support to the constituencies that are seeking peace. The Northern Ireland Process was protracted and difficult, but the light at the end of the

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10 Neuheiser, Jorg and Wolff, Stefan. (2002) *Peace at last: the impact of the Good Friday agreement on Northern Ireland*. New York, Berghahn Books.
11 RUC, prison officers and other members of the security community with considerable financial incentives and overtime payments due to political instability.

tunnel provided by recognizable economic improvements ensured that violent shocks during the course of the negotiations could be resisted. The EU Regional Commissioner Danuta Hubner concurred with this finding on the 8 June 2007.

> Both the IFI and the Peace Program have helped to bring communities together in Northern Ireland and across the border. They have played a key role in providing economic opportunities to marginalized and divided communities, contributing to the process of economic development and regeneration in Northern Ireland.

Economic intervention to mitigate the effects of conflict must be a long term commitment. The European Commission identified this imperative with regard to the Northern Ireland process and in 2007, established a Special Task Force with the aim of helping promote the competitiveness of Northern Ireland's economy and therefore consolidate the peace process.

The Rising Tide Lifts All Boats – Conclusion

One of the chief statecraft instruments employed from the onset was the promise of economic benefits. It was clear to George Mitchell that the path to substantive political talks would pass over the grounds of economic development.[12] In the immediate aftermath of the Good Friday Agreement, it was necessary to put momentum into the drive to attract private foreign investors into what had formerly been perceived as an unattractive, unstable even violent location. This impetus was provided by President Clinton supported by Prime Minister Tony Blair. The impact was such that by 2006, US investment accounted for ten percent of jobs in Northern Ireland.

There is much anecdotal evidence to suggest that Irish and UK membership of the EU assisted in finding a solution to the Irish question. The European context, however, did not find equal support in opposing camps, with the Unionist tradition developing a similar Euro sceptic stance to the British Government, while the nationalist tradition embraced the European dimension to internationalise the problem and reduce the impact of the sovereignty issue, which so occupied the attentions of the unionists.

The Peace Process is noteworthy also for having conveniently coincided with a major improvement in the economic circumstance of the Republic of Ireland. During the period spanning the negotiation and implementation of the Good Friday Agreement, the Republic experienced annual growth figures in double figures throughout the 1990s. This Celtic Tiger effect did not go unnoticed by the Unionist community in Northern Ireland. Growing prosperity in the South, due in no small part to effective utilisation of European structural funds altered the economic equation North and South. The twenty six counties became for a period, one of the strongest performing economies in Europe and the world. The United Kingdom currently maintains a corporate tax rate of 28%. In contrast the Republic of Ireland has a corporate tax rate of 12.5 %. Northern Ireland made pragmatic economic choices following the introduction of the euro and that currency is readily acceptable in Northern Ireland and particularly in the border counties. All these general economic improvements in association with targeted peace dividend funding assisted in mitigating violent behaviour.

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12 The Portland Trust. (May 2007) *Economics in Peacemaking: Lessons from Northern Ireland.*

In the Northern Ireland case no military security solution could have brought peace and economic incentives in isolation, would also have fallen short. However, returning to the original academic assertion, a political accommodation, supported by the appropriate economics and the right environmental context ultimately facilitated the Good Friday Agreement brokered by Senator Mitchell. Leadership and courage displayed by hitherto committed adversaries also played a significant role. To draw again on EU Commissioner Danuta Hubner's words and paraphrasing Winston Churchill, this is only the end of the beginning, but there are many other European countries which have suffered conflict, which could benefit greatly from Northern Ireland's experience. The implication for strategists is that even the most intractable enduring and complex conflicts, can be married to a solution, if the economic instrument is utilized in association with other instruments in a balanced targeted manner.

Conflicts such as Kosovo could witness their own local version of 'Chuckle Brother'[13] images, once thought impossible.

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13 Media reference to an image of Martin McGuinness (SF) and Ian Paisley (DUP) sharing a joke at an unguarded moment.

Operation Cast Lead: Legal and Doctrinal Asymmetries in a Military Operation

Col Desmond Travers (Retd)

The Goldstone Report

In April 2009 the President of the Human Rights Council established a United Nations Fact Finding Mission on the conflict in Gaza. Its mandate was:

> to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period 27 Dec 2008 and Jan 18 2009, whether before, during or after.[1]

The members of the Mission comprised Justice Richard Goldstone, South Africa; Prof Christine Chinkin, LSE, United Kingdom; Ms Hina Jilani, Pakistan and the author. The Mission interpreted its mandate as requiring it to place the civilian populations of the region at the centre of its concerns regarding violations of international law. The Mission carried out its investigations on site in Gaza and also interviewed witnesses and held public hearings there, in Amman, Jordan and in Geneva. Witnesses from Gaza, Southern Israel and The West Bank participated in these hearings. Expert witnesses were also called in Geneva. The Mission sought the cooperation of the Government of Israel but this cooperation was not forthcoming.

The author's paper here is drawn extensively from the Fact-Finding Mission's report which has come to be called the Goldstone Report. It will be referred to here and footnoted especially with regard to the operations and events that took place during Operation Cast Lead (OCL) and with regard to all findings and determinations that followed from those findings.

The Goldstone Report was submitted to the Human Rights Council on 15 Sept 2009. Since then the United Nations General Assembly (GA) and the European Union have separately voted that the parties to the conflict should institute investigations into the conduct of their respective soldiers and functionaries during these operations. The GA requested a report of such proceedings by July 2010. The Human Rights Council has caused a technical body to be formed to examine the Goldstone Report in order to further determine aspects of human rights law and humanitarian law and to report back to the Council by Sept 2010.

Notwithstanding the fact that the Goldstone Report was critical of the actions of both belligerents in this conflict, the purpose of this paper is to examine Israeli doctrine, essays or theories which were mooted prior to OCL and which were known to have influenced this operation in some way. Some of this doctrine has already been mentioned in the Goldstone Report. Such doctrine will be referred to here again where there is evidence of its continued influence in Israel or elsewhere or where there is a perceived need to raise concerns about it.

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1   United Nations Human Rights Council (April 2009) *Human Rights in Palestine and Other Occupied Arab Territories: Report of the United Nations Fact-Finding Mission on the Gaza Conflict*, Geneva, p. 13. (Known as the Goldstone Report).

Work by Kasher and Yadlin that will be discussed later in this paper,[2] although published prior to OCL was not known to have been influential in the development of OCL rules of engagement until later. The author perceives it to constitute a challenge to the Geneva Conventions and to counter-insurgency warfare best practice.

There have been other challenges to the Goldstone Report or defences of OCL and these mainly rely upon arguments surrounding considerations of asymmetric warfare especially in urban settings. The author takes issue with these arguments both from the law of war perspective and from the tactical or counter-insurgency (COIN) perspective.

Finally, the Government of Israel has published its own findings on OCL[3]. This may have followed an invitation by Justice Goldstone in which he stated that if there were any fact or finding in the Report that was in error or needed review that the Mission would re-convene to do so. Nothing in the Government of Israel report or indeed in the statements it released with regard to certain incidents (the attack on the Makadmah Mosque, the bombing of the Al Daya family home and the bombing of the Al Bader flour mill for example) have caused the Fact-Finding Mission to review its position.

Gaza 27 Dec '08 – 18 Jan '09

Operation Cast Lead (OCL) was the name given to the Israeli Defence Force (IDF) all arms, operation that took place in Gaza from 27 Dec '08 to 18 Jan '09. The mission was stated to be threefold: to destroy Hamas rocket sites; to capture Hamas operatives and to kill or capture the Hamas leadership.[4] Between these dates, there were four identifiable phases of OCL; a bombardment phase, a ground assault phase, a consolidation phase and a withdrawal phase.

The bombardment phase[5] involved the use of most of the IDF's assets, its ground artillery, its naval fire but primarily air delivered munitions. Much of the destruction was affected by JDAMs (joint direct attack munitions) delivered by F16 aircraft and by missiles fired from Apache attack helicopters and armed drones. The patterns of destruction suggest a concentration on infrastructural facilities: Gazan administrative facilities, the justice ministry, police stations and prisons; schools, hospitals,[6] mosques,[7] factories and industrial facilities. An enduring feature of the operation shown on TV screens worldwide was of white phosphorous (WP) artillery shells exploding and scattering their burning felt wedges over the Gaza skyline. Bombardments did continue throughout the other phases to follow but were in support of the ground troops or were a continuation of a bombardment plan.

The ground assault phase commenced on 3 January with assaults along three axes; in the North by a combined airborne brigade and armoured brigade into the El Atatra area of North Gaza; in the East by the combined Golani Brigade and an armoured brigade into the Jamaliya refugee camp area and in the South-East by the Giv'ati Brigade and an armoured brigade into the Al Zeitun area of suburban Gaza. A lesser assault by a brigade (-) took place in southern Gaza in the vicinity north of the disused airfield north of Rafah city.

2 Kasher A. & Yadlin A. 'Assassination and Preventive Killing', *John Hopkins School of Advanced Studies Review*, Vol 25, No 1, Winter-Spring 2005. Also in the *Journal of Military Ethics*, 2005.
3 The State of Israel (July 2009) *The Operation in Gaza: Factual and Legal Aspects*. (159 Pages).
4 Janes Sentinel Services, March 2009.
5 The Goldstone Report, p. 87, Part B, The Phases of the Hostilities. 1. The Air Phase, Paras 333-337. The ground phases are at Paras 338-351.
6 Al Wafa and Al Quds Hospitals.
7 Al Aql and Makadmah Mosques.

Attack Phase:

Initial attacks of brigade strength came from North, North-East and South.

Attacks bypassed HAMAS strongpoints.

The Southern attack was to a cut off Gaza city from the South.

HAMAS installations: storage facilities, tunnels, rocket-launch sites etc were then to be taken out.

6/30/10

In some, if not all cases, these assault axes seem to have been along previous attack routes. Houses commandeered as strong points were the same ones used in previous attacks or incursions. Objectives appear to have been limited to the outskirts of the city and were achieved, seemingly without resistance, within one or two days of the commencement of the attack. Hamas defence strategies were in keeping with classic insurgency tactics in an urban theatre - withdrawal before an attacking force in anticipation of attrition being effected by IED's (improvised explosive devices) and by the later isolation of units which could then be engaged piecemeal.

The consolidation phase was purportedly devoted to house clearing operations combined with searches for Hamas munitions and manufactories. Given the lack of evidence of success of these searches, much of the unabated destruction may have been for the purpose of clearing arcs of fire for strong-points, for the creation of security zones for armour and for the denial of defence, ambush or infiltration routes to Hamas. The lessons of history were lost however, if this latter purpose was the reason for this action. During WW II, destroyed buildings and destroyed urban areas gave defenders a greater advantage. The bombing of Monte Casino for example, made it easier for the German defenders to hold out against the Allied assaults.[8]

The withdrawal phase was characterised by the continuation of the destruction of the Gazan infrastructure and concerned itself with the bulldozing of houses, manufacturing facilities, farms and farm-land. The means most often employed was the D.9 armoured bull-dozer, some one hundred and ninety of them having been brought into Gaza. This operation, known to the IDF soldiers on the ground as *"for the day after"* destroyed, wholly or partially, factories, habitations, farms, orchards, agricultural wells and food processing plants.

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8 Roberts, Andrew. (2009) *The Storm of War: A New History of the Second World War*, London, p. 388.

The three week operation left a trail of destruction in its wake.

Casualties: 1,387 killed and some 5,000 wounded.

Houses Damaged or Destroyed: 3,354 destroyed and 11,112 damaged

Hospital and Medical Facilities: 15 hospitals damaged (out of 24), 43 health care facilities damaged (out of 110), 29 ambulances destroyed (19 crew injured and 16 killed).

Mosques Damaged or Destroyed: 7.

Educational Facilities, Damaged/Destroyed: 280 schools, 6 university buildings.

Factories and Workshops: 1,500 destroyed.

Police Facilities: 74 destroyed including the Ministry of Justice building and the prison

Farms Destroyed: 113

Land Damaged/Destroyed: 11,389 dunums.[9]

While different figures are given by other sources, the figures used here are those as given in the Goldstone Report.

The emphasis on risk aversion seems to have dominated ground operations and this may have given rise to the high levels of destruction, hostage taking and shooting of civilians. Insights into operations derive from disclosures by soldiers in "Breaking the Silence."[10] The greater number of these insights was drawn from soldiers at the lower formation level such as section, platoon and company and who, in the main, were reservists.

The call-up of reservists, during the consolidation phase, would seem to have been for the purpose of resting and rotating regular troops while also offering those reservists a less intensive form of combat experience. It may also have been for the purpose of testing call-up responses and general preparedness. The "Breaking the Silence" disclosures would of course have been an unanticipated consequence of the call up.

The Dahiya Doctrine

."… is a campaign that is making progress and had better be taken seriously by us all.."

Jeff Halpern, "The Second Battle of Gaza: Israel's Undermining of International Law"

The IDF operations against Hisb'Allah in Lebanon in July-August of 2006 were considered to have been a failure. The rescue of two captured soldiers was not achieved and the IDF lost some fifty armoured vehicles in engagements in South Lebanon when they encountered

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9   The Dunum (Turkish word Donum, borrowed in Arabic as Dunum and in Hebrew as Dunam) is a unit of area measure used in the Middle East to measure land, in countries formerly a part of the Ottoman Empire. In most countries it is 1000 square meters, the metric dunum was adopted in most countries after World War I. A donum is one tenth of a hectare.

10 "Breaking the Silence: Soldiers' Testimonies from Operation Cast Lead, Gaza 2009," Jerusalem, 2009.

anti-armoured directional IED's. These devices had devastating effect. Their use in Lebanon would largely inform IDF attack tactics when entering Gaza.

During the former conflict great destruction was inflicted on the Lebanese infrastructure.[11] Beirut airport, the oil-refinery in Saida and virtually every road-bridge in the country was destroyed. Among the habitations destroyed were the apartment complexes in South Beirut, home to a largely Shi'a community traditionally supportive of the Hisb'Allah movement. The district, Dahiya, gave its name to a new IDF doctrine which was to be applied to future operations.

The Dahiya doctrine is best described in a statement announcing it by GOC Northern Command, IDF Maj Gen Gabi Eisenkott, when he stated:

> … what happened in the Dahiya Quarter of Beirut in 2006 will happen in every village from which shots are fired on Israel. We will use disproportionate force against it and we will cause immense damage and destruction. From our point of view these are not civilian villages but military bases.... This is not a recommendation, this is a plan, and has already been authorised...[12]

At the time of Eisenkott's statement, Oct 2008, an effective ceasefire was in operation and Hamas were pressing for an extension. Nevertheless, the intentions of the Israeli authorities were further signalled in a paper by Col. (Ret) Gabriel Siboni, when he wrote in the Institute for National Security Studies;

> With the outbreak of hostilities, the IDF will need to act immediately, decisively and with force that is disproportionate to the enemy's actions and the threat it poses. Such a response aims at inflicting damage and meting out punishment to an extent that it will demand long and expensive reconstruction processes.... Such a process will create a lasting memory among... decision makers thereby increasing Israeli deterrence.[13]

In the case of OCL it would appear that, once ground operations commenced, this doctrine would be pursued robustly. The Israeli minister for foreign affairs, Tzipoura Livni, the day after claimed; "Israel demonstrated real hooliganism during the course of the recent operation, which I demanded."[14]

These statements may explain the disregarding of the stated mission of OCL, namely, the elimination of the Hamas' capacity to launch rockets into Southern Israel and the elimination of its military structures. They do not, however, explain the emphasis on risk aversion; the disregard for the safety of non-combatants; the use of non-combatants as human shields and the targeting of facilities accorded protections under the Geneva Conventions.

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11 Authors observations as a member of the Amnesty International team in Lebanon, July-Aug 2006.
12 Yedioth Ahronoth, Oct 2008. Also Ynet, 10 Mar 2008.
13 The Goldstone Report, (2009), Para 1197, p. 254 and footnotes 583/4.
14 Interview with Tzipoura Livni, Channel 10, 19 Jan 2009. Also quoted in Norman G Finkelstein's book: *This Time We Went Too Far*, p. 80.

Rules of Engagement

The ground incursions, commenced on 3 January '09, produced a slew of incidents that were to be the subject of enquiry by human rights organisations and by the Goldstone Report. These incidents were in the realms of: hostage taking; human shields; the shooting of non-combatants; the shooting of non-combatants seeking quarter (bearing white flags); the refusal to permit ambulances to collect wounded non-combatants; unlawful detention and interrogation; the targeting of persons in streets or in places normally accorded shelter status under the Geneva Conventions (places of worship, ambulances, UN facilities and hospitals).

Warning leaflets were dropped by the IDF and text messages were sent to mobile phones advising the people of Gaza to leave the area. This did not justify, according to the Goldstone Report, the shooting of persons who happened upon, or sought passage via, an IDF position. In any event, a commander on the ground is not absolved from his obligations towards non-combatants, solely by the issue of such warnings.

The incidents of hostage taking, human shields and of the shooting of persons approaching IDF positions in particular gave rise for concern. The actions of the troops in all IDF sectors were similar and indeed the nicknames and terms they used were common to all three sectors. For example, the use of a civilian as a human shield in order to enter a building, known or suspected to be harbouring Hamas operatives or to have been booby-trapped, was called the "good neighbour" or "Johnny" principle.[15] The procedures applied to civilians approaching a check-point, as described by soldiers in "Breaking the Silence," were very much the same as practiced in all sectors. All persons, regardless of age or gender, were considered suspect or indeed hostile. A person approaching a check-point, waving a white flag but using a mobile phone, was to be shot on sight.

What gave rise to rules of engagement that demanded of soldiers, such an aversion to risk that they were disposed to behave towards non-combatants in such a reckless manner? This brings us to the writings of Prof Asa Kasher, professor of professional ethics and philosophy at Tel Aviv University and Maj Gen Amos Yadlin, Israeli Air Force and of the Military Intelligence Directorate of the IDF. In an essay titled "Assassination and Preventive Killing" they raise the issue of targeted assassinations, as the title suggests. While abductions and assassinations have been attributed to Israel's Mossad in the past, this article goes further in arguing for its legitimisation. It is therefore revealing of a trend in arguments to follow. In the above mentioned paper they pose the question; "What priority should be given to the duty to minimise casualties among the combatants of the state when they are engaged in combat against ... terror?"[16]

In answer to their question, they suggest that in the "war on terror," the Geneva Conventions are outmoded and no longer suit a state's efforts in combating terror. They insist that a state has a moral duty to respect its citizens' rights more than it respects the human rights of those who are not their citizens. Furthermore; "a state does not shoulder responsibility for regular effective protection of persons who are neither its citizens nor under its effective control." In

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15 Goldstone Report, Op Cit, p. 5.
16 "Assassination and Preventive Killing," John Hopkins School of Advanced Studies Review, Vol 25, No 1, Winter-Spring 2005. Also in the " Journal of Military Ethics," 2005.

the case of the combatants of a state engaged in confronting "terror" they claim that placing a low priority on their safety is "immoral." They go on to argue:

> A combatant is a citizen in uniform. In Israel, he is quite often a conscript or on reserve duty. His state ought to have a compelling reason for jeopardising his life. The fact that persons involved in terror are depicted as non-combatants and that they reside and act in the vicinity of persons not involved in terror is not a reason for jeopardising the combatant's life in their pursuit ….

> The terrorists shoulder the responsibility for their encounter with the combatant and should therefore bear the consequences. Where the state does not have effective control of the vicinity, it does not to have to shoulder responsibility for the fact that persons who are involved in terror operate in the vicinity of persons who are not.[17]

Avishai Margalit and Michael Waltzer[18] challenge the Kasher and Yadling argument. They offer the view that "the essay [went] far beyond its academic significance" and state that the guidelines, suggested in it were indeed the "one's that govern the IDF's conduct in battle." This assertion has been confirmed in an article in Haaretz, by Israeli officers[19] and it must be said, also denied by other IDF officers.

While they concern themselves with targeted killings rather then the unintended killings of civilians, essentially what Kasher and Yadlin argue is that, in such a context, the safety of one's own troops takes precedence over the safety of civilians caught up in an area in which terrorists operate. This contention is wrong and dangerous as it blurs the distinction between combatants and non-combatants.

Finally, the coincidence of the rules of engagement across the three operational areas, in which troop safety was paramount, to the evident detriment of the civilian population, was a recurring factor that may be deducted from the witness statements during the UN Fact Finding Mission's hearings and from the "Breaking the Silence" testimonies. Such a coincidence is evidence of prior training and rehearsal, which, in turn, is likely to have derived from agreed doctrine.

What is also troubling about this theory is the apparent absence of refutations, much less discussion on it, in law journals of record. To be sure, the essay produced spirited exchanges in the New York Review of Books, in refutations by Michael Mansfield QC at the Russell Tribunal on Palestine and by Prof Iain Scobbie, SOAS, in the UK House of Lords.[20]

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17 Op Cit.
18 Avishai, M & Waltzer M. (14 May 2009) *Israel: Civilians and Combatants*, New York Review of Books. Margalit is a Professor of Philosophy at the Hebrew University of Jerusalem. Waltzer is Professor Emeritus of Social Science at the Institute for Advanced Study in Princeton.
19 Op Cit, p. 21.
20 Prof Iain Scobbie, SOAS, paper delivered in the House of Lords, 17 March 2010.

Discussion

In addition to arguments in favour of discarding or bypassing the Geneva Conventions, when engaged in counter-insurgency warfare, a term, intended to further argue for relaxation of the Conventions, came into use. "Asymmetric" warfare in an urban environment, it was suggested, argued for relaxations of the rules governing the protection of non-combatants. This word was used, on various occasions, when discussing OCL or the Goldstone Report. Used in such a context, it was applied to arguments in defence of OCL or as a critique of the Goldstone Report.

While there is no agreed definition of the term "Asymmetric," an example of its use can be found in the "US Army and Marine Corps Counterinsurgency Field Manual"[21] where it is argued that "insurgents are by their nature an "asymmetric threat" and goes on to describe asymmetric tactics in Ireland in 1847 and the advice given as to how to achieve its insurgent purpose;

> The force of England is entrenched and fortified. You must draw it out of position; break up its mass; break its trained line of march and manoeuvre, its equal step and serried array…nullify its tactic and strategy, as well as its discipline; decompose the science and system of war and resolve them into their first elements.[22]

Essentially, the word, in its original form, was used to highlight the significance of disparities between opposing forces, qualitatively or numerically, and how, such a disparity could be overcome, or indeed contribute to, the defeat of the force with the perceived advantage. The English longbow-men defeating the French knights at Crecy seem to be the quintessential example of this genre.

Users of the asymmetric argument, in the context of counter-insurgency warfare, seem to argue for the relaxation of the laws of war when engaging insurgents who operate in an urban environment. Such relaxations derive from a perceived necessity to accept the inevitability of civilian casualties when engaging insurgents. For how else, they argue, can one neutralise insurgents in an urban setting?

Overlooked in this argument, is the fact that modern armies now possess precision targeting systems undreamed of some years ago. Spokespersons for the IDF confirm that some ninety per cent of the munitions used in Gaza were precision guided. Moreover, anti-personnel munitions can have their warheads designed to limit the radius of damage much more precisely, thereby reducing the possibility of collateral damage.

The argument ignores the fundamental rule of counter-insurgency (COIN) warfare doctrine, which emphasises the primacy of people over terrain. Manuals and doctrine on the subject are replete with statements abjuring readers to observe the rules which emphasise "hearts and minds" and to separate the insurgent from the people, as one would separate a fish from water. Indeed, one of the better, but by no means unique, theories in its advocacy of fighting for the

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21 University of Chicago Press, 2007, p. 109.
22 Ibid.

support of the populace in the modern world is UK General Sir Rupert Smith's: "The Utility of Force." In it, he argues that the modern variant is now a 'war amongst the people.'[23] General Smith strongly advocates the application of the rules of war when engaging in counter-insurgency warfare. Such rules coincide with best practice and eschew the notions implicit in the asymmetric view, which argue for the application of unrestrained technologies, in the hope of defeating an ideology. It will not happen.

The Kasher and Yadlin theorists have offered a critique of those who have since put pen to paper to condemn the OCL operation or incidents during it. Significant among the human rights organisations to do so have been UN appointed enquiries, reports by Amnesty International (AI), Human Rights Watch (HRW), the Martin Report (into the WP attack on the UNWRA Compound), Physicians for Human Rights (PHR) and the Dugard Report. These reports, some 300 in all, together with the Goldstone Report, are remarkable in the unanimity of their findings against the IDF actions. The critique uses the term "lawfare" to deride these finding, by arguing that there is an over-reliance on the Conventions, all for the purpose of hampering Israel's rights to its security and the means it employs in achieving it.

The "lawfare" argument is considered to be an offshoot of the asymmetric warfare theory in that it is a means of further inhibiting an opponent's range of actions or by imposing legal limits to them. It too remains unchallenged in journals of record. Mention of it now rarely occurs, mainly, it is presumed, by virtue of the contradictions in it. Nevertheless, it stands, and is of itself evidence of the influence of the original theory of Kasher and Yadlin which may have inspired it.

An Afterword
>"This Time We Went Too Far"
>>[Book title by Norman G. Finkelstein, New York, 2010]

OCL ceased on 18 Jan 2009 when IDF ground forces exited Gaza. The Goldstone Report, while concentrating, in the main on military operations, raised the issue of the blockade and its continuation after this date. Firstly, it must be acknowledged, that all of the incidents examined by the Report produced findings which were critical of OCL. In particular, the Report discussed and found against the Dahiyia Doctrine.[24] It found the actions taken by the IDF to be "disproportionate"[25] and that the operation departed from its declared mission in order to exact a "punishment on the people of Gaza," presumably, for having elected Hamas to office.

With regard to the doctrine that presumed to have legitimised rules of engagement sanctioning risk aversion to the detriment of the civilian population, the Goldstone Report examined various incidents by type and again ruled against such actions, as follows:

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23 Smith, R. (2005) *The Utility of Force. The Art of War in the Modern World*. Penguin, London.
24 Op Cit, Para's 1194 to 1199.
25 Op Cit, Executive Summary, Para 62.

- The use of human shields was prohibited under international humanitarian law, constituted cruel and inhuman behaviour and is a war crime.[26]
- Attacks on the civilian population in general constituted a grave breach of the Fourth Geneva Convention. Failure to take reasonable precautions to protect the civilian population was in breach of customary international law. Indiscriminate attacks against the civilian population were in breach of international law.[27]
- The use of certain weapons such as WP, flechettes and tungsten shrapnel (DIME) was considered to be "systematically reckless" especially when used in built up areas.[28]

It is, however, the findings under the heading "Attacks on the Foundations of Civilian Life in Gaza"[29] to which we must turn. The Goldstone Report again found such actions to be unlawful and wanton, were not justified by military necessity and amounted to a war crime. The question now arising is whether the systemic, or seemingly systemic, nature of such destruction was above and beyond the doctrines so far discussed and if so, what was its purpose? In order to discuss this it is necessary to examine the post-OCL consequences on those foundations of civilian life.

The Goldstone Report states that the military operations destroyed a substantial part of the economic infrastructure and were the product of deliberate planning and policy decisions. The agricultural sector is a case in point. The razing of farmland, destruction of food-processing plants, water and irrigation systems and the denial of access to farmland adjacent to the border with Israel, is telling. Post OCL, much of this destruction was in urgent need of reversal and repair if land were to be secured from desertification, saturation (by munitions and their chemical residues and by sewage), salination or drying out. At the time of the presentation of the Goldstone Report, for example, some 6,800 dunums of land was considered to have been destroyed, (this figure was later adjusted to 20,000 dunums). Human rights agencies later in 2009 stated that 30% of the arable land was lost or rendered unavailable for produce. By June of 2010, the total amount of land damaged or otherwise unavailable for cultivation is now 67%.[30]

The destruction or removal of vegetation and especially trees in farmland adjacent to the border with Israel is especially troubling. Bulldozers were used in the main and they effected the destruction of 140,000 olive trees and 130,000 citrus trees in addition to wells and other forms of produce and vegetation.[31] The net result of this action was to create a free-fire zone 1000 metres deep extending from the border into the territories of Gaza. Farmers are now warned sometimes by fire if they come within this zone. The net outcome of this 'exclusion zone' is to create a second blockade in the territory of Gaza itself.

The agricultural sector in Gaza, it must be said, is not, and never was, capable of sustaining its population. Nevertheless as the amount of produce permitted by the Israeli authorities to

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26 Op Cit. Para 55.
27 Op Cit, Para's 37-40, 43-47,
28 Op Cit, Para's 48-49.
29 Goldstone Report, Executive Summary, Section 9: "Attacks on the Foundations of Civilian Life in Gaza: Destruction of the Civilian Infrastructure, Food Production, Water Installations, Sewage Treatment Plants and Housing"
30 The Agricultural Projects Information System at www.apis.ps/ (Factsheet May 2010)
31 Data submitted to the author by Mr Mohammed El-Bakri, Engineer, on behalf of the Union of Agricultural Work Committees (UAWC), Gaza on 11 January 2010.

enter Gaza, at time of writing, is limited to mere subsistence level any produce from local sources is critical. The further denial of food from fishing; the refusal to allow pumps to be imported in order to restore the 305 agricultural wells bulldozed by the IDF, is a further cause of concern.

When one associates the agricultural infrastructure with the other damaged infrastructures such as: governance, education, medical, religious and social, a picture emerges in the months that have followed of desperation. The leading academic specialist on Gaza, Harvard scholar Sara Roy, adds:

> Gaza is an example of a society that has been deliberately reduced to a state of abject destitution, its once productive population transformed into one of aid-dependent paupers…. After Israel's December [2008] assault, Gaza's already compromised conditions have become virtually unlivable. Livelihoods, homes, and public infrastructure have been damaged or destroyed on a scale that even the Israel Defense Forces admitted was indefensible.

> In Gaza today, there is no private sector to speak of and no industry. Eighty percent of Gaza's agricultural crops were destroyed and Israel continues to snipe at farmers attempting to plant and tend fields near the well-fenced and patrolled border. Most productive activity has been extinguished.… Today, 96 percent of Gaza's population of 1.4 million is dependent on humanitarian aid for basic needs. According to the World Food Programme, the Gaza Strip requires a minimum of 400 trucks of food every day just to meet the basic nutritional needs of the population.

> Yet, despite a March [22, 2009] decision by the Israeli cabinet to lift all restrictions on foodstuffs entering Gaza, only 653 trucks of food and other supplies were allowed entry during the week of May 10, at best meeting 23 percent of required need. Israel now allows only 30 to 40 commercial items to enter Gaza compared to 4,000 approved products prior to June 2006.[32]

Based on such an assessment it is fitting to describe the blockade as the continuation of the war by other means. It seems also that the war's strategies were rewritten to meet certain ends but that these ends have been exceeded. These ends are likely to continue to be exceeded for as long as the blockade is maintained.

The ends now intended for Gaza have not been the subject of comment and it will be a matter of speculation as to what those ends are. It seems clear that the continuation of the blockade constitutes a fifth phase to OCL. It now remains a matter of speculation as to what was the ultimate purpose of Operation Cast Lead.

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32 In Communication with the author.

Abstracts

65 Senior Command and Staff Course

MA Theses and Higher Diploma in Arts in Leadership Management and Defence Studies

Representative Associations in the Irish Defence Forces – Simply a Change in the Force or a Force for Change

Comdt David B Campion

ABSTRACT

The aim of this thesis is to examine the level of inclusion afforded to the representative associations in the process of organisational transformation in the Irish Defence Forces. Legislation permitting the formation of representative associations for members of the Defence Forces was enacted in 1990 and led to the formation of the Representative Association for Commissioned Officers (RACO) and the Permanent Defence Forces Other Ranks Representative Association (PDFORRA). The associations were empowered to engage in consultation through a conciliation and arbitration scheme on matters relating to remuneration and conditions of service. The representative processes have matured in the past 19 years and have been particularly relevant since the introduction of initiatives such as the modernisation agenda that is linked to social partnership agreements and the Government White Paper of 2000, which introduced radical reforms. The research question posed is: "Representative associations in the Irish Defence Forces-simply a change in the force or a force for change?"

The question is initially examined in the light of theoretical frameworks and performance indicators relative to organisational transformation, with emphasis on public sector reform, as posited by a variety of academics. This review is related directly to academic commentary specific to the representative processes in the Irish Defence Forces.

The field research is an action research model. The participants in the research are the senior figures from the representative associations, military management and the Department of Defence ensuring the highest quality of data for analysis and comment.

The thesis provides an interesting perspective on the successful development of the participatory nature of organisational transformation in the Defence Forces and offers some comment on the theories and practices that are extant.

The Somme: Warfare for Slow Learners?
Reflections on Isomorphic Learning in the British Army of 1916

Comdt Robert Corbet. Dip HSWW, BA, MSc.

ABSTRACT

The Battle of the Somme was the greatest military disaster ever to befall the British Army. In the years since the war's end contrasting perspectives have emerged regarding the conduct of the Battle. These viewpoints continue to engender heated debate over what remains a controversial and tragic episode in the Great War.

This dissertation aims to examine the extent to which a form of organisational learning, known as isomorphic learning took place at the Somme. Its significance derives from the examination of active learning in war, a subject as relevant in defence studies today, as it was in 1916.

The work considers the traditional, revisionist and culturally constructed perspectives. The dissertation also explores the role which the author's epistemology plays in conducting the research and gaining an understanding of what meaning it holds for him.

A representative selection of historical literature is utilised to highlight the differing traditional and revisionist positions on isomorphic learning at the Somme. In addition, letters, memoirs, poetic and dramatic works are studied to examine the evolving culturally constructed view, as this provides another valuable perspective and contextualises the academic opinions.

A post-positivist, reflexive methodology has been selected as this qualitative approach is best suited to analysis and understanding of the varying perspectives and is particularly useful in examining both the culturally constructed view and the author's epistemological stance.

The findings indicate that isomorphic learning did take place at the Somme. However this learning was effected at a catastrophic cost in human terms which has overshadowed whatever lessons were learned. It was also found that within the culturally constructed view, the Somme is regarded as a disaster on such a grand scale that it allows no space for consideration of learning experiences. Through this research, the student has come to recognise the deep influence his epistemology has on the study of this subject.

The implications of these findings indicate that a post-positive, reflexive philosophy is a valuable tool in addressing military problems and should be formally included in Defence Forces training, particularly for overseas missions. Isomorphic learning is also seen as a significant tool for the study of both historic and current military campaigns. On a personal level, post-positive, reflexive research has provided a greater consciousness of alternative views and a recognition that for many questions, there may be more than one valid answer.

The Defence Forces: A Fertile Ground for Groupthink?

Comdt Timothy Daly. BSc.

ABSTRACT

The central theme of Irving Janis's groupthink theory is that the more amiability and espirit de corps there is among members of a decision-making group, the greater is the danger that groupthink will replace critical thinking. Groupthink is defined as "a mode of thinking that people engage in when they are deeply involved in a cohesive in-group when members' strivings for unanimity override their motivation to realistically appraise alternative courses of action." Janis's groupthink theory challenges the belief that greater group cohesion is always better.

The aim of this thesis is to critically evaluate Janis's groupthink theory and related commentaries in order to understand the relevance of his work to decision making in the Defence Forces. This research is intended to raise awareness of groupthink and to contribute to better decision-making processes in the Defence Forces. Specifically the aim is to explore if conditions exist in the Defence Forces that may allow groupthink to occur. The research question 'The Defence Forces: A Fertile Ground for Groupthink?' provides a focus for the research.

The methodology selected for the research was an explanatory case study of the Defence Forces, and data was collected using semi-structured interviews with key decision makers at Defence Forces director level and with other officers who have had broad experience at home and on peace-enforcing missions overseas.

The findings show that the groupthink antecedents of group cohesiveness, group insulation, lack of a tradition of impartial leadership and group homogeneity are present indicating that the Defence Forces provide a fertile ground for groupthink. The implication of this study for the Defence Forces is that the organisation's leaders are at risk of making poor quality decisions because of the prevalence of groupthink antecedents.

This thesis suggests that it is now prudent to review not only the military decision-making process (MDMP), but also all decision-making policies and procedures in the Defence Forces, in order to produce comprehensive decision-making models that consider the impact of group behaviour on decision making.

In order to counteract groupthink in the Defence Forces, the following recommendations are made: groupthink awareness programmes to be conducted; independent planning and evaluation groups to be established; critical evaluation culture to be encouraged and finally representatives of divergent positions within the organisation should to be selected as members of decision-making groups. If adopted by the Defence Forces, these measures will help reduce the chances of groupthink.

Perpetual War for Perpetual Peace. Pre-emptive Strikes: A Critical Analysis of the Effectiveness and Implications for Counter-Terrorism Policies

Comdt Rory Finegan. BA, MA, MSc.

ABSTRACT

This study explores and offers a critical perspective on the claimed successes of counter-terrorist policies, the issues that underpin them with a focus on pre-emptive actions aimed at disrupting or removing the terrorist threat. The study is comparative, by examining two detailed cases, namely, counter-terrorism activities in Northern Ireland and Israel, in order to encompass a detailed analysis of the implications of the policy of selective 'targeted assassinations.' The literature review will be primarily based on the Israeli-Palestinian conflict. The core case study will be the use of force against terrorists in Northern Ireland. This will allow an exploration of the dialect between the two regions and facilitate an examination of what was occurring contextually at the same time. What effect if any, do targeted assassinations have on cycles of violence? Do targeted assassinations, contain, deter, and ultimately lessen rates of violence, or increase motivations to attack with more deadly force. In a detailed analysis of both the immediate and broader implications of such activities in attempting to respond to terrorism, the strength of the arguments related to 'lessons learned' will be reinforced via such analysis. Equally this study is part of a current debate that hopefully will have an intellectual significance, especially given the number of politically motivated assassinations being conducted despite the virtual absence of a sustained public and scholarly debate on the means and the ends of targeted killing. This is the chimera that this work will attempt to grasp.

Assessing the impact of targeted assassinations on insurgencies is as difficult as it is important. Theoretically, there is little agreement regarding the logical consequences of repressive measures in general on the strategies and tactical repertoire of insurgent groups. Hafez and Hatfield (2006), identified four pillars of the Repression/Rebellion Puzzle which tests the widest range of hypothesis, specifically, that terrorist targeting: (1) "deter militant organisations from planning more attacks"; (2) "produce a backlash effect"; (3) cause a "disruption effect" that "diminishes the number and success rate of attacks," and (4) diminishes violence when combined with other security enablers. By assessing common themes and experiences, preliminary conclusions will be presented in light of the expected and subsequent successes or failures of pre-emptive actions. This will facilitate a critical comparison and contrast experiences and implications from the two case studies. This study naturally lends itself to Interpretative Research, which is a sub-category of qualitative research.

The analysis does not substantiate the claim that targeted assassinations had an impact on the rate of PIRA attacks. Targeted assassinations do not quell violence, but they do not increase violence either. As a counterinsurgency tactic, their utility is questioned by these findings. The analysis raises doubts about the very effectiveness of targeted assassinations as a tactic in the arsenal of counterterrorism measures. On the basis of these findings it may well be that in the "War on Terror" (WOT), this tactic can be discarded without hindering the overall ability to counter and deter terrorism.

A Review of Defence Forces Training and Education in the Context of the National Framework of Qualifications: The Implications for the Organisation, the Individual and Society

Lt Cdr Brian Fitgerald

ABSTRACT

The majority of Irish Defence Forces training and education (learning) programmes remain unaccredited within Ireland's National Qualifications Framework (NFQ). This lack of recognition creates a "gap" between the Defence Forces as a lifelong learning organisation and the society within which it functions. Since the enactment of the Qualifications (Education and Training) Act 1999, accreditation of all learning that takes place within Ireland is provided for under the NFQ. The NFQ caters for the national objective of moving towards a lifelong learning society by establishing a common currency of credit for all learning. Accredited learning is now viewed as an essential ingredient to future economic growth and the prosperity of society, and as a right that carries both duties and responsibilities. This study is an examination of the implications of accreditation of Defence Forces learning for the organisation, the individual and society. The purpose of this thesis is to explore the existing gap and add to the body of knowledge surrounding the topic.

The methodology selected for the primary research is a case study supported by semi-structured interview and focus group techniques. The respondents range from national policy makers, organisational leaders, accrediting authorities, academics and a selection of the servicemen and women.

The findings reveal a significantly positive disposition towards the implications for the organisation, the individual and society. The benefits are seen to outweigh any of the identifiable disadvantages. However, due to an absence of a policy on accreditation, and the current practice of retaining qualifications for its exclusive use, the Defence Forces is viewed as perpetuating a 'walled garden' of learning. This is revealed as being contrary to both the spirit of the Act and national policy.

On the basis of these findings, it is recommended that the organisation define and implement a policy on NFQ accreditation for its learning programmes, while retaining ownership of the process. It is the conclusion of this thesis that it is not in the interest of the organisation, the individual or society to constrain the considerable learning experience resident within the ranks of the Defence Forces.

The Operational Environment as Complex Adaptive System. How to Prepare and Use Generic Models for a Better Situational Understanding

Lt Col Dirk Hunke. MA (German Army)

ABSTRACT

The starting point for this thesis was the author's involvement in experiments of systems theory and systems analysis tools applied to military operational environments such as Afghanistan or Kosovo. Within that context the research results on "Complex Adaptive Systems" – developed during the 1990s for civilian applications – have been transferred as well. The aim was to find the often hidden order in seemingly chaotic situations and to assess the changes in behaviour and internal organization they might undergo in order to better cope with their challenges. The impetus for the transfer to military applications was to use an appropriate analytical tool for the perceived complexities of human conflict under the conditions of globalised media and global political, social and economic interdependencies. The difficulty in dealing with such conflict scenarios from a systems analysis point of view is an abundance of mostly superficial information on one hand and a lack of insight into the underlying logics on the other hand. The thesis proposes the creation of a "model library" as guideline through the plethora of information. "Models" in this context are explicit descriptions of social groups, individual actors and other relevant elements of a given topic plus their probable interactions within their respective system. The chosen case study on "insurgency" applies the Complex Adaptive System construct onto a very old political, social and military challenge. Insurgency is an armed rebellion against an established government aiming at its overthrow. It forms part of most conflicts where international forces were deployed to defuse the situation or to enforce certain outcomes. It is closely related to themes like terrorism or irregular warfare. The case study uses several practical and generic descriptions of past insurgencies as backdrop. Systems analysis results from other authors and own attempts to capture their logic are compared. The aspired result is an answer to the question whether these descriptions can be fused in such a way that they deliver meaningful insights for new conflict situations.

Energy Security – Reconceptualising Security for the 21st Century

Comdt Robert Hurley. BA.

ABSTRACT

This thesis is undertaken against the backdrop of a security environment which has been defined as being complex and multifaceted. Energy security will strongly influence the global security agenda in the 21st century. Energy security is multidimensional, dynamic and is constantly evolving.

This thesis critically examines the concept of energy security in order to determine an understanding of the nature and strategic importance of energy security and determine its impact on future geo-political security strategy as we move into the 21st century. From a review of the literature what emerges are the interlocking challenges and complex interplay of resource depletion, climate change, and the emerging geo-political landscape. Security of supply has re-emerged as a policy concern at the same time as climate change has gradually become an overarching priority.

A qualitative research methodology is employed utilising a case study, which naturally suited the exploratory nature of the research question. The research methods used were email interviews where opinion was sought from experts in EU-Russia relations. To achieve balance, journals and official EU/Russian documents were examined and Russian energy experts' opinions and observations were analysed.

The significance of this study emerges from the findings, which clearly demonstrate that energy governance is exercised in a tension between power- based geopolitics (Russia) and multilateral cooperative governance as espoused by the EU. The former approach is based on accumulating influence through the use of its energy resources. The geopolitical pattern seeks to secure exclusive access to resources, mainly by political and military means. The multilateral governance approach aims to advance interdependence on the basis of equally applied rules and an access to resources and investment moderated by market mechanisms.

The growing scarcity of hydrocarbons coupled with the complex interplay of climate change calls for a new and concentrated push to ensure safe energy, to increase its efficient use, and to raise the share of renewables in the energy mix worldwide. In order to avoid or at least reduce the risks related to energy scarcity, a cooperative multilateral approach is needed that defines energy security as a goal that can only be achieved by multilateral governance approaches.

From Adversary to Ally? A Case Study of Georgia's Compatibility with the NATO Security Community

Comdt Robert McDonald. BA Phys Ed

ABSTRACT

The changing relationship between members of Cold War Alliances and their former adversaries has been a remarkable geo-strategic development following the fall of the Soviet Union in 1991. NATO's membership has increased from 12 to 28 countries through six rounds of enlargement aimed at enhancing security and extending stability, building a Europe whole and free, united in peace, democracy and common values. In April 2008, NATO leaders agreed that Georgia will become a future member, an act that would push NATO to Russia's southern border. Future NATO enlargement into potential regions of hostility and conflict now make the study of prospective member compatibility and accession pre-requisites more significant than any previous rounds of enlargement.

Taking Georgia as a case study, this thesis utilised a strategic culture framework, with its emphasis on the roles of values, ideas and institutions pertaining to the use of force, to explore evidence of Georgian subscription to core NATO values. The nature of the issue required a narrative approach to elicit rich data from stories presented by the author who lived in Georgia from October 2006 until July 2008 and returned to Georgia following the August 2008 South Ossetian conflict.

The main findings provide evidence of Georgian strategic cultural inconsistency with NATO membership and also imply that NATO accession based on objective benchmarks, whilst ignoring cultural factors, has serious security implications as these benchmarks fail to provide a true picture of an aspirants' NATO compatibility.

On the basis of the findings it is recommended that Georgia, in pursuing its departure from Russia's influence, would be better served by adopting relationships based on factors other than military alliances and collective defence. Furthermore, it is recommended that the security implication of NATO enlargement into areas of diverse cultures and regional instability warrants more serious future consideration.

Should the Defence Forces Develop Doctrine for Humanitarian Operations?

Comdt Damien McEvoy. BSc, HDip, Engr.

ABSTRACT

The Defence Forces Strategy Statement 2008-2010 and the White Paper on Irish Aid 2006 espouse that the Defence Forces will consider contributing resources to international humanitarian-relief operations. These commitments coupled with the possible humanitarian elements in our commitments to the United Nations standby arrangement and European Security and Defence Policy reinforce the need for the DF to have a credible and capable force to deploy. The purpose of this study is to examine the role that doctrine can play for military forces involved in humanitarian operations and identify how this doctrine can impact on the Defence Forces involvement in humanitarian crises. The research question of whether the DF should develop doctrine for humanitarian operations provides the focus for the study.

The qualitative methodology selected was case study utilising semi-structured interviews with military and civilian participants who had experience of operating in humanitarian crises.

The findings suggest that it is inevitable that the DF will be involved in humanitarian operations in the future. Doctrine and shared understanding with other humanitarian actors have crucial roles to play in the success of any deployment. The research highlighted the difficulties that exist with the decision-making process during the emergency phase of humanitarian operations. Ireland's foreign policy and strategy are based on sound fundamental principles and should provide a very solid foundation on which to build doctrine. A more holistic approach to humanitarian intervention by the state emerged as crucial in relation to DF deployments.

The implications of this research for the Defence Forces suggest that they are not presently prepared for a deployment such as a humanitarian-relief mission. The nexus between policy and strategy must be clearly articulated before doctrine can be developed. The keystone constraint identified was the relationship that exists between the Defence Forces and the other humanitarian actors.

Learning to be a Soldier. Is Lifelong Learning in the Defence Forces a Contributor to Defence Capabilities?

Comdt Brendan McGuinness. BA.

ABSTRACT

This question causes me to examine the education and learning environment currently in place in the Defence Forces. My focus is to ascertain the role, if any, that lifelong learning plays in the organisation. Is it merely a concept that is referred to; or is it something that the organisation has embraced as a mechanism to meet the organisational objectives of ensuring its soldiers, sailors and airmen are capable of filling appointments at home and overseas?

I research theory associated with Lifelong Learning and associated concepts, including, recognised prior learning (RPL) and accreditation. This research provides the knowledge with which to examine the current status of Defence Forces capabilities, their component parts and how we meet that challenge.

A qualitative methodology incorporating my epistemology is used to generate an overview of the current state of Defence Forces learning. Data from a number of key appointment holders in the fields of Defence Forces senior leadership, education and civilian higher education is obtained by means of semi structured interviews.

Research suggests that defence capability is inextricably linked to personnel. Therefore, higher levels of learning should improve defence capability. However, the lack of a comprehensive doctrine and lessons learned programme is reducing the effectiveness of the current educational programme. All soldiers learn from induction to end of service. There are opportunities to improve the current model with revision at Non Commissioned Officer (NCO) level, embracing RPL, accreditation of courses and by examining the area of blended learning.

This thesis examines both the components of defence capability and the current Defence Forces education and learning environment. Research findings outline the areas requiring improvement. Whether the Defence Forces is embracing this challenge is explored.

More Right Than Wrong? More Wrong Than Right? An Examination of Grievance Procedures in the Irish Defence Forces

Comdt Kevin McStay

ABSTRACT

The Irish Defence Forces has a relatively modern integrated grievance process as part of its human resource management suite. There are two pillars underpinning the process: a Redress of Wrongs procedure initiated at the lower levels with access to higher authorities for decision; and the Ombudsman for the Defence Forces who is concerned with civilian oversight of the process and adjudication as required. Both pillars are established under Irish national law.

This thesis critically evaluates the current well being of the process in the Irish Defence Forces. Using an examination of the relevant literature, Defence Acts, Reports and various documents I analysed the various models available, the models used in other militaries and explored the themes and questions surrounding grievance procedures in our Defence Forces.

The literature review highlighted three main areas: the function of training in the grievance arena, the role of review in a grievance process and the use of a selection policy when appointing an investigating officer.

I used a post-positivist qualitative research methodology. This methodology best suited the nature of my inquiry as it provided insights that went beyond the bare facts of the examination. To establish validity in the research, methodological triangulation using semi-structured interviews, survey and documentary analysis was used.

The research identified three areas of agreement among the key informers and survey participants. One, the absolute need for a formal training course or module that would educate and up-skill military officers in this emerging area; two, all parties agreed the grievance process was in need of urgent review and three the research found that there is no policy when it comes to selecting military investigation officers.

These findings indicate the current Defence Forces grievance process can be improved upon and that training, education and technical skills need to be encouraged. The need for urgent review is based primarily on the use of legislation from the 1950s, which fails to reflect modern developments and practices. While the method used by the Defence Forces to select officers was not severely criticised, certain suggested models have potential.

The research findings uncovered some gaps and on that basis recommendations are made to fill them. The Defence Forces should commission a formal course on the broad area of grievance procedures with particular emphasis on the internal Redress of Wrongs process. A review of the integrated process should commence and a policy for selecting investigation officers be agreed and implemented.

Military Liaison: An Exploration from the Perspective of the Irish Defence Forces

Comdt Rossa Mulcahy. BComm, MBS.

ABSTRACT

Military Liaison is an integral part of UN-sanctioned missions, providing military commanders with valuable information from local sources that represent the mood and sentiment of local communities from social, political and economic perspectives. In the absence of a formal intelligence structure, the UN relies on military liaison to ensure that it can operate between multiple actors in a transparent and impartial manner.

The Irish Defence Forces has operated on UN-sanctioned missions since 1958 and has built up a wealth of experience and knowledge on how to operate in complex and dynamic multi-national peace-support forces. This thesis examines the role that Irish personnel can play within liaison teams on such missions, to enhance the situational awareness of commanders on the ground.

The review of literature reveals the competencies required of military personnel to function effectively within liaison teams. The themes that emerge from this review are employed to conduct a post-positivist, qualitative research methodology to filter and interpret the meaning and experiences of the chosen sample group. The combination of semi-structured interviews and a focus group were chosen to explore the selected case study, Observer Group Lebanon, from the perspective of members of the Irish Defence Forces, selected international commanders and Lebanese interpreters, who all served in this military unit before, during and after the 2006 Hezbollah-Israel Conflict.

The analysis revealed that liaison officers must have strong English language skills, be able to communicate effectively, employing emotional intelligence competencies, be aware of their cultural environment and how their own culture impacts on this and to conduct themselves ethically. Liaison officers can be educated to operate within liaison teams through focussed pre-deployment training.

The implications of this research for the Irish Defence Forces suggest that liaison is an area that could be further leveraged to continue to enhance the reputation of the Irish peacekeeper internationally. By improving foreign language skills, enhancing awareness of emotional intelligence and establishing a centre of liaison excellence; the Defence Forces can deploy liaison officers to peace-support operations who will bring added value to commanders on the ground, by delivering accurate and timely information relating to the economic, political and social pulse of the operational environment.

What Influences the Nature of Military Societal Relations in Ireland?

Comdt Raymond O'Lehan. BA, MComm.

ABSTRACT

The effects of globalisation, technology and downward economic trends in a rapidly changing environment have necessitated a re-examination of all organisations, including the military. Moreover, the roles of the armed forces in the new security situation have become more complex with a resultant effect on how society considers the relevance of the military. In such a setting the relationship between the military and society in Ireland offers an intriguing subject for study primarily because it has been neglected by academic researchers, but also because it provides a greater appreciation of the internal and external factors that shape domestic politics and culture. The purpose of this study is to examine the nature of military societal relations in Ireland with the aim of enhancing our understanding of this dynamic.

This thesis analyses theories in the literature review and outlines the distinction between civil-military relations, which concerns civilian control of the military, and the more refined subject of the relationship between society in general and its military. The natural gap that exists between the military and society is highlighted, but the research focuses on the national influences that shape the military societal dynamic. An analysis of documentary evidence was combined with the semi-formal interview process to uncover current discourse and reach an informed outcome which is both valid and reliable.

The findings indicate that society expects security as a basic precept and does not reflect on matters military as a general rule. Alternatively, the military are more expectant of recognition and understanding of their role than society consider necessary to accord. The research uncovers that each state has particular historical, cultural and political influences that impact on this dynamic and therefore, it is concluded that no singular theory can be applied to individual states.

The military is a product of its society and therefore, the necessity for the public and the military to better understand their relationship is significant and important. A more informed study of this dynamic can stand independently as a mechanism to enlighten perspectives across the broad spectrum of social, political and cultural areas in a national and international context.

How Do Cultural Dimensions Impact on Negotiation in a Military Context?

Comdt Colm Ó Luasa. B Comm.

ABSTRACT

The Irish Defence Forces primary operational commitment is in Peace Support and Crisis Management Operations overseas. Within this environment there is a requirement for military personnel to interact with all sides and the ability to negotiate can be seen as a force multiplier. Culture, in many ways, defines how we perceive the world around us and how we interact with it. The aim of this thesis is to examine the impact of culture on negotiation in the specific military context of Peace Support Operations.

This study explores dimensions of culture and their relevance to negotiation against the background of Peace Support Operations. The particular dimensions include attitudes to time, violence, ethnocentrism and communication. Theory is drawn from the field of sociology mainly, but also from psychology, particularly in regard to Emotional and Cultural Intelligence.

A qualitative research methodology is employed given the social nature of both culture and negotiation. The author wanted to uncover the nature of understanding held by military personnel in relation to their own culture and the culture of those with whom they negotiate on overseas missions. For this reason a hermeneutic methodology was deemed most suitable to this subject matter and the method chosen was semi-structured interview. These interviews were conducted primarily with serving and retired members of the Irish Defence Forces, who have had experience of negotiation in the context of Peace Support Operations. A non-Irish civilian was also interviewed in order to provide an outside perspective and to give balance to the chosen sample.

The findings confirmed the relevance of culture to negotiation and highlighted that knowledge and awareness of one's own culture was a necessary starting point in developing cultural intelligence and combating one's own biases in order to remain culturally impartial as a peacekeeper. Cultural attitudes to time and communication were also highlighted, as were the power of ethnicity and emotion. The issue of accepting a certain level of threat and violence within a negotiation was also evident, as was the link between emotion and violence. The research also demonstrated the significance of forging personal and emotional connections within a negotiation. These connections are founded on respect for people and knowledge of their culture.

The Defence Forces currently conducts training in both culture and negotiation, especially for those deploying overseas. On the basis of the findings, a number of recommendations are made as to how this training could be formalised and developed.

Human Trafficking. Are Peacekeepers Turning a Blind Eye?

Comdt Eugene Kenneth Pettit. LLM, Dip Arb, Dip C. Admin, BSc.

ABSTRACT

This study explores the subject of human trafficking. Specifically the research assesses the degree to which peacekeeping operations act to restrict or promote human trafficking in Kosovo. The study identifies the main peacekeeping organisations and focuses on the influence that organisational culture can have on the individual and how policy can change the behaviour of the individual.

The researcher carried out qualitative semi-structured interviews with key people working in the sphere of human rights and conflict areas. The case study focus, Kosovo was explored to determine if there was evidence to link the peacekeeper with the crime of human trafficking. In addition the Irish defence Forces response to the broad issues surrounding peacekeeping and human trafficking was explored.

The findings indicate that instances of human trafficking linked to the peacekeeper have dramatically reduced and is much less evident than earlier in the decade. It appears that the role of leadership and awareness training has been critical to creating the conditions for change and influencing the behaviour of the individual.

Worryingly, what has emerged is the grip that organised crime has taken on Kosovo, with its influence extending into the Police Service and the Judiciary.

On the basis of the findings it is recommended awareness training is continued so that the experience of 'leaders and the led' can be used as a motivational driver within the organisation to create the conditions to maintain change. Significantly the lessons learned in Kosovo can be held up as best practice, used as a template for change and applied to peacekeeping operations in Africa.

At a strategic level it is recommended that legislation introduced to other jurisdictions can be used as a framework in Kosovo in order to treat the woman as the victim of violence and to criminalise the user.

The victim is at the heart of this study and the continuous torment suffered is a reminder of how organised crime can inflict extensive damage on society.

Role of Media in Pakistan's War on Terror

Major Sajid Amin. MSc Art and Science of Warfare (Pakistan)

ABSTRACT

The media has emerged as an immensely powerful instrument to influence public opinion about any issue. Those controlling the media can project things according to their perspectives compared to those who fail to reckon with its power. The media has also become an active and influential participant in armed conflict informing and influencing public opinion. Public support is crucial to military operations, particularly in war on terror and is largely shaped by the media. Considering the importance of media, some analysts have even termed it as a principle of war.

Review of the literature examines four themes of power/functions of media, role of media in war on terror, impediments in media-military relations and current role of media in Pakistan's war on terror. It highlights that media assumes more importance in the war on terror to shape public opinion, to counter propaganda of the terrorists, and helps in execution of psychological operations, which are critical for success of the war on terror. Review of literature also indicates that the media has been used by American forces to its optimum potentials in support of their war on terror.

It was also observed that de-centralised execution of media plans and a proactive approach to counter terrorists' propaganda is more suitable for the war on terror. Furthermore, it was found that education for military leaders as well as soldiers in the field of media is significant for effective utilisation of the media in the war on terror. The findings indicate that employment of the media in Pakistan's war on terror is seriously hampered by lack of a media doctrine and proper planning process.

Although Pakistan army is using the media in support of its war on terror, this process is not very well structured. Recommendations have been made to further improve the support of media for Pakistan's war on terror. The thesis also identifies certain areas for further research related to role of the media in warfare.

Twenty-First Century Challenges for the Swedish Land Warfare Centre: Education and Training

Maj Claes Sylvèn. (Sweden)

ABSTRACT

The aim of this thesis is to examine whether the Swedish Land Warfare Centre has changed its education and training to meet the new twenty-first century challenges in the context of new security assessments and a rapid development in new technology.

The theoretical framework used for this thesis is based on Transformational Change in order to justify the need for change based on the new challenges and provide a logical explanation for the difficulties that this change process will create.

The study begins with a literature review, looking at the challenges that emerged after the end of the Cold War, and it also provides a deeper knowledge of the content and the differences between the syllabus associated with the Junior Officers' Course during the Cold War and today.

This is followed by a number of questionnaire interviews with key Swedish Land Warfare Centre personnel involved in education and training. A common understanding of what characterised the Cold War and what is seen today can be detected, but also a clear disconnect between the leaders and instructors concerning whether the focus should be training or education.

In answering the central thesis question, the research suggests that the LWC has changed the content of the syllabus to reflect the new challenges, but the research also identified a difficulty in implementing the changes due to the disconnect between the leaders and instructors.

The emergence of the vision factor and the inability to communicate the vision are discussed by the author in order to provide recommendations as to how the LWC should overcome this problem. On the basis of the findings, the following recommendations are made:
1. Continue to have open-minded discussion about the overall change process in order to make the DF 'vision' clear to all and what the implications are for education and training.
2. The leaders and instructors need to discuss the difference between education and training and agree on where the focus should be.
3. The leading level must allocate more time to participate in the daily education and training of our young officers. This will in turn lead to a creative discussion about goals and the setting of goals, resulting in greater involvement from individuals.

In short, the organisation must articulate the vision, and then communicate this vision, before finally implementing it through a clear and concise syllabus.

The study ends with the author reflecting on the study and the challenges he will face going back to the LWC in a leading position.

Are the Adult Learner Needs of Young Officers Under Training Facilitated by Instructors at the Naval College?

Lt Cdr Peter Twomey

ABSTRACT

Historically, instruction was carried out by lecturers, or trainers, who designed, developed and delivered their lectures based purely on their own experience and expertise. Assessments and evaluations of the process, if carried out, were along a 'one way street' with little or no input from the students. They were designed to test the student and rarely considered improving the quality of instruction, the course delivery mechanism or the syllabus. Recent significant developments in Adult Education have seen a dramatic shift in instruction techniques, from being Lecturer-centric, to Learner-centric. Instruction now focuses heavily on student learning, rather than teacher teaching. Adult learners have specific learning needs because of their life stages, experiences, responsibilities and challenges.

This thesis examines the function of adult education in a modern naval environment. Specifically it focuses on the unique relationship between Young Naval Officers under training (adult learners) and their superior officers (instructors), by analysing it, against a framework of current best practice and civilian third level colleges. The nature of this unique balance between academic instruction and leadership by naval instructors, in meeting the adult learning needs of the Young Officers, is also developed.

The central focus of this thesis examines whether or not naval instructors can indeed facilitate the adult learner needs of Young Officers within the Naval Training regimen. An important educational tenant evident within this research is the necessity for Naval Students not just to learn the stimulus material, but also to understand it. It is a question of professional competence, in addition to knowledge transfer. Utilising a constructivist approach, instructors employ context as the basis for much of their instruction, while taking a holistic overview of the wellbeing of their students. The language of adult education is as alien to naval instructors as theirs, is to 'landlubbers.' Interestingly, this thesis reveals that beneath the jargon both sides possess increasingly common aims and practices. The principle theme that emerges from this exploration is the complex nature of adult learner needs and the institutional difficulty of facilitating all of these needs, all of the time.

Recommendations are made for further research, in respect of the effects of Institutional Ethos on instructional methodologies and on the significant effect student class size has on the limitation in delivery of specific learner needs. Changes are also suggested, where appropriate to planning and policy within the Naval College.

"Cotton Wool Soldiers" – Is Personal Responsibility Being Removed From Defence Forces Personnel?

Comdt Donnagh Verling

ABSTRACT

In the course of finding my way as a parent I came across the term cotton wool kids. It refers to children in the modern era that, for fear of things as diverse as being sold into slavery, are so over protected that they are in danger of being ill prepared for an adulthood full of risk and reward.

The Defence Forces are among the uniformed risk takers of the State and as such must have the ability to make good decisions in difficult circumstances. Society and the Defence Forces have experienced great change in recent years and I wondered if this change was having an effect on that ability to perform. In this thesis I pose the question whether the Defence Forces has over protected its personnel and left them ill-prepared for a world full of risk and reward.

I examine the literature surrounding how the mind makes a decision and the factors that influence it, from biases to stereotypes to priming. I also review some of the social commentary about societal change and its effect on military organisations.

Armed with these tools, I interviewed a cross-section of military and civilian personnel to determine their perceptions of modern society and the Defence Forces. I found a diverse range of opinions, about what had or had not changed and how that change has affected the modern military. I found the good and the bad of the modern military from a group who were more than willing to express their opinions.

In the final Chapter I bring together these opinions and findings. I put them with the theories from the literature review and outline some implications for the modern Defence Forces. There are lessons to be learned, implications for future training and operations and of course scope for further study.

Is the Naval Service an Under Utilised Resource in the Implementation of Irish Maritime Policy?

Lt Cdr Terence Ward

ABSTRACT

A serious marine emergency off the south-east coast involving the sinking of two fishing vessels in January 2007 brought into focus the multi-agency approach to Irish maritime affairs and also the key role played by the Naval Service in the recovery operation. It demonstrated a possible inefficiency in Irish maritime governance and questioned if the Naval Service was fully utilised in its implementation.

Ireland has historically been an agricultural society and even though Ireland is an island, Government policy is still very land orientated. The dissolution of the Department of the Marine in 2007 and the dispersal of its portfolio to other departments are a symptom of that policy and an indication of where maritime affairs sit within Government priorities.

This research has determined that Irish maritime policy is not clearly articulated and no national interests within the maritime domain have been identified. This has led to a fragmented approach to maritime governance and issues with cross-cutting and agentification have arisen. Irish maritime policy is based on legislation, which is developed as Governments react to various stimuli, for example, a large drug seizure or an incident like the one outlined above.

The Naval Service contends that while it cannot dictate policy as the service provider it reserves the right to provide advice on how it feels the direction policy should take. Senior Naval Officers feel that restrictions placed in legislation regarding the powers of naval officers are hindering the exercise of maritime law enforcement. According to the Department of Defence, these restrictions are there to ensure the primacy of the civil authorities in law enforcement issues. This is where there is a difference of opinion. This thesis will offer a possible solution to this dilemma.

The Naval Service is a very professional organisation with a desire and a will to provide the best possible service to the people of Ireland. As to the thesis question, the answer depends on what that maritime policy is and this can only be determined by a Maritime White Paper that clearly articulates Ireland's national interests regarding the seas surrounding our island and how we intent to protect and govern them.

Mission Command: The Command Panacea?
A Study of the Potential Impact of Mission Command Philosophy on the Irish Defence Forces in Peace Support Operations

Comdt Johnny Whittaker. BA, Dip.

ABSTRACT

This thesis is undertaken against the backdrop of a security environment which has been defined as being both complex and multi-faceted. Through their continuing service overseas, the Defence Forces are exposed to the demanding nature of international Peace Support Operations. Yet despite this environment, the Defence Forces currently possess no formal command philosophy.

In the literature review military academic literature is critically examined in order to establish the potential impact which Mission Command philosophy could have on the Defence Forces in Peace Support Operations. Business literature is also reviewed in order to moderate the heavy reliance on military academic literature, and to assist in balancing the research. This review reveals the human-in-command to be the central pillar, which in turn is underpinned by organisational culture, structure, morality and values. From this the leader emerges as the catalyst, who enables Mission Command by setting example, by educating subordinates, and by establishing the right command climate.

A qualitative research methodology is employed, utilising a case study, which naturally suited the exploratory nature of the research question. The research methods used include semi-structured interviews wherein expert opinion was sought from several senior military leaders and a senior business executive, in order to elicit their views on the theory and to gather data on the key concepts. In addition, the views of Captains and Sergeants were elicited in focus groups, which provided comparative data on the key concepts of Mission Command.

The significance of this study emerges from the findings, which highlight the need to promulgate and establish a standard, codified command doctrine for the Defence Forces. Given that the findings firmly indicate how central leadership is to Mission Command philosophy, this thesis recommends that it be situated within existing leadership doctrine, in order to close off the current conceptual gap that results from the Defence Forces possessing no definitive command philosophy.

The implications of this research for the Defence Forces suggest that Mission Command should be adopted as the command philosophy of choice at home, and should therefore become the default philosophy for Peace Support Operations. Such an initiative would ensure that the Defence Forces are best placed to cope with the contemporary operating environment.

US Army Women on the Front Line: A Critical Look at the Combat Exclusion Rule

Maj Frances E. Widdicombe. BS, Mgmt / Fin (USA)

ABSTRACT

The purpose of this case study was to question whether/if the Combat Exclusion Rule is still valid in the 21st Century. Proof is offered to demonstrate that even though the Combat Exclusion Rule is a U. S. Government law it is being circumvented, not out of the U.S. Army's blatant disregard for the rule, but out of necessity. Thorough reviews and analysis of award documents and other official papers and reports published by the U.S. Army and other U.S. Government organizations were conducted. A ten year time frame was established for the award selections to illustrate the missions women have been performing in combat roles since 1999. Policy reviews and testimonies before Congress were used to demonstrate "Women in Combat" is a prominent topic of discussion and an area needing serious attention among senior leadership in the Department of Defense and in Washington D.C. Comparisons were used to identify repeating themes and arguments between the U.S. Government, the Department of Defense, the U.S. Army, and the media about women and their current roles in combat. Findings demonstrate that the culture of the Army has changed and women are fully integrated and treated as equals in most every aspect of Army life; they can now perform 90 per cent of all occupational specialties available. Data confirms that currently in Iraq and Afghanistan women are integrated and utilized in combat units where they are frequently engaging in direct combat. Lastly, evidence establishes the Combat Exclusion Rule is outdated and should be aligned with the current U.S. Army organization and the roles of women soldiers as they fight in combat with their brothers at arms.

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3. **Comdt Ian Byrne DSM** has 25 years service in the Defence Forces. He holds a B Comm from the National University of Ireland (Dublin), a MA in Technical Communications from UL and a MA(LMDS) from NUIM. He is a graduate of the 62nd Senior Command and Staff Course and was posted as an Instructor to the Command and Staff School on its completion. He has recently attended the Joint Services Command and Staff College in Shrivenham where he graduated from the 11th Advanced Command and Staff Course with a MA in Defence Studies from Kings College, London.

4. **Jenny Flynn** is currently completing a Masters in International Security and Conflict at Dublin City University. In 2009 she graduated from UCC with a first class honours degree in Politics and Spanish where she was also awarded the 2009 UCC Politics Department graduate of the year. In 2009 she served as an intern at Delegation of the European Commission in Washington DC and in January 2010 she served as an intern at the Irish Forum for Peace in Sri Lanka.

5. **John Joe Ryan** was commissioned in the Defence Forces in 1968 from which he resigned as a Commandant in 1990. His military service included two and a half years' peacekeeping service with UNIFIL and UNTSO in Lebanon, Syria and Israel both as a staff officer and military observer culminating in his appointment as Military Assistant to the Head of Mission, UNTSO, Jerusalem from November 1982 to January 1984. He graduated in Law and European Studies (Hons.) from the University of Limerick in 1990 and he holds a post graduate degree as a Solicitor from the Incorporated Law Society of Ireland. He worked for a cumulative period of six years (1990/92 & 1995/99) as a Solicitor with Stephen MacKenzie and Co. Solicitors, Fitzwilliam Square, Dublin 2. He joined the United Nations as a professional staff member to work in political affairs with UNTAC in Cambodia in 1992. He was reassigned to UNPROFOR, Bosnia Hercegovina in 1993 where he worked inter alia, in political affairs, civil affairs and civil administration culminating in his appointment as Head of Political Affairs, Bosnia Hercegovina, (UNPROFOR HQ, Sarajevo), from which he resigned in 1995. On rejoining the UN in 1999, he was appointed as the UNTAET Administrator of Dili District, East Timor. He was reassigned to UNMIK, Kosovo in 2001, where he served as Municipal Administrator, Mitrovica, 2001/02; Head, International Judicial Support Division, Department of Justice, 2002/05; Deputy Legal Adviser, Office of the Special

Representative of the Secretary General, (O/SRSG), 2005/07 and Executive Officer, Secretariat of the Human Rights Advisory Panel, O/SRSG, 2007/09. He is currently serving as the Senior Legal Adviser with the Secretariat of the Human Rights Review Panel, European Union Rule of Law Mission, EULEX, Kosovo.

6. **Mr Graham Heaslip** is course director of the BBS (Hons) degree in Business and Management in NUI Maynooth, and a supervisor on the MA (LMDS) run in conjunction with Military College. Graham's research interests are broadly in the intersections between global logistics/supply chain management, humanitarian logistics and organisational management development. His research based teaching brings together themes of risk, resilience and complex systems theory with practical management disciplines such as supply chain management, operations management, quality management and business continuity. His research and consultancy interests span mainstream commercial, defence and other public service contexts examining supply chain management, operations management and quality management issues which impact on organisational effectiveness or innovative practices.

7. **Comdt Tim Daly** is an Artillery officer with 27 years' service. He holds a BSc in Maths from UCG, a post graduate diploma in HR Management from UCC and a first class honours MA (LMDS) from NUI (Maynooth). He graduated from the Command and Staff School in 2009. Comdt Daly has held a wide variety of home appointments at unit, brigade and DFHQ level and has served extensively overseas in the Middle East and in Africa. He is currently a staff officer at Brigade Headquarters, 1 S Bde, Cork.

8. **Comdt Colm Ó Luasa** is a serving professional military officer with 24 years service. He holds a B Comm (Hons) from the National University of Ireland (Galway) and a first class honours MA (LMDS) from the National University of Ireland (Maynooth). He is a graduate of the 65th Command and Staff Course and was awarded both the *'Graidim Taighde na bhForsaí Cosanta'* – The Defence Forces Award for Excellence in thesis research and the Lt Col Sean Clancy Award for best result in the MA(LMDS) combining both military and academic education. He is currently serving in the Defence Forces Training Centre.

9. **Simon Deignan** has recently completed a Masters in International Relations at Dublin City University and is currently working on a dissertation examining the influence of international organisations on democratisation in Albania. He has over three years professional experience in the private sector both in Ireland and Australia, and is hoping to begin a career in International Affairs.

10. **Col Michael Beary** joined the Defence Forces on 28 Nov 1973 and was commissioned into the Infantry Corp. He has served overseas at the tactical and operational levels in South Lebanon, former Yugoslavia, Iraq and Afghanistan. He worked at the strategic level from 2004 to 2007 with the European Union Military Staff within the EU Council Secretariat in Brussels. He holds a BSc from NUIG, an MBS in Management and Organisation Studies from the Smurfit School and in 2009 graduated with an MSc in National Strategy from the National Defence University, Washington D.C. Col Beary is currently the Director of Defence Forces Training.

11. **Col Desmond Travers** retired from the Defence Forces in 2001. His last appointment was as Colonel, Commandant of the Military College. In 2003 his participation was sought with the Institute for International Criminal Investigations (IICI) in The Hague. IICI provides consultancies and training for investigators and associated professionals into the means and methods involved in the investigation of war crime. He is now a director at the Institute. In 2009 he was asked to participate in the UN Fact Finding Mission into the conflict in Gaza. The FFM's report was submitted to the Human Rights Council in Geneva on 30 Sept of that year and has come to be called "The Goldstone Report" after its chairman Justice Richard Goldstone. Col Travers continues his interest in military history and heritage matters and is a member of the Military History Society of Ireland (MHSOI) and is a founder member of the Military Vehicle Club of Ireland (MVCI). He writes from time to time on military matters. This essay is his fourth essay for the Defence Forces Review. His most recent paper has been "Soviet Military Mapping of the The British Isles and Ireland During the Cold War" which was published in Geheimhaltung und Staatssicherheit: Zur Kartographie des Kalten Krieges, Berlin, 2009.