Óglaigh
na hÉireann
IRISH DEFENCE FORCES

Defence Forces
Review 2018

www.military.ie

STRENGTHEN
THE NATION

Óglaigh na hÉireann

IRISH DEFENCE FORCES

Defence Forces
Review 2018

STRENGTHEN THE NATION

PEACEKEEPING AND PEACE MAKING INTERVENTIONS

Launch of the Defence Forces Review
In conjunction with an Academic Seminar

National University of Ireland, Galway
22nd November 2018

RÉAMHRÁ

Is pribhléid dom, mar Oifigeach i bhfeighil ar Bhrainse Caidreamh Poiblí Óglaigh na hÉireann, a bheith páirteach i bhfoilsiú 'Athbhreithniú Óglaigh na hÉireann 2018' . Mar ab ionann le foilseacháin sna blianta roimhe seo, féachtar san eagrán seo ábhar a chur ar fáil a bheidh ina acmhainn acadúil agus ina fhoinse plé i measc lucht léite 'Athbhreithniú'.

Is téama cuí agus tráthúil an téama atá roghnaithe don eagrán seo - Coimeád na Síochána agus Idirghabhálacha d'fhonn Síocháin a dhéanamh,, mar go dtugtar aitheantas ann do chomóradh 60 bliain ó thug Óglaigh na hÉireann faoi oibríochtaí coimeádta síochána na Náisiún Aontaithe ar dtús chomh maith le comóradh 40 bliain ó imscaradh Óglaigh na hÉireann go UNIFIL den chéad uair.

Ba mhaith liom aitheantas a thabhairt don Cheannfort Rory Finegan as an obair mhór a chuir sé isteach agus as a thiomantas chun foilseachán na bliana a chur ar fáil. Tugtar aitheantas freisin don obair thábhachtach agus chóir a rinne comheagarthóirí 'Athbhreithniú' .

Tá Óglaigh na hÉireann buíoch don fhoireann acadúil in OÉ Gaillimh, go háirithe don Dr. Ray Murphy, Ionad na hÉireann do Chearta an Duine, don Dr. Brendan Flynn, Léachtóir Sinsearach i Scoil na hEolaíochta Polaitiúla agus na Socheolaíochta agus don Dr. Niall Ó Dochartaigh, Léachtóir Sinsearach i Scoil na hEolaíochta Polaitiúla agus na Socheolaíochta, as a gcuid rannpháirtíochta agus léargas tairbheach araon.

Ba mhaith liom buíochas a ghlacadh le foireann Chlóphreasa Óglaigh na hÉireann, agus leis an Saighdiúir Singil Shane Curran go háirithe as tabhairt faoin obair chúramach agus mhionsonraithe a bhí i gceist chun na hailt atá in Athbhreithniú a chur in eagar agus a leagan amach.

Mar fhocal scoir, ba mhaith liom buíochas a ghlacadh le gach rannpháirtí a chuir a gcuid páipéar ar fáil le breithniú agus le foilsiú.

Is féidir tuilleadh cóipeanna de 'Athbhreithniú' a fháil ó Bhrainse Caidreamh Poiblí Óglaigh na hÉireann ag info@military.ie nó ar líne ag http://www.military.ie/info-centre/publications/defence-forces-review.

Olibhear Ó Duibhir
Leifteanant-Choirnéal
Rannóg Caidreamh Poiblí Óglaigh na hÉireann

Editor's Notes

Some sixty years ago on the 28th June 1958, barely three years after Ireland gained membership of the United Nations, the first Irish peacekeepers led by Lt. Col. Justin McCarthy took up duty on the Lebanese Syrian Border. Since then not a day has passed without an Irish soldier manning his or her post in numerous peacekeeping missions throughout the world; be it standing guard, manning an observation post, or patrolling a zone of separation somewhere within the world's most dangerous and volatile locations. Since then Irish Defence Forces personnel have served throughout the globe in peace support missions in Europe, Africa, the Middle East, Asia and South America, completing over 66,700 tours of duty. This year, coincidentally, is the fortieth anniversary of the initial deployment of an Irish peacekeeping battalion to South Lebanon as part of the UNIFIL mandate in 1978, where Irish troops still maintain a vigil on the 'Blue Line.' Another significant Irish contingent is based on the Golan Heights as part of the UNDOF mission, where in Syria, an ongoing civil war involving numerous actors has led to unspeakable human suffering and tragedy.

This issue of the Review published in an academic collaboration with the School of Political Science & Sociology and the Irish Centre for Human Rights, both NUI Galway; reflects both the pride and achievements of the Irish Defence Forces while at the same time inviting comprehensive critical analysis with a view to learning what lessons we can learn from the spectrum of that entire experience. This is a unique record of which the Irish Defence Forces are extremely proud.

In this period the evolution and development of peacekeeping missions has gone through several epochs. When the Charter of the United Nations was signed by its founding fathers in San Francisco on the 26th June 1945, few could have envisaged how the organization would evolve and develop. Born from months of painstaking negotiations', even as the Second World War still raged, the UN Charter called upon countries "to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind." It was during the seminal period of our Congo deployment when John F. Kennedy addressed the Joint Houses of the Oireachtas on 28 June 1963, where he stated that *"from Cork to the Congo, from Galway to the Gaza strip, from this Legislative Assembly to the United Nations, Ireland is sending its most talented men to do the world's most important work – the work of peace."* Today, as the Chief of Staff Vice Admiral Mark Mellett DSM has noted, "the Irish Defence Forces has over 650 personnel serving overseas in 13 missions in 13 countries and on one sea."

Then and now, during the course of this service, Irish soldiers have gone about their business in an impartial, professional, neutral, dedicated and humanitarian manner in order to improve the lives of whole communities ravaged by both international conflict and internal civil wars. This has come at a price, given that over the past sixty years 87 members of the Defence Forces have paid the ultimate price in the service of peace. In the early days, Ireland's contribution was arguably marked by enthusiasm, humanitarianism and a certain naiveté. However, over the course of these ensuing years, the wealth of experience that has been gained in a multitude of missions in diverse and challenging circumstances; where Irish troops worked closely with other nationalities and NGOs engaged in key humanitarian work, has led to a depth and breadth of experience in peacekeeping operations that few other nations can equal. To the extent that in the 21st Century we are well placed to lead peacekeeping missions as witnessed

by Maj. General Michael Beary DSM who has just stood down as the Force Commander of the UNIFIL mission. President Michael D. Higgins at a ceremony in June this year at Dublin Castle to commemorate this 60th anniversary of the work of the Defence Forces in conflict zones, noted that "this is a unique record and one of which the Defence Forces and the Irish people can be justifiably very proud...it has established our acceptability as peacekeepers, and peace defenders and thus has enabled us to play an effective role in the international community."

Editor's Biographical Statement

Ray Murphy is a professor at the Irish Centre for Human Rights, NUI Galway. He completed his BA in 1979 and Bachelor in Law (LLB) degree in 1981. He was called to the Irish bar in 1984. He completed his MLitt in International Law at Dublin University (Trinity College) in 1991. In 2001 he was awarded his PhD at the University of Nottingham.

Dr. Murphy is on the faculty of the International Institute for Criminal Investigations and Justice Rapid Response. He is a Commissioner with the Irish Human Rights and Equality Commission and a former Vice Chair of the Executive Committee of Amnesty International (Ireland). He is currently the EU Fundamental Rights Agency Senior Expert for Ireland.

He was a Visiting Scholar at the Centre for International Law, Al-Haq, Palestine in 2014. He was awarded a Fulbright Fellowship in 2006 and worked with Human Rights Watch in New York as a resident scholar. He is a former Captain in the Defence Forces and served with UNIFIL in 1981/82 and 1989. He was Chairperson of the Broadcasting Complaints Commission from 1997 to 2000. He has field experience with the OSCE in Bosnia in 1996 and 1997. He has also worked on short assignments in Africa and the Middle East for Amnesty International, the EU and the Irish Government.

Brendan Flynn has been a lecturer within the School of Political Science & Sociology, NUIG, since 1998. His Masters and PhD degrees are from the University of Essex. He teaches on European Politics and Ocean and Marine Politics. His research is focused on Maritime Security, Marine Renewables and Environmental policy. Brendan was joint convener of the Panel on Maritime Security for EISA (European International Studies Association) annual conference 2017. His most recent major research project has been the EPA Funded EPIIC project which examines policy integration (2017). He is the author of "The Blame Game: Rethinking Ireland's Sustainable Development and Environmental Performance" (Dublin: Irish Academic Press, 2007) and a co-author of "Environmental Governance in Europe: An Ever Closer Ecological Union?"(Oxford: OUP, 2000). Some recent publications include: Flynn, B (2016) 'Marine wind energy and the North Sea Offshore Grid Initiative: A Multi-Level Perspective on a stalled technology transition?'. Energy Research & Social Science, 22 :36-51; Flynn, Brendan. (2016) 'The EU's Maritime Security Strategy: a Neo-Medieval Perspective on the Limits of Soft Security?'. Croatian International Relations Review, 22 (75):9-37.and Flynn, Brendan (2015) 'Counter Piracy Today: how essential a mission for both NATO and the EU? ', Atlantic Voices, Vol.5, No.8, pp. 11-15.

Comdt Rory Finegan PhD is a serving officer in the Irish Defence Forces with 34 years' of experience in a diversity of portfolios, that has included there separate tours of UN duty in the Middle East and a fourth in Kosovo. He is currently a Senior Lecturer in the Command & Staff School of the Military College. He has lectured extensively in International Relations and Terrorism Studies and was Head of Department at the United Nations Training School Ireland (UNTSI) for a number of years, where as Course Director he delivered the bespoke International Human Rights Course. His PhD examined the impact of Targeted Killings (TKs) against member of the Provisional IRA (PIRA) in Northern Ireland during the course of the Troubles. Recent works include Shadowboxing in the Dark in 100 Years of Irish Republican Violence: 1916-2016 (Routledge, 2017); which explores the British counter-intelligence effort against PIRA. Are Drones an Effective Response to Terrorism in Second Edition of Contemporary Debates on Terrorism (Routledge, 2018). Also, Targeted Killings: Perpetual War for Perpetual; Peace? In Handbook of Terrorism & Counterterrorism, (Routledge, 2018). Forthcoming will be Britain-PIRA: from National Liberation to Diplomacy and Peace in Deterring Terrorism: A Model for Strategic Deterrence (Routledge, 2019)

Niall Ó Dochartaigh is Senior Lecturer in the School of Political Science and Sociology at the National University of Ireland Galway. Recent publications include the co-edited books Political Violence in Context (ECPR Press 2015) and Dynamics of Political Change in Ireland: Making and Breaking a Divided Island (Routledge 2017). He recently completed a monograph on Negotiating Political Violence in Northern Ireland. His current research focuses on mediation, peace negotiations, political violence, territory and the Northern Ireland conflict. More information at niallodoc.wordpress.com.
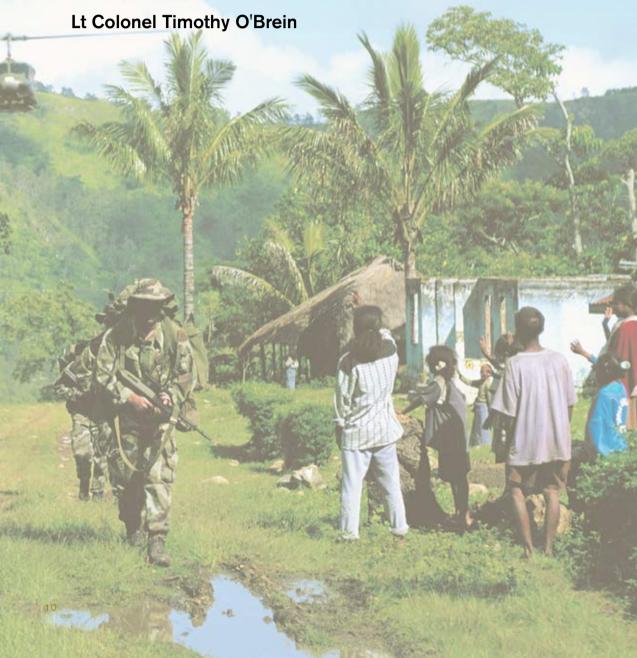
Table of Contents

Table of Contents

THE PROTECTION OF CIVILIANS ON UNITED NATIONS PEACEKEEPING OPERATIONS

Lt Colonel Timothy O'Brein

Abstract

In 1999 the UN Security Council established a peacekeeping force to deploy to Sierra Leone which had, for the first time in the organization's history, a mandate to protect civilians. The necessity for such a mandate was a reflection of the type of conflict occurring at the end of the 20th century, where civilians rather than the military were being deliberately targeted by armed groups. The UN, experienced since 1948 with monitoring ceasefires and separating military forces was, in the aftermath of the Cold War, ill prepared for asymmetric conflict in Bosnia, Rwanda and Somalia.

Since 1999 however, the UN has continued to mandate peacekeepers to protect civilians and the traditional UN peacekeeping operations have been replaced by multi-dimensional missions where a range of actors, both military and civilian, strive to work together with host nations to protect civilians, primarily in Africa and the Middle East. Defence Forces personnel participate in peacekeeping missions which are mandated to protect civilians and this paper provides the reader with an overview of the current status of the protection of civilians on such missions.

Introduction

The 2018 report of the United Nations (UN) Secretary General to the Security Council on the Protection of Civilians in Armed Conflict reveals "...a state of unrelenting horror and suffering affecting millions of women, children and men across all conflicts. Civilians are routinely killed or maimed, and civilian objects damaged or destroyed, in targeted or indiscriminate attacks that frequently involve the widespread use of explosive weapons."[1] The report, which is presented annually to the Security Council, goes on to highlight how civilians are forced from their homes and how humanitarian and medical personnel are frequently targeted and killed or prevented from responding to those in need. The Secretary General noted that throughout 2017 "...tens of thousands of civilian women, children and men were killed or suffered appalling injuries as victims of deliberate or indiscriminate attacks by parties to conflicts..." worldwide.[2] The bleakness of that report written nearly twenty years after the protection of civilians first appeared on the Security Council's agenda, is indicative of the types of challenges facing the UN's 110,000 peacekeepers in protecting civilians on the organisations fourteen peacekeeping operations.[3] It is also a reminder of why the protection of civilians has become a core task on peacekeeping operations, for regardless of any commentator's views of the organisation, the UN is arguably the only international organisation with the reach and authority to protect civilians worldwide.

---

1 United Nations. Security Council. *Report of the Secretary General on the protection of civilians in armed conflict.* S/2018/462. New York.14 May 2018: 2
2 United Nations. Security Council. *Report of the Secretary General on the protection of civilians in armed conflict.* S/2018/462. New York.14 May 2018: 4
3 For details of current UN Peacekeeping Operations see: https://peacekeeping.un.org/en.

The Realities of 21st Century Conflict

Although the UN has been engaged in peacekeeping since 1948, it became apparent to both the organisation and the international community in the early 1990s, that the model of peacekeeping that served the organisation during the Cold War was no longer effective. The Bosnian and Rwandan genocides, as well as the violence that consumed Somalia, exposed the limitations of what are now referred to as traditional peacekeeping operations. The deployment of either unarmed military observers monitoring ceasefires or lightly armed forces separating belligerents, was insufficient to deal with post-Cold War intra state conflict, where civilians rather than armed forces were deliberately targeted by armed groups conducting asymmetrical warfare.[4] Protection of civilian mandated missions required a new type of peacekeeping organisation and in the 21st century the UN expanded its field operations from the traditional Cold War model, to complex multi-dimensional missions designed to ensure the implementation of comprehensive peace agreements and assist in laying the foundations for sustainable peace. Although the military remain the backbone of most peacekeeping operations, there are now many faces to peacekeeping including police officers, legal experts, electoral observers, human rights monitors, civil affairs officers, gender advisors, governance specialists and public information experts.[5] The Irish Defence Forces currently serve on two UN Missions with protection of civilian's mandates, the UN Interim Force in Lebanon and the UN Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO)[6]. To operate effectively on these and any future UN deployments, Irish peacekeepers must have both a thorough understanding of what is required to protect civilians and of the many challenges that they will face when tasked to do so[7].

The Origins of Protection of Civilian's Mandates

The Balkans and the African Great Lakes region were not the only areas experiencing conflict as the 20th century due to a close. Commencing in the mid-1990s a series of civil wars tore through West Africa, consuming Sierra Leone, as well as neighbouring Liberia and Côte d'Ivoire. The consequences were deadly for civilian populations overwhelmed by brutal and violent conflict. Societies were ripped apart, state authority dissolved, institutions of government collapsed, millions were forced to flee and neighbouring states were threatened with destabilization.[8] In 1999, following numerous attempts by both the UN and the Economic Community of West African States to end the conflict in Sierra Leone, the Security Council adapted Resolution 1270 which authorised, amongst other things, the newly established UN Mission in Sierra Leone (UNAMSIL) to take whatever action was necessary to protect civilians under imminent threat of physical violence.[9] UNAMSIL therefore became was the first UN

---

4 For an overview of the original or traditional peacekeeping operations see: Harbottle, Michael. *The Blue Berets – The Story of The United Nations Peacekeeping Forces.* London: Leo Cooper, 1975. For a specific overview of the early Irish Defence Forces peacekeeping operations see Smith, Raymond. *Under The Blue Flag.* Dublin: Aherlow Publishers,1980

5 See: Peace Operations Training Institute. *Protection of Civilians.* Williamsburg. 2016:19-22.

6 For details of current Irish Defence Forces UN Peacekeeping Operations see: Irish Defence Forces. "Defence Forces Overseas Missions.", *An Cosantóir,* vol 78, no 5 (June 2018): 32-33. At the time of writing this article 7% of the Defence Forces were deployed on various Peace Support Operations.

7 The Protection of Civilians is taught to members of the Irish Defence Forces as a module during pre-deployment training at the United Nations Training School Ireland. In addition, a course is run on the topic to teach commanders and staff officers how to develop and execute a Protection of Civilians Plan.

8 See Jean-Pierre Lacroix, "Peace, progress and potential: The legacy of UN Peacekeeping in Liberia, Côte d'Ivoire and Sierra Leone, *UN Peacekeeping,* July 19, 2018, https://medium.com/unpeacekeeping/peace-progress-and-potential-the-legacy-of-un-peacekeeping-in-liberia-c%C3%B4te-divoire-and-sierra-696ef83cb165.

9 "Sierra Leone - UNAMSIL - Mandate "United Nations Peacekeeping, https://peacekeeping.un.org/sites/default/files/past/unamsil/mandate.html.

peacekeeping operation to be equipped with a protection of civilian's mandate. Following that landmark resolution all subsequent peacekeeping missions, bar one, established by the Security Council have had similar mandates, which authorise the use of all necessary actions up to and including the use of deadly force to protect civilians.[10] Today, eight of the fourteen UN peacekeeping operations operate with protection of civilian mandates and these operations account for 95% of the UN's deployed peacekeepers.[11] The standard wording for a protection of civilians mandate is as follows:[The Security Council authorises] "all necessary action, up to and including the use of force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host Government to protect its civilians."[12]

The Importance Of Protecting Civilians

UNAMSIL was ultimately successful in ending the fighting in Sierra Leone and the Mission ended in 2005. Looking back at the crisis that struck West Africa during the 1990s, the UN's current Under Secretary General for Peacekeeping Operations, Jean-Pierre Lacroix notes that the organisation's most important partners in achieving peace were the civilian population of the region. Their determination to recover from the deep wounds of the conflict and make real progress in state-building and economic development were fundamental in securing a peaceful future. Therefore, protecting those very same civilians can be seen as being critical in creating durable political settlements to conflicts[13]. Any peace agreement that tolerates continued violence against civilians will not provide the solid foundation required to build a legitimate and sustainable post conflict future.[14] Indeed, the whole institution of peacekeeping, its legitimacy and credibility can be jeopardised if peacekeepers fail to protect civilians[15]. The UN's Department of Peacekeeping Operations itself recognizes this and outlines potential consequences of failing to protect civilians at the strategic, operational and tactical levels. The strategic consequences of failure are a potential diminishing of international support for current and future peacekeeping missions, as well as an impact on mandate renewal and mission budgeting. At an operational level it is recognized that Mission Headquarters may experience the potential undermining of the political relationship with the host government but perhaps most importantly for Irish peacekeepers are potential consequences at the tactical level, as this is where most Irish Defence Forces personnel serve while on UN service. At the tactical level peacekeepers can experience force protection issues arising from animosity from the local population and operational effectiveness can suffer if the same population refuses to engage with them[16].

---

10 United Nations Department of Peacekeeping Operations/ Department of Field Support. DPKO/DFS Policy: *The Protection of Civilians in United Nations Peacekeeping,* 01 April 2015.
11 See Ref No 2. The peacekeeping operations which do not have a protection of civilian's mandate are those which were established prior to 1999 and whose mandates have not been revised since that date. Irish Defence Forces peacekeepers serve on three of these Missions: UNTSO, UNDOF and MINURSO.
12 See United Nations Department of Peacekeeping Operations/ Department of Field Support. *Protection of Civilians: Implementing Guidelines for Military Components for United Nations Peacekeeping Missions,* Feb 2015, 3.
13 See: Jean-Pierre Lacroix, "Peace, progress and potential: The legacy of UN Peacekeeping in Liberia, Côte d'Ivoire and Sierra Leone, UN Peacekeeping, July 19, 2018, https://medium.com/unpeacekeeping/peace-progress-and-potential-the-legacy-of-un-peacekeeping-in-liberia-c%C3%B4te-divoire-and-sierra-696ef83cb165
14 See: Peace Operations Training Institute. *Protection of Civilians.* Williamsburg. 2016:ix
15 See: Holt, Victoria, Glyn Taylor, and Max Kelly, *Protecting civilians in the context of UN Peacekeeping Operations,* New York: United Nations, 2009:22-24
16 On UN peacekeeping operations, UN Headquarters in New York is considered to be operating at the strategic level. Mission Headquarters operate at the operational level and Sector Headquarters and units operate at the tactical level.

Prioritising Protection Tasks and Expectations Management

As the mandate term "within capabilities" suggests, no mission is resourced sufficiently to simultaneously protect all of the civilians in its area of operations as well as to perform all of the other tasks assigned to it. These tasks can be many and varied and the Security Council has in the past been criticised for burdening field missions with so call 'Christmas Tree' mandates, which include every wish and desire of what the UN would like to achieve[17]. Resultantly, Heads of Mission and Force Commanders are required to prioritize tasks and assign resources according to the greatest and most likely threats of physical violence to civilians.[18] Complementary to prioritisation is the issue of expectations management. There is often a misunderstanding regarding the capacity of peacekeeping operations to protect all civilians all of the time. This can lead to unreasonable expectations of the peacekeepers from both the host nation population and government, as well as from the international community. Expectations management therefore must be a key element of the Mission's Strategic Communications Policy which describes how the protection of civilians will be achieved with the resources available, while being realistic about the Missions capabilities and limitations.[19]

How Does the Un Protect Civilians?

UN peacekeeping interprets the protection of civilians through a three-tiered approach[20]. These three distinct approaches recognise the experience and capabilities of the different types of peacekeepers deployed on contemporary multi-dimensional missions. As outlined above peacekeepers now include political and civil affairs officers, human rights specialists and rule of law experts, as well as the military and police components. The different approaches are designed to be complementary to each other as well as mutually reinforcing and in the field they can and do occur simultaneously. Given the different approaches and taking into consideration the myriad of potential protection actors in any given mission a protection of civilian's plan requires careful planning, coordination and integration of efforts[21].Political and civil affairs specialists see protection as a broad concept encompassing international humanitarian, human rights and refugee law and political officers engage with host nation officials at government level to obtain full respect for the rights of the civil population in accordance with international norms. Their civil affairs colleagues complement this work at community level where they attempt to engage with civil society to reduce potential tensions. This approach will also see the senior mission leadership attempt a political process to resolve the root causes of the conflict.

The second approach concentrates on security sector reform and enhancing the rule of law to develop and subsequently enhance capacity within the host nation military, police and judicial systems. Human rights specialists and rule of law experts will strive to ensure that the host nation has the competence to protect its own civilian population and that in doing so they

---

17 For a description of 'Christmas Tree' mandates see: Gustavo de Carvalho, 'What's the future of UN Peacekeeping', World Economic Forum, Feb 26, 2015, https://www.weforum.org/agenda/2015/02/whats-the-future-of-un-peacekeeping.
18 See: United Nations Department of Peacekeeping Operations/ Department of Field Support. *Protection of Civilians: Implementing Guidelines for Military Components for United Nations Peacekeeping Missions*, Feb 2015, 11.
19 See: United Nations Department of Peacekeeping Operations/ Department of Field Support. *Protection of Civilians: Implementing Guidelines for Military Components for United Nations Peacekeeping Missions*, Feb 2015, 17.
20 The three tiers are described by the UN as Protection through Dialogue and Engagement, Establishing a Protective Environment and the Provision of Physical Protection. See United Nations Department of Peacekeeping Operations/ Department of Field Support. *Protection of Civilians: Implementing Guidelines for Military Components for United Nations Peacekeeping Missions*, Feb 2015, 6-8.
21 See Peace Operations Training Institute. *Protection of Civilians.* Williamsburg. 2016:15

conduct themselves in a manner that is in accordance to international norms. Given that this work will take place in a post conflict situation, a particular emphasis is placed on preparing the security sector to respond effectively to sexual and gender-based violence as well as to violence against children. When the UN Mission in Liberia closed on 30 March 2018, two of its declared achievements were that the country's justice and security institutions, police, courts and corrections were rebuilt and deployed throughout the country and that the Mission had supported the strengthening of Liberian security forces, including the integration of women into the military.[22]

The third approach to protection utilises the skillsets of military and police contingents. This approach views protection as ensuring that civilians are physically protected from harm. This is achieved by a combination of deterrence, the professional conduct of framework operations such as patrolling, the manning of checkpoints, observation, monitoring and reporting, demining, securing human rights and humanitarian actors, the provision, if necessary, of safe havens around UN bases, the inter positioning of forces between hostile parties and as a last resort, direct military action against armed actors threatening civilians. In MONUSCO the deployment and use of the 3,000 strong Force Intervention Brigade since 2013, is perhaps the best-known example of a current UN peacekeeping operation using conventional military force to protect civilians. That Formation is used to neutralise armed groups who are threatening the civilian population of eastern Democratic Republic of the Congo. To do so the Brigade is equipped with, amongst other assets, armoured fighting vehicles, heavy mortars and attack helicopters.[23]

The Key Role of the Host Nation in Protecting Civilians

Recognition by the UN of the primary responsibility of the host government to protect their own civilians inside its borders is clear within the language used in protection mandates and this responsibility is consistent with each government's obligation under international human rights and humanitarian law. The work of political and civil affairs officers as well as rule of law experts demonstrates how a multi-dimensional mission engages with a host government to assist it in the first instance in meeting its responsibilities to protect its own civilians. However, when the host government is unwilling or unable to do so, UN Peacekeepers are authorised and duty bound to undertake actions to protect civilians within the Mission area of operations. This may, in extreme cases, include protecting civilians from their own government.[24]

---

22 See https://unmil.unmissions.org/sites/default/files/unmil-mission-closure-infographic.pdf.
23 In March 2013 the Security Council, through resolution 2098, authorized the deployment of the Force Intervention Brigade in the east of the Democratic Republic of the Congo to protect civilians from ongoing violence perpetrated by armed rebel groups. The resolution mandated the intervention brigade to neutralize such groups and to reduce the threat posed by them to state authority and civilian security through targeted offensive operations in a robust, highly mobile and versatile manner. The intervention was in response to the large-scale November 2012 attacks by the *Mouvement du 23-Mars* or M23 group on the city of Goma. For a copy of the resolution see http://unscr.com/en/resolutions/doc/2098 .
24 See: United Nations Department of Peacekeeping Operations/ Department of Field Support. *Protection of Civilians: Implementing Guidelines for Military Components for United Nations Peacekeeping Missions*, Feb 2015, 3.

Conclusion

Considerable progress has been made over the last twenty years by the UN Security Council in its engagement to protect civilians, not least in the number of missions that have been mandated to protect civilians. In addition, the Council has shown a spotlight on the protection of civilians by its series of statements and resolutions and by requesting that the Secretary General to issue regular reports on the protection of civilians in armed conflict, such as the one that inspired this paper. Troop and police contributing countries, including Ireland, have provided personnel in difficult and often dangerous environments to implement mandated protection of civilians tasks. Modern peacekeeping operations are multidimensional, addressing a spectrum of protection activities from providing physical security, to advocating for and monitoring human rights to security sector reform. While in many mission areas peace is more of an aspiration than a reality, there have been hard won successes as evidenced by the fact that there are no longer peacekeepers deployed in the West African states of Sierra Leone, Liberia and Côte d'Ivoire. However, civilians remain at risk worldwide, including in areas where peacekeepers are deployed. Meeting the challenge of protecting civilians will continue to require commitment by the International Community through the Security Council and as Ireland marks its 60th Anniversary of UN Peacekeeping[25] it will require motivated, well led, trained and equipped peacekeepers such as those provided by the Irish Defence Forces.

---

25 The first Irish Defence Forces peacekeepers deployed to the UN Observer Mission in Lebanon on 28 June 1958.

WHEN PROTECTOR TURNS PREDATOR –

SEXUAL EXPLOITATION AND ABUSE BY UNITED NATIONS PEACEKEEPERS

Cdr (NS) Pat Burke

"That anyone serving under the UN flag should prey on the vulnerable is an abomination".
United Nations Under-Secretary General for Field Support Mr. Atul Khare[1]

Abstract

In response to recent widespread allegations that UN personnel were engaged in acts of sexual exploitation and abuse of the very people that they were charged with protecting the UN has been compelled to respond to global criticism that its peacekeepers act with impunity. This article examines how the UN has reacted to such damning allegations and how the predatory actions of a few can significantly tarnish the reputation of many. The article concludes that the UN must remain steadfast in taking decisive action to uphold universal values and to ensure the protection of civilians, the maintenance of respect for the dignity of victims and accountability when these values are violated.

Introduction

Peace support operations are designed to assist in the provision of security and safety for the establishment and maintenance of the rule of law. The United Nations (UN) expects that all of its peacekeeping personnel adhere to the highest standards of behaviour and conduct. Unfortunately, these standards have not always been adhered to. Allegations and instances of misconduct involving peacekeeping personnel, including acts of sexual exploitation and abuse, have haunted the reputation and tarnished the image of the UN. In the 1990s reported acts of sexual violence by peacekeepers became disturbingly familiar in UN missions in Guinea, Mozambique, Liberia, Sierra Leone and Bosnia. The reported abuses covered the spectrum of sex trafficking to prostitution in exchange for money, food or medical supplies. The New York Times marked the 60th anniversary of the UN in 2005 with a withering editorial on sexual abuse by UN peacekeepers writing that "when UN peacekeepers rape the people they were sent to protect and coerce women and children to trade sex for food, as they were last year in Congo, they defeat the purpose of their mission and exploit some of the world's most vulnerable people".[2]

In 2015 multiple allegations of sexual violence by UN personnel serving in the Central African Republic (CAR) surfaced creating a sense of global outrage. Consequently, the UN Secretary-General appointed an independent panel to review the response of the UN to those allegations.[3] The subsequent report of the Secretary-General to the General Assembly provided detailed data on allegations of sexual exploitation and abuse in the UN system received in 2015 and on the status of investigations into those allegations. Emphasizing the need to address impunity of peacekeepers, the Secretary-General disclosed for the first time the nationalities of all peacekeepers suspected of having committed sex crimes including rape.[4] The report also contained an update on the enhanced measures being taken to implement the

---

1 Press Release, "We must not allow protectors to become predators", UN News Centre, 4 Mar 2016, UN Under-Sec General for Field Support Mr. Atul Khare
2 Editorial, The Worse UN Scandal, New York Times, 24 Oct 2005, A20
3 Special Measures for Protection from Sexual Exploitation and Sexual Abuse, Report of the Secretary-General 16 February 2016, United Nations Peacekeeping Fact Sheet, A/70/729.
4 Id. at 33–41.

Secretary-General's 'zero-tolerance policy' to allegations of sexual exploitation and abuse. This 'zero-tolerance policy' came via a UN Secretary-General's Bulletin outlining special measures for protection from sexual exploitation and sexual abuse due to repeated outcries of abuse by UN peacekeepers which the UN condemned as reprehensible.[5] These UN created rules forbid sexual relations with prostitutes and with any persons under 18, and strongly discourage relations with any beneficiaries of assistance.

Impunity of Peacekeepers

Differing explanations have been proposed for the recurrent sexual exploitation and abuse allegations laid against the UN including power differentials between peacekeepers and impoverished civilians to lack of training and education on UN policies within Troop-Contributing Countries (TCC). However, the common thread is that perpetrators claim a staggering level of impunity due to the UN peacekeeping system structure. Fleck, analysing the law applicable to peace operations states "A comprehensive set of rules covering the responsibilities for all activities of the United Nations does not exist."[6] All UN member states insist that their peacekeepers receive immunity from the criminal jurisdiction of host states in which peacekeeping operations are deployed. Boom[7] explains how under Status of Forces Agreements (SOFA) which govern the relationship between the UN and host states, UN peacekeepers remain subject to the exclusive jurisdiction of their TCC in relation to the commission of criminal offences.[8] Accordingly, peacekeepers could become subject to local criminal jurisdiction only in exceptional cases, an example being the status agreement of the UN Assistance Group (UNTAG).[9] Examining the UNTAG Agreement, it emerges that peacekeepers immunity could either be waived by their TCC or removed by a local criminal court; subject to the caveat that local jurisdiction became enforceable only when the TCC failed to exercise jurisdiction within reasonable time and the suspected peacekeepers remained deployed in the area of operations.[10] Outlining how the limitations on the exclusive criminal jurisdiction of TCCs was subsequently rejected by the UN member states and how the General Assembly requested a model SOFA to serve as a basis for future operations, Boom concludes that the use of the 1990 UN Model SOFA has resulted in peacekeepers enjoying complete immunity from local criminal process in all UN operations since UNTAG.[11] Klappe succinctly sums up the Legal position of military members of a deployed peacekeeping contingent under the SOFA stating "they cannot be tried in the host country."[12]

In the 1990s the UN was rocked by allegations of sexual exploitation and abuse by peacekeepers in missions such as Bosnia, Cambodia and Haiti. Prince Zeid Ra'ad Zeid Al-Hussein, Adviser

---

5 UN Secretary-General, Bulletin Special Measures for Protection from Sexual Exploitation and Sexual Abuse ST/SGB/2003/13, 9 Oct 2003
6 Dieter Fleck, "The Law Applicable to Peace Operations" in The Oxford Handbook of International Law in Armed Conflict, ed. Andrew Clapham and Paola Gaeta, (Oxford, OUP 2014) 240.
7 Rembert Boom, Special Measures for Protection from Sexual Exploitation and Abuse in UN Peacekeeping: Can the General Assembly Unite Against Impunity of Military Peacekeepers? ASIL, Issue 13 Vol 20 27 July 2016
8 U.N. Secretary-General, Model Status of Forces Agreement for Peace-keeping Operations, Annex E 47(b), U.N. Doc. 9 Oct 1990, A/45/594
9 No. 26465 Agreement between the United Nations and the Republic of South Africa Concerning the Status of the United Nations Transition Assistance Group to Namibia (South West Africa), (with Memorandum of Understanding), 10 mar 1989, 1526 UNTS 3
10 Rembert Boom, Special Measures for Protection from Sexual Exploitation and Abuse in UN Peacekeeping: Can the General Assembly Unite Against Impunity of Military Peacekeepers? ASIL, Issue 13 Vol 20 27 July 2016
11 Id.
12 Ben F. Klappe, "International PeaceOperations" in The Handbook of International Humanitarian Law, (2nd Edn) ed. Dieter Fleck, (Oxford, OUP 20104) 640.

to the Secretary-General, was tasked with producing a strategy for the UN to deal with this crisis subsequently known as the 'Zeid Report'.[13] Submitting to the UN Security Council Zeid observed that the UN had been confronted with "ill-discipline of peacekeepers in every operation since UNTAG, and that TCCs often lacked the will to court-martial alleged offenders."[14] The 'Zeid Report' recommended that, as part of a comprehensive strategy to eliminate future sexual exploitation and abuse in UN Peacekeeping Ops, that each TCC should exercise their exclusive criminal jurisdiction in situ. The 'Zeid Report' wanted verifiable adjudication of peacekeepers suspected of having committed crimes and also recommended the naming and shaming of any TCC that violated their international obligation to report to the UN on their exercise of jurisdiction in such cases. However, the UN General Assembly did not adopt either of the recommendations, preferring to encourage each TCCs to conduct on-site courts martial.[15] Allred called the "weak underbelly" of the UN its inability to control and discipline its troops in the field, due to inter alia legal and technical issues as well as lack of training.[16] Boom sets out that the introduction of more dedicated measures to ensure individual accountability of peacekeepers remains within the remit of the General Assembly but cautions that the General Assembly has opposed such measures for decades.[17] Nonetheless, in his report on special measures for protection from sexual exploitation and abuse, the Secretary-General requested that the General Assembly require that TCCs exercise their jurisdiction in the area of operations via on-site court-martial.[18] The Secretary-General also acceded to consider a recommendation from an independent review on sexual exploitation by international peacekeeping forces in CAR for the introduction of subsidiary local criminal jurisdiction to ensure the prosecution of peacekeepers that may have committed sex crimes.[19]

This is not to suggest that UN Forces are without any form of discipline or that the UN cannot oversee the maintenance of discipline within its peacekeepers. Previously in 2005 a Conduct and Discipline Unit (CDU) was established at UN Headquarters to provide oversight on conduct and discipline issues in UN peacekeeping operations and special political missions. The envisaged methodology is that the CDU works with Conduct and Discipline Teams on the ground in larger peacekeeping missions and Conduct and Discipline Focal Points in smaller peacekeeping and special political missions. These Conduct and Discipline personnel are present to implement the mission strategy on training, prevention, enforcement and remedial action and to advise the Heads of Mission on related issues. A Memorandum of Understanding (MOU) between TCCs and the UN unequivocally lays out the obligations of States regarding conduct and discipline of their troops.

---

13 A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in UN Peacekeeping Ops, transmitted by Letter dated 24 March 2005 from the Secretary-General to the President of the General Assembly, 24 Mar 2005, UN Doc. A/59/710
14 Statement by Zeid Ra'ad Zeid Al-Hussein, UN Security Council, 5191st Meeting, 3, 31 May 2005, UN Doc S/PV/5191
15 Report of the Special Commission on Peacekeeping Operations and its Working Group at the 2006 General Assembly Substantive Session, 22 Mar 2006, p 78, U.N. Doc. A/60/19. See also See Anthony J. Miller, Legal Aspects of Stopping Sexual Exploitation and Abuse in U.N. Peacekeeping Operations, 39 Cornell Int'l L. J. 71, 95 n.153 (2006).
16 Allred, Keith J. (2006) Peacekeepers and Prostitutes: How Deployment Forces Fuel the Demand for Trafficked Women and New Hope for Stopping It. Armed Forces & Society 33(1):5–23.
17 Rembert Boom, Special Measures for Protection from Sexual Exploitation and Abuse in UN Peacekeeping: Can the General Assembly Unite Against Impunity of Military Peacekeepers? ASIL, Issue 13 Vol 20 27 July 2016
18 Id.
19 Taking Action on Sexual Exploitation and Abuse by Peacekeepers: Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, 17 Dec 2015, available at http://www.un.org/News/dh/infocus/centafricrepub/Independent-Review-Report.pdf

'The Blue Helmet' Tarnished

Multiple allegations of sexual violence by UN personnel serving in CAR with MINUSCA, were leaked to the international media by Anders Kompass, Director of Field Operations at the UN Human Rights Office in Geneva.[20] Kompass was initially suspended but subsequently exonerated for sharing confidential documents that revealed children as young as eight and nine were allegedly raped by peacekeepers in CAR. Professor Ray Murphy who had previously highlighted UN efforts to address sexual misconduct by peacekeeping personnel in 2006 described the treatment by the UN of Kompass as "shameful."[21] A report into the matter commissioned by the UN Secretary-General vindicated Kompass and attacked the gross institutional failure of the UN, whose officials had refused to respond to the allegations that peacekeepers were sexually abusing children in CAR. The report said "initial complaints in 2014 were passed from desk to desk, inbox to inbox, across multiple UN offices, with no one willing to take responsibility."[22]

Acts of sexual exploitation and abuse by UN peacekeepers undermines the implementation of peacekeeping mandates, as well as the credibility of UN peacekeeping. Such behaviour by a minority also undermines and tarnishes the valiant effort of tens of thousands of UN peacekeepers. The UN Department of Field Support reported that the submitted number of sexual exploitation and abuse allegations recorded in UN Peacekeeping Operations and Special Political Missions in 2015 totalled 69.[23] Of these allegations, UN led investigations have concluded in 26 instances. A total of 12 allegations were substantiated involving eight military personnel, three police personnel and one civilian person. The civilian staff member was dismissed by the UN, and the military and police personnel were repatriated on disciplinary grounds. Three military personnel received imprisonment sentences ranging from 45 to 60 days and one police officer received an administrative sanction. In the remaining matters, the UN Department of Field Support (DFS) continues to press the respective member states to obtain information on what action has been taken against the subjects. This is part of a wider transparency approach to ensure that member states adhere to the highest standards of behaviour and conduct. The DFS outlined that of the 22 allegations which were recorded in MINUSCA in 2015, a total of 7 investigations have been concluded with 3 allegations substantiated (2 military, 1 police). There are 14 investigations pending completion with 1 other case deemed not to have sufficient information to conduct an investigation. From the figures available in mid-2016 it emerges that the number of allegations recorded in UN peacekeeping and special political missions totalled 44. The breakdown saw 29 allegations reported in MINUSCA, 7 in MONUSCO, 2 in MINUSTAH, and 1 allegation in each of the following: UNMISS, UNOCI, MINUSMA, UNISFA, UNSMIL and UNSCO. While the reader may sometimes become overwhelmed at statistical data the most damning aspect of closer analysis is that a total of 39 of the 44 allegations involve uniformed personnel; 35 military personnel and 4 police personnel.

20 The Guardian, 'Child sex abuse Whistleblower resigns from UN', 7 June 2016
21 The Irish Times, 'UN must urgently find a better way to tackle peacekeepers accused of sex abuse', 15 Aug 2015. See also Murphy, Ray. (2006) An Assessment of UN Efforts to Address Sexual Misconduct by Peacekeeping Personnel. International Peacekeeping 13(4):531–546.
22 Taking Action on Sexual Exploitation and Abuse by Peacekeepers: Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, 17 Dec 2015,
23 Update on allegations of Sexual Exploitation and Abuse in UN Peacekeeping Operations and Special Political Missions, UN Department of Field Support, 17 May 2016

This prompted the UN Under-Secretary-General for Field Support, Atul Khare, to declare "We must not allow protectors to become predators."[24]

The then UN Secretary-General Ban Ki-moon pledged to urgently review recommendations made by an independent panel which found that the UN did not act with the "speed, care or sensitivity required," when it uncovered information about crimes committed against children by soldiers – including those not under UN command – sent to CAR to protect civilians.[25] The factors associated with the situation in CAR were compounded by the high level of sexual violence associated with the conflict there, the forced displacement of vulnerable populations, extreme poverty and forced prostitution. While Secretary-General Ban Ki-moon accepted that a combination of these factors can create a heightened vulnerability for sexual exploitation and abuse, he was unambiguous in his condemnation as deplorable that UN personnel would take advantage of this situation. He was also categorical in stating that the UN is committed to taking a comprehensive approach to eradicate this behaviour. The situation that emerged in CAR was in effect a perfect storm. There was manifest absence of pre-deployment training on standards of conduct. An unplanned excessive length of deployment for certain contingents in very poor living conditions, including lack of welfare and communication facilities, and hastily created camps that were too close to and not properly separated from the local population exacerbated matters. To further compound these issues there was a distinct lack of discipline among some of the contingents. The identified factors associated with encampments, welfare and the unplanned length of deployments can be addressed through better planning in the deployments and rotations of peacekeepers. However, the preparation of troops to be deployed clearly requires greater attention. The UN Departments of Peacekeeping Operations and Field Support have, where necessary, addressed problems of the lack of discipline by certain contingents, including through the repatriation and termination of the deployment of all military personnel from a member state, as recently happened in MINUSCA. In January 2016 a team of Human Rights Watch researchers identified new possible victims of sexual exploitation and abuse in Bambari to MINSUCA HQ. A fact-finding expert from the UN's Office of Internal Oversight Services (OIOS) was despatched to Bambari and subsequently found sufficient initial evidence that five of the victims were minors and that one adult had been sexually exploited. The majority of the soldiers implicated in these cases were from the Republic of Congo and they were confined to barracks during the investigation. On completion of the investigation the UN repatriated 120 Republic of Congo soldiers who were deployed to Bambari during the period in which the allegations were made reflecting the newly reinforced commitment to the Secretary-General's continued efforts to implement and reinforce the UN zero tolerance policy on sexual exploitation and abuse.

---

24 Press Release, "We must not allow protectors to become predators", UN News Centre, 4 Mar 2016, UN Under-Sec General for Field Support Mr. Atul Khare
25 Special Measures for Protection from Sexual Exploitation and Sexual Abuse, Report of the Secretary-General 16 February 2016, United Nations Peacekeeping Fact Sheet, A/70/729.

Protection from Predators – Impunity Challenged

Stung by the global criticism of the actions of predators under the UN flag, UN Security Council Resolution (UNSCR) 2272/2016[26] underlined the commitment of the Secretary-General's continued efforts to implement and reinforce the UN zero tolerance policy on sexual exploitation and abuse. UNSCR 2272/16 took into account the report of the External Independent Review of the UN's Response to Allegations of Sexual Exploitation and Abuse in CAR.[27] UNSCR 2272/16 also endorses the decision of the Secretary-General to repatriate a particular unit when there is credible evidence of widespread or systemic sexual exploitation and abuse by that unit. Under-Secretary General Atul Khare was unambiguous in his condemnation of the deplorable situation in MINUSCA while stressing the necessity for an action plan to curb this scourge and recognising that such course of action requires a strong partnership with the member states. Mr. Khare accepts that the UN and its partners must adopt a victim-centred approach providing them with urgent psychological, medical, and legal assistance. In March 2016 a voluntary trust fund for victim assistance was created and this was augmented from the salaries withheld from those members of the UN who had significant allegations substantiated. The purpose of the trust fund is to support service providers who assist victims of sexual exploitation and abuse through services including medical care, psychosocial support, legal services, and immediate material needs, such as food, clothing, and safe shelter.[28] Also included in the proposals to strengthen the UN's system of co-ordination and response is the creation of "safe spaces" for victims to lodge complaints against peacekeepers. These proposed "safe spaces" would exist close to the communities affected, and would be reinforced with the support of non-governmental organizations. This approach for peacekeeping missions to provide assistance and support to victims stems from the UN's comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by UN staff and related personnel from General Assembly Resolution 62/214.[29]

To further enhance the UN's transparency an online database featuring comprehensive information is available at the UN's Conduct and Discipline website.[30] This database details the nature of the allegations and the number of victims and perpetrators per allegation. The database will also identify the countries from which such perpetrators came, and it will update on the action taken, either by the UN or by the countries concerned, as regards investigations into these cases. To provide stronger disciplinary measures the presence of UN led immediate response teams will be strengthened so that on receipt of a complaint evidence can be quickly collected and preserved for national investigators. The UN does not have innate criminal jurisdiction so these investigators are expected to be appointed by the alleged perpetrator's country within a 10 day time limit of the alleged crime with a completion date for investigation within a maximum time limit of six months. The Secretary-General has also requested that Member States obtain DNA samples from uniformed personnel who have been accused. If a country fails to investigate it has been proposed that this nation's peacekeepers no longer be deployed to work under the UN flag. In addition, a very strong vetting mechanism has been established, by which the UN can verify the criminal past of prospective peacekeepers.

---

26 Adopted by the Security Council at its 7643rd meeting, on 11 March 2016
27 Taking Action on Sexual Exploitation and Abuse by Peacekeepers: Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic, 17 Dec 2015,
28 Update on allegations of sexual exploitation and abuse in United Nations Peacekeeping Operations and Special Political Missions (17 May 2016), United Nations Department of Field Support
29 General Assembly Resolution 62/214, 7 Mar 2008, UN A/RES/62/214
30 CDU Website https://cdu.unlb.org and UN Peacekeeping website www.un.org/en/peacekeeping/issues/cdu

Commencing in April 2016 the UN Secretariat began vetting all individuals being deployed as members of military contingents and formed police units for prior misconduct, including sexual exploitation and abuse.

'Zero Tolerance, Zero Impunity'

The warning signs that UN personnel were engaging in acts of sexual exploitation and abuse were previously identified but ignored. William Shawcross identified issues in UNTAC in the early 1990s accusing UN personnel of being "more interested in organising prostitution rings than in monitoring cease-fire violations".[31] General Roméo Dalliare lamented the behaviour of certain peacekeepers in Rwanda stating "there is no such thing as consensual sex between soldiers and the local civilian population in a war or conflict zone."[32] In 2006 the US Representative to the UN, Ambassador John Bolton claimed that the sexual exploitation and abuse of women and children at the hands of UN peacekeepers was not an isolated incident and that the 'boys will boys' attitude which for too long had pervaded peacekeeping operations must overtly be met with a zero tolerance policy.[33] Despite such strident calls and considering the previous failure of the UN General Assembly to adopt any special measures to ensure the criminal accountability of its peacekeepers, it appeared that impunity would continue. However in February 2016, the Secretary-General appointed Ms. Jane Holl Lute, a former Assistant Secretary-General, as the Special Coordinator to improve the UN response to sexual exploitation and abuse. Her task is to foster a mechanism for closer future cooperation between the Secretary-General and the General Assembly on the accountability of its peacekeepers. Ms Lute is no stranger to this contentious area having previously expressed her support for the establishment of on-site courts-martial in UN peacekeeping operations.[34] Summing up the new mood of the UN General Assembly, Mogens Lykketoft, the then Danish President of the General Assembly stated "Making zero tolerance and zero impunity a reality is the responsibility of both the Secretariat, troop-contributing, police-contributing or other Member States alike."[35] Pre-deployment training, and in-mission programmes covering issues such as human rights, sexual and gender-based violence and civilian protection are required. Sexual exploitation and abuse training is now mandatory for all UN personnel upon arrival in theatre on a peacekeeping mission. The UN is now also requesting that TCCs provide pre-deployment training to their military personnel, using UN provided training material.

The enforcement of non-fraternization policies and a zero tolerance approach that is robustly enforced will be essential so that victims receive support and allegations are vigorously investigated to ensure that, ultimately, justice is served. Deploying more women on peacekeeping operations to further limit the risk of sexual exploitation and abuse has also been supported. The UN Department of Field Support continues to liaise with member states to address allegations involving paternity claims from mothers who claim to have been impregnated by UN peacekeepers. A DNA collection protocol was established to assist member states in

---

31 Shawcross, William, 'Deliver Us from Evil', London, Bloomsbury (2000) 62.
32 Dalliare Roméo, 'Shake Hands With the Devil'. Canada, Random House Publishing (2003) 184
33 Press Release, USA Mission to the UN, Statement by Ambassador John Bolton 'On Sexual Exploitation and Abuse at the hands of UN peacekeepers, Translating Outrage into Action in the Security Council', US UN Doc 035(06) 23 Feb 2006
34 UN Organization Mission in the DRC: A Case for Peacekeeping Reform. Briefing and Hearing before the High Sub-Comm on Africa, Global Human Rights, and International Operations of the High Comm on International Relations, 109th Cong. (2005) Statement of Jane Holl Lute, UN Assistant Secretary-General for Mission Support, Department of Peacekeeping Operations
35 Seventieth UN General Assembly, 115th Meeting 7 Sept 2016

obtaining DNA samples from mothers and children. Several member states have designated paternity focal points to facilitate paternity and child support claims brought forward by victims of sexual exploitation and abuse. Summing up his and the UN's revulsion at the emergence of 'UN babies' born near UN installations in MINUSCA, Under-Secretary-General Atul Khare told reporters, referring to the pregnancy of a 13-year old girl "I'm ashamed to call myself a peacekeeper on some of these days when I see cases like this". [36]
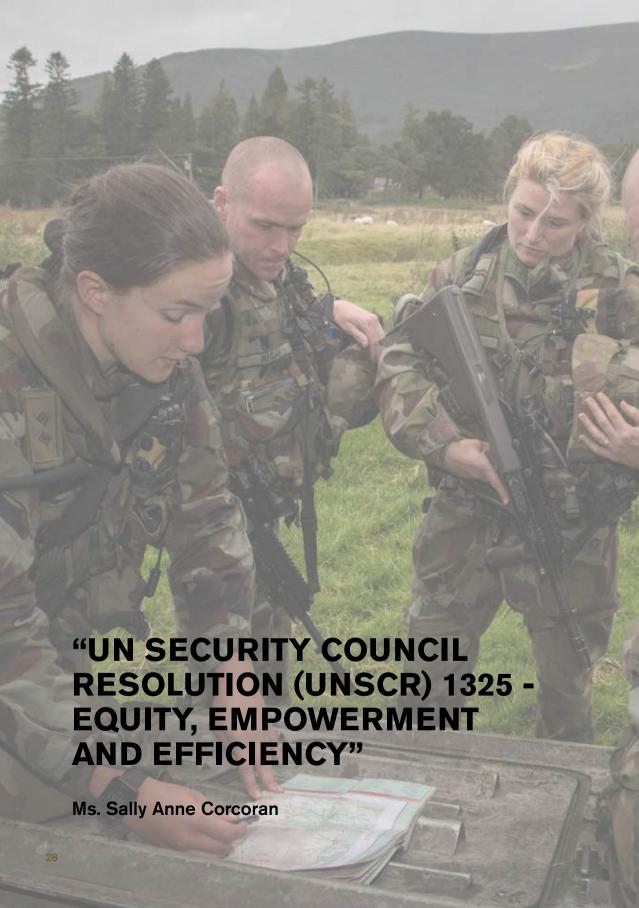
The UN also seeks to build on existing mechanisms to strengthen its follow-up with member states on how allegations of sexual exploitation and abuse are investigated and adjudicated. The Secretary-General explained that the senior leadership of the Departments of Peacekeeping Operations and Field Support are systematically communicating directly with Member States and holding meetings with capitals and permanent missions, in particular in very serious cases. Reference was also made to cases involving allegations of criminal conduct by UN officials or experts on missions that were referred to States of nationality pursuant to General Assembly resolution 69/114, where the UN Office of Legal Affairs has followed up with the member states concerned on the status of their efforts to investigate and, as appropriate, prosecute crimes of a serious nature.[37]

ConclusionDefeis remarked that it is ironic that the UN which has been instrumental in settling norms in the area of gender equality now stands accused of egregious acts of sexual exploitation and abuse committed by UN peacekeepers and its associated civilian personnel.[38] The UN cannot legitimately seek to champion the rule of law while its representatives simultaneously break the law or allow abuses to go unaddressed. Under-Secretary General for Field Support Mr. Atul Khare is clear in his approach that the reprehensible actions of a minority should not detract from the previous valiant efforts of hundreds of thousands of peacekeepers. Instead the focus must be on finding and dealing with the culprits who seek to tarnish the 'Blue Helmet' through engaging in sexual exploitation and abuse while deployed on peacekeeping operations. There is a particular responsibility on nations to ensure that their personnel are prepared to perform in difficult, demanding and complex UN peace operations. This includes an acceptance of and a readiness to respect and enforce the UN standards of conduct. It is evident that both transparency and accountability represent the critical means through which the UN and its member states can demonstrate their shared commitment to the Secretary-General's zero-tolerance policy on sexual exploitation and abuse. Transparency and accountability provide the means to strengthen measures for protection from sexual exploitation and abuse and thereby retain the trust of the international community and also provide justice for victims. Immunity cannot be permitted to serve as a shield for those who serve with the UN and it must be clear that there can be no impunity for personnel who commit any act of sexual exploitation and abuse. The UN must remain steadfast in taking decisive action to uphold universal values and to ensuring the protection of civilians, the maintenance of respect for the dignity of victims and accountability when these values are violated.

---

36 Press Release, "We must not allow protectors to become predators", UN News Centre, 4 Mar 2016, UN Under-Sec General for Field Support Mr. Atul Khare
37 Special Measures for Protection from Sexual Exploitation and Sexual Abuse, Report of the Secretary-General 16 February 2016, United Nations Peacekeeping Fact Sheet, A/70/729.
38 Elizabeth. F. Defeis, UN Peacekeepers and Sexual Abuse and Exploitation; An End to Impunity, Washington University Global Studies Law Review, 2008, Vol 7 Issue 2

"UN SECURITY COUNCIL RESOLUTION (UNSCR) 1325 - EQUITY, EMPOWERMENT AND EFFICIENCY"

Ms. Sally Anne Corcoran

Abstract

This paper examines the extent to which United Nations Security Council Resolution 1325 (UNSCR1325) has been implemented operationally, in the peacekeeping context via gender mainstreaming, the policy tool utilized to achieve both qualitative and quantitative gender balance. It considers the factors and issues that impede women's full participation and empowerment and those that enhance it. Finally, it considers what conditions need to be present for women to contribute as full and equally empowered partners in peacekeeping. It includes an examination of the legal and policy terrain in which peacekeeping is situated, an examination of the relevant literature in relation to UN implementation of UNSCR1325 and an examination of the progress of the Irish Defence Forces in this area.

Introduction

This research assesses the implementation of UNSCR1325, via gender mainstreaming in multi-dimensional UN peacekeeping operations. 1325 is the first Resolution of the Security Council that focused on women's empowerment, women's leadership and women as participatory agents for change in conflict prevention, resolution and in post conflict peace building. It hit its 15-year mark in 2015.[1] With UNSCR1325, the Security Council recognized explicitly, for the first time, that sustainable peace is linked with gender equality and women's leadership. According to Tryggestad, "With the adoption of this Resolution, a formal barrier was broken in terms of acknowledging a link between the promotion of women's rights and international peace and security- between traditionally soft sociopolitical issues and hard security."[2] Rather than viewing women merely as victims, it acknowledged their agency in regards to peace and security. "Equal access and full participation of women in power structures and their full involvement in all efforts for the prevention and resolution of conflicts are essential for the maintenance and promotion of peace and security."[3]

To what extent have the policy commitments and obligations inherent in the Resolution been translated into actions on the ground by Member States participating in UN operations and by the UN itself and what is preventing this?[4]

---

1 UNSCR 1325 15 year mark, March 2015, See: "Preventing Conflict, Transforming Justice, Securing the Peace, A Global Study on the Implementation of United Nations Security Council Resolution 1325, Special Report View the Global Study at: http://wps.unwomen.org/en, Lead author: Radhika Coomaraswamy: UN Women, 2015; See also: UN Department of Peacekeeping Operations and Department of Field Support's 15 year impact Study on the Implementation of 1325 (Mainstreaming Gender Across Multidimensional UN Peacekeeping Operations.)
2 Torunn Tryggestad, "Trick or Treat? The UN and the Implementation of Security Council Resolution 1325 on Women, Peace and Security", (Global Governance 15:4, p. 541) 2009
3 Security Council statement 8 March, 2000
4 For an in-depth discussion on obstacles to implementation of 1325 on the ground See: UN Security Council Report: Women Peace and Security: Closing the Security Council's Implementation Gap." 2017

Legal Obligations

First, it is necessary to clarify what exactly the UN organization's legal and policy obligations are, in terms of the implementation of UNSCR 1325 on the ground and within its own confines. What is the precise legal status of the Resolution? Willet argues that 1325 is not a treaty so therefore there are no mechanisms for ratification, compliance or verification. [5] Others have argued that the Resolution carries more of a normative rather than a legal impetus. There is also some debate over the extent to which Resolutions of the Security Council are legally binding.[6] Article 25 of the UN Charter refers to the binding nature of resolutions adopted by the Council[7]. There is also a general legal distinction made between Security Council Resolutions adopted under Chapter VI (non-coercive measures) of the UN Charter and those resolutions adopted under Chapter VII (coercive measures) of the Charter. Resolutions adopted under Chapter VII, relate to threats to international peace and security or breaches of the peace and are regarded as binding. Those adopted under Chapter VI, of a non-coercive nature, like UNSCR 1325, carry more of a normative imperative.[8] However, in terms of normative impact it is important to remember that the norm influences both the de-jure and de-facto frameworks over the long run. In addition, UNSCR 1325, "owing to its unanimous adoption, has been hailed by NGOs as having particular political and normative strength."[9]

Gender-Mainstreaming

The implementation of the commitments to gender equality found in UNSCR1325 are chiefly done via the tool of gender mainstreaming, defined as: "Taking account of the concerns of both women and men in all policies and programs, and addressing them in a way that has the achievement of substantive gender equality as its goal."[10]

A 2014 UN Women guidance note on gender states that gender equality is intended as the long term objective and overreaching goal, while gender mainstreaming is stipulated to be a set of context specific, strategic approaches as well as technical and institutional processes adopted to achieve the goal. In the longer run, it aims at transforming discriminatory social institutions, recognizing that discrimination can be embedded in laws, cultural norms and community practices that, for example, limit women's access to property rights or that restrict their access to public space. Such progressive changes rely on access to data, gender expertise, sound analysis, supportive cultures, budgets and the mobilization of social forces."[11]

Gender Mainstreaming in the Peacekeeping Context

The main themes/debates in relation to how gender mainstreaming is understood, defined and acted upon in the peacekeeping context are: (A) gender balance (quotas) as opposed to

5 Susan Willett, "Security Council Resolution 1325: Assessing the Impact on Women, Peace and Security", International Peacekeeping, 17:2, 142-158, 2010

6 Bruno Simma et al (eds.), *The Charter of the United Nations – A Commentary (3 rd. Edition)*, Chapter VI on Pacific Settlement of Disputes and Chapter VII on Action with respect to Threats to the Peace, (Oxford: Oxford University Press, 2012).

7 Article 25 UN Charter: "Member States of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present charter."

8 Torunn Tryggestad, "Trick or Treat? The UN and Implementation of Security Council Resolution 1325 on Women, Peace and Security", Global Governance, 15:4, p. 544, 2009

9 bid; p. 544

10 United Nations Office of the Special Advisor on Gender Issues and Advancement of Women, 2002

11 UN Women, "Gender Mainstreaming in Development Programming: Guidance Note" November 2014, p. 7.

comprehensive gender mainstreaming (structural change); (B) consideration of the impact and transformational potential of gender mainstreaming on altering systemic structural/power relations and gendered stereotypes and lastly, (C) a human rights focused view of peacekeeping in keeping with the original women, peace and security agenda, the equity of the inclusion of women and the general effect of the same on the efficiency of operational outcomes. Each will be examined, followed by a brief look at United Nations policy/action to date, to implement gender mainstreaming in an attempt to realize the women, peace and security framework and to comply with and deliver on UN obligations therein.

Gender Balance vs. Gender Mainstreaming

There is much debate around the utility and effectiveness of simply increasing the number of women peacekeepers in peacekeeping missions as a strategy for the implementation of 1325.[12]

Discussion has centered on the impact of increased female peacekeepers on the achievement of operational objectives, the efficiency of outcomes and on the effect on the achievement of the long-term goal of both micro (institutional) and macro (societal) transformation towards the achievement of real gender equality and the equal sharing of power.

Academics, such as Olsson, Gizelis[13] and Simic[14] agree that the increase in the number of women peacekeepers will not of itself, bring about the transformative, broader, structural, institutional and societal change hoped for by those who lobbied for the adoption of 1325. Nor will it in and of itself, achieve the long-term goal of 1325 around women's empowerment/emancipation. Nevertheless, a numerical/quantitative adjustment is an essential first step, in order to redress gender imbalance in the short run and affect institutional character, in the long run.

Some salient critiques of solely numerical increase as a panacea:
"Feminist literature has cast doubt on the effectiveness of quotas in gender balancing in the absence of fundamental, structural changes (to those structures that disempower and subordinate women) in political, social and economic institutions."[15]

"The conclusion to draw is more than clear, despite its presentation as an important tool for gender mainstreaming gender issues in Peace keeping operations, engagement with

12 Comfort, Lamptey 'Gender and Peacekeeping: An Evolving Field', *International Peacekeeping: The Yearbook of International Peace Operations,* vol. 11, Leiden: Martinus Nijhoff, pp. 69-79, 2007

12 Donna Bridges and Debbie Horsfall, "Increasing Operational Effectiveness in UN Peacekeeping" in Armed Forces and Society 36(1); pp. 120-130, 2009

12 Helené Lackenbauer and Richard Langlais, eds. *Review of the Practical Implications of UNSCR 1325 for the Conduct of NATO-led Operations and Missions* (Stockholm: Swedish Defense Research Agency (FOI), 2013

12 Gerald De Groot: " A Few Good Women: Gender Stereotypes, the Military and Peacekeeping" 2007

12 Alexandra Ivanovic; "Why the UN Needs More Female Peacekeepers", United Nations University 9 July 2014, http://unu.edu/publications/articles/why-un-needs-more-female-peacekeepers.html

12 Francesco Bertolazzi,, "Women with a Blue Helmet: the Integration of Women and Gender Issues in UN Peacekeeping Missions". UN-INSTRAW Working Paper Series. August 2010 http://www.peacewoman.org/assets/file/Resources/UN/unbalpk/_integrationwomengenderunpeacekeeping_instraw_aug_2010

12 Comfort Lamptey, DPKO Gender Advisor and former head of the DPKO Gender Advisory Team, remarks made at a press Conference at UNHQ on 29 March 2006, post policy meeting with 50 member states aimed at exploring ways to increase the number of women military and police personnel deployed in UN peacekeeping missions

13 Louise Olsson & Theodora Gizelis, "Advancing Gender and Peacekeeping Research", International Peacekeeping, 21:4, 520-528, p. 524, 2014

14 Olivera Simic: "Increasing Women's Presence in Peacekeeping Operations: The Rationales and Realities of Gender Balance", p. 194 in "Rethinking Peacekeeping, Gender Equality And Collective Security" Edited by Gina Heathcote and Diane Otto, Palgrave Macmillan, 2015 p.194

15 Olsson & Gizelis, p. 524

UNSCR1325 by the UN Secretariat and DPKO has so far been confined to a tokenistic commitment to working towards gender balance."[16]

"Aiming for an increase in the number of women in PKOs does not necessarily challenge women's inequality. Paradoxically, it may even reinforce women's inequality by its reliance on gender stereotypes and by putting more demands on women peacekeepers than on men."[17]

And further,
"Although the DPKO suggests that 'gender balance is critical to the attainment of gender equality' (UN Dept. of Field Support, 2008), I argue that feminist goals are endangered if gender equality is conflated with gender balance. Gender equality requires that women and men enjoy equal rights, responsibilities and opportunities, which demands transformative change in the way that gender has been conceived (CEDAW)- a much more ambitious project that simply increasing the presence of women in existing masculinist institutions."[18]

Olsson and Gizelis, demonstrated that the imposition of gender quotas could even be counterproductive and reinforce gender stereotypes in the absence of fundamental, structural changes that disempower and/or subordinate women.[19] Willett[20], Otto[21], Tryggestag[22] and Simic[23] all echo this same sentiment, that counting women (simply increasing the number of women/quotas), rather than transforming fundamentally inequitable gender relations/structures, does little to achieve the long term, transformative goal of women's participation and equal empowerment.

Conversely, Lampty, formerly UN Department of Peacekeeping Operation's Gender Advisor and other literature[24] advocates the importance of the numerical increase of female peacekeepers on the ground, particularly in uniformed and upper management roles in peacekeeping missions.[25] Bridges similarly noted that when at least 30% of peacekeepers are women, local women become more involved in the peace process.[26]

Similarly of interest, is the independent study/review done on the impact of women on peace and security in NATO operations in both Afghanistan and Kosovo in Fall 2013, which describes relevant issues, directives and policy in regards to the implementation of UNSCR1325 [27] This is of applicable value to women serving in UN peace operations. Similar practices and

---

16 Olivera Simic, P. 194
17 Ibid; p. 195
18 Ibid: p. 186
19 Louise Olsson & Theodora Gizelis: "Advancing Gender and Peacekeeping Research", International Peacekeeping, 21:4, 520-528, 2014
20 Susan Willett: "Introduction: Security Resolution 1325: Assessing the Impact on Women, Peace and Security", International Peacekeeping, 17:2; 142-158, p. 143, 2010
21 Dianne Otto & Gina Heathcote, "Rethinking Peacekeeping, Gender Equality and Collective Security: An Introduction" in Rethinking Peacekeeping, Gender Equality And Collective Security" Edited by Gina Heathcote and Diane Otto, Palgrave Macmillan, 2015; pp, 4, 6 and 7
22 Torunn L. Tryggestad, "Trick or Treat? The UN and Implementation of Security Council Resolution 1325 on Women, Peace and Security". Global Governance, and International Organizations 2009, Vol 15, Issue 4539-557 2009
23 Olivera Simic "Moving Beyond the Numbers: Integrating Women Into Peacekeeping Operations". Norwegian Peacebuilding Resource Centre, NOREF, March 2013, http://www.resdal.org/wps/assets/moving-beyond-the-numbers
24 United Nations Department of Peacekeeping Operations/Department of Field Services "Gender Forward Looking Strategy (2014-2018)", UNHQ, New York, USA;
See also "Report of the High-Level Independent Panel on United Nations Peace Operations (2015)," Para. 201;
See also Jennings, Kathleen: "Women's Participation in UN Peacekeeping Operations: Agents of Change or Stranded Symbols?" Norwegian Peace building Resource Centre NOREF, Report, September 2011
25 Comfort Lamptey, 'Gender and Peacekeeping: An Evolving Field', in Harvey Langholtz, Boris Kondoch and Alan Wells (eds), *International Peacekeeping: The Yearbook of International Peace Operations*, vol. 11, Leiden: Martinus Nijhoff, 2007, pp. 69-79
26 Donna Bridges and Debbie Horsfall, "Increasing Operational Effectiveness in UN Peacekeeping" in Armed Forces and Society 36(1); 2009, pp. 120-130
27 Helené Lackenbauer and Richard Langlais, eds. *Review of the Practical Implications of UNSCR 1325 for the Conduct of NATO-led Operations and Missions* (Stockholm: Swedish Defence Research Agency (FOI), 2013

policies utilized in the UN context were also utilized in NATO run operations in an effort to gender-mainstream, with comparable results, similar successes and with analogous areas noted for improvement.

The 'positive role modeling' effect of women peacekeepers, which has an impact on local culture and on the implementation of the broader women, peace and security agenda, is also significant. For further discussion on the overall significance of female boots on the ground See De Groot[28], Ivanovic[29] and Bertolazzi.[30]

Lamptey stated the obvious point, that gender scenarios in troop contributing countries were reflected in the peacekeepers they sent to UN operations. *"If we look globally, you see more women in national police units than you do in the military-the countries then have more women to send for their (peacekeeping) police units."* [31]

Thus, there is a clear link between the low number of female military personnel contributed to peacekeeping operations by member states and the military culture in the particular contributing state.[32] The military establishments of most countries overtly discriminate against women and curtail the types of roles they can perform. Some do not allow women to participate in the military at all, while the majority does not allow women to serve in combat roles.[33]

A recent NATO study found *"women's representation in the Allied Forces has increased from 7.14 % (in 1999) to 10.6% (in 2013) Best practices for improving women's participation in the armed forces include strong leadership, commitment, targeted recruitment, targeted strategies for retaining female officers, implementation of gender policies, and ensuring the transparency of the institutions. "*[34]

The main arguments for an increased number of female military personnel as beneficial to operational effectiveness are essentially based on the main premises of: 1) a force adequately representative of female service personnel in peacekeeping operations will combat sexual misconduct perpetrated by male soldiers; 2) peacekeeping is a task of great consequence and is best served by a force representative of both genders and 3) a greater proportion of female

---

28 Gerald De Groot, " A Few Good Women: Gender Stereotypes, the Military and Peacekeeping" 2007;

29 Alexandra Ivanovic, "Why the UN Needs More Female Peacekeepers", United Nations University 9 July 2014, http://unu.edu/publications/articles/why-un-needs-more-female-peacekeepers.html;

30 Francesco Bertolazzi, "Women with a Blue Helmet: the Integration of Women and Gender Issues in UN Peacekeeping Missions". UN-INSTRAW Working Paper Series. August 2010 http://www.peacewoman.org/assets/file/Resources/UN/unbalpk/_integrationwomengenderunpeacekeeping_instraw_aug_2010

31 Comfort Lamptey, DPKO Gender Advisor and former head of the DPKO Gender Advisory Team, remarks made at a press Conference at UNHQ on 29 March 2006, post policy meeting with 50 member states aimed at exploring ways to increase the number of women military and police personnel deployed in UN peacekeeping missions.

32 Based on the May 2018 Monthly Strength Report: **As of 30 May 2018**: Only 3.7 percent of troops are women; in contrast, roughly 10 percent of staff officers and military experts are women. The 10 main troop contributing states to UN operations are: Ethiopia (8, 417), 612 women; Bangladesh (7099), 152 women; Rwanda (6945), 314 women; India (6712), 56 women; Pakistan (5995), 23 women; Nepal (5511), 189 women; Egypt (3192), 4 women; Indonesia (26940), 80 women; Tanzania (2674), 212 women and Ghana (2595), 248 women. Ethiopia has the highest number of female peacekeepers, 612, including military, civilian and police personnel. (It is also the largest overall troop-contributing country to the UN.) But that number constitutes only 7 percent of Ethiopia's total contribution. Ghana maintains the largest proportion of women in peacekeeping among the top-10 personnel-contributing countries, at 9.6 %. The highest number of female peacekeeping troops work in the mission in the Democratic Republic of the Congo (MONUSCO), at 584, followed by the mission in Lebanon (UNIFIL), at 527. (UNISFA), a mission in both Sudan and South Sudan, has the highest proportion of female troops at 9.6 percent, but the other major missions range from 2.6 percent, in Mali (MINUSMA), to Lebanon's 5.3%. Cacie Kandela, "Women's Roles as UN Peacekeepers: A Status Report" PassBlue Independent coverage of the UN, www.passblue.com 7 August 2018, See also http://www.un.org/en/peacekeeping/resources/statistics/contributors. However gender statistics are embedded in a monthly summary of 100 pages "summary"

33 For further discussion on this issue see "The Role of Women in United Nations Peacekeeping" in Women 2000, The Division for the Advancement of Women (DAW), UN NY, 1995

34 Marriet Schuurman, "NATO and the Women, Peace and Security Agenda: Time to Bring It Home", By NATO's Special Representative for Women, Peace and Security. Connections: The Quarterly Journal, Vol. XIV, No 3, Summer 2015

military personnel engenders trust and improves the reputation of peacekeepers among local populations. [35]

A caveat of the above is the potential entrenchment of traditional stereotypical gender roles for women and men, which paradoxically puts the broader transformational agenda of UNSCR 1325 even further out of reach. In this regard Valenius argues that: "gender mainstreaming documents and practices tend to rely on essentialized notions of women as victims and inherently peaceful. The consequences of this are twofold. On the one hand the international community is not able to see local women as agents of their own future. On the other, the participation of women in peacekeeping forces is promoted on the basis of an alleged pacifying effect on their male colleagues. As a result traditional gender roles are reinforced."[36]

In a similar vein, Peuchirbal illustrates that the perpetuation of stereotyping language in peacekeeping related documents:
"removes women's agency and maintains them in the subordinated position of victims. As a result, women are not seen as actors within their own community and agents of change in post-conflict environments" [37]
"UN policy had a 20% goal of participation of women in UN police peace operations by 2016"[38], which was not met, although some progress has been made in recruiting more UN policewomen, "the number has increased 54% since 2009"[39]. In 2014, out of approximately 125,000 peacekeepers, women constituted less than 3% of military personnel and 10% of police personnel in UN Peacekeeping missions.[40] As of 30 May 2018, 22% of peacekeeping personnel classified as civilian are women, while only 10.8 percent of UN police and 3.7 percent of military personnel are women.[41]

Currently less than 30 police-contributing Member States have female officers. This is due to the culture in the police and military institutions of most contributing States that deploy predominantly male peacekeepers. One must then necessarily consider the military cultures of those countries in question, in regard to gender equality in practice to understand the impact on the ground of those blue helmets on operational objectives and on the women peace and security agenda.

Dharmapuri argues that the reason for low numbers of women peacekeepers is threefold: a lack of understanding among Member States about UNSCR1325 and United Nation's policy on gender equality in peace operations, a gap in data and analysis about women's participation in national security institutions globally, and in United Nations peacekeeping in particular, and the prevalence of social norms and biases that perpetuate gender inequality within the security sector.[42]

---

35 Donna Bridges and Debbie Horsfall: "Increasing Operational Effectiveness in UN Peacekeeping- Toward a Gender Balanced Force" Armed Forces and Security, Volume 36 Number 1, pp.120-130, October 2009

36 Johanna Valenius, "A few kind women: gender essentialism and Nordic peacekeeping operations." International Peacekeeping, 23 August 2007: pp.510-23

37 Nadine Peuchguirbal, "Discourses on Gender, Patriarchy and Resolution 1325: A Textual Analysis of UN Documents" International Peacekeeping, Vol. 17, 2010 Issue 2: Women, Peace and Conflict: A Decade after Resolution 1325

38 Pearson Peacekeeping Center : Report on the Role and Impact of Female Police Officers in Peace Operations 2010, To reach the 20% goal, the report states that two key initiatives are being undertaken by the UN Police Division : 1) the design of a UN standardized best practices toolkit on gender and international police peacekeeping and 2) the creation of a network of female, police peacekeepers. www.operationsdepaix.org

39 PassBlue: Women's Role in Peacekeeping, August 2018

40 http://un.org/issues/genderandpeacekeeping

41 Cacie Kandela, "Women's Roles as UN Peacekeepers: A Status Report" PassBlue Independent coverage of the UN, 7 August 2018

42 Sahana Dharmapuri, "Not Just a Numbers Game: Increasing Women's Participation in UN Peacekeeping," Providing for Peacekeeping No.4, New York: International Peace Institute, July 2013

The real benefits of women's participation are only fully achieved with quality participation and the opportunity for genuine influence.[43] Barriers to genuine equality that are embedded in institutional hierarchies and societal structures must be recognized and overturned. The basic social ethics of equal treatment and redressing disadvantage are principles at the core of this subject and at the core of this analysis.

Military Culture's Impact on the Implementation of UNSCR 1325

The inherent masculine culture in the military in general and the general culture of UN peacekeeping, serves to impede the full women, peace and security agenda, as it impedes women's full participation by favoring traditionally masculine characteristics over those traits considered to be traditionally female. This thus impedes and diminishes women's full participation.[44] In this regard, Duncanson questions the appropriateness of using soldiers to create peace given sexual exploitation and abuse and civilian atrocities and argues for a 're-gendered' military' "the construction of an alternate military masculinity away from the warrior model" which she argues may be a necessary component of successful conflict resolution.[45] Many other security studies that incorporate a gender perspective deal with this same issue, the role of masculinity in military culture.[46] The Swedish Armed Forces and the Nordic Centre for Gender in Military Operations have expressed interest in future research on masculinity/femininity and the warrior model.[47]

Carreiras questions the extent to which peacekeeping missions, and specifically what has been labeled a new gender regime in peacekeeping, have the potential to challenge previously dominant conceptions and practices of gender roles in military culture.[48] Much of the literature concurs however, that an increased percentage of female military and police personnel is beneficial to operational effectiveness,[49] although some question the extent of women peacekeeper's contribution, specifically, their ability to contribute due to the "traditional, combat-oriented, mindset of military operations."[50] Lastly, the ability of the UN to deliver a peacekeeping mission with gender equality at its core related to the capacities of domestic militaries (slow progress of gender reform of militaries themselves, hinders credible regulatory responses in UN missions.)[51] One possible solution is increased UN contribution/input into the recruitment strategies of troop contributing member states at the domestic levels. [52]

43 Paffenholz et al., "Making Women Count: Assessing Women's Inclusion and Influence on the Quality and Sustainability of Peace Negotiations and Implementation."; Marie O'Reilly, Andrea O'Suilleabhain and Thania Paffenholz, "Reimagining Peacemaking: Women's Roles in Peace Processes" (International Peace Institute, June 2-15).
44 For a more focused discussion on this, see Sabrina Karim and Kyle Beardsley: "Equal Opportunity Peacekeeping: Women, Peace, and Security in Post-Conflict States", Oxford Scholarship on-line, March 2017
45 C Duncanson: "Forces For Good? Narratives of Military Masculinity in Peacekeeping Operations." International Feminist Journal of Politics, Vol. 11, 2009, pp.63-80
46 See also Cockburn and Zarkov 2002 and Helena Carreiras: "Gendered Culture in Peacekeeping Operations", International Peacekeeping, 17:4, pp. 471-485
47 June 2018 electronic exchange with Jan Dunmurray, Spopkesperson, NATO Mission in Afghanistan, Swedish Armed Forces Official, former Commanding Officer of the Nordic Centre for Gender in Military Operations and Swedish Defence University official
48 See also, C Williams: "Gender Differences at Work" Women and Men in Non-Traditional Occupations" University of CA Press, 1989
49 For example, Bridges and Horsfall, "Increasing Operational Effectiveness in Peacekeeping- Toward a Gender Balanced Force" Journal of Armed Forces and Security, Vol. 36, No.1 2009
50 Liora Sion: " Can Women Make a Difference? Female Peacekeepers in Bosnia and Kosovo." Journal of Commonwealth and Comparative Politics, Volume 47, No. 4, pp. 476-493, 2009, Sion analyses female Dutch peacekeepers in Bosnia and Kosovo 1999-2000, via participant observation and stated that women peacekeepers were limited in their capacity to contribute operationally due to a traditional military mind-set which excluded them.
51 Susan Rimmer, "Barriers to Operationalizing the "Women, Peace and Security" Doctrine in United Nations Peacekeeping Operations", Journal of International Peacekeeping Vol. 20, 2016, p. 49
52 Sabrina Karim and Kyle Beardsley: "Equal Opportunity Peacekeeping: Women, Peace, and Security in Post-Conflict States", Oxford Scholarship on-line, Mach 2017

Equity vs. Efficiency and a Human Rights View

Arguments around gender mainstreaming and its implementation mainly tend to be based on either an "operational effectiveness" (efficiency or value added) argument, which is a "rights based" (equity) based argument. There is a tangible and beneficial impact of the presence of women on the ground in peacekeeping, which provides the normative framework and moral impetus embodied by UN Security Council Resolutions with a solid justification for their practical application. Implementation of UNSCR1325 viewed through this lens, is not only the correct thing to do, equity-wise, but also the most efficient thing to do, in terms of achieving policy outcomes and mission objectives.

A widespread criticism of the operational efficiency based argument however, is that it instrumentalizes gender, in other words, that it engages in stereotypical essentialism. Endowing all women in a peacekeeping mission with stereotypical "feminine" qualities reduces them as individual agents with their own unique capacities for contribution in the mission context. Peuchguirbal[53], Valenius, Bridges, Horsfall and Willet speak to this. "Mainstreaming requires a holistic understanding of gender dynamics which does not reduce gender to the prevailing essentialist assumptions about men and women's roles in war and peace." [54]

Lastly, quotas/numerical targets do not in and of themselves determine internal or external impact. Much is contingent upon the individual mission, its' mandate and the individual decision makers of the mission in question. Are women in the mission in positions in which they have equal access to resources and decision making? Increasing quotas of women is also not a substantive victory if those women will have to conform to "traditionally feminine roles" and in so doing reinforce conservative gender regimes (essentialist argument). Advocating gender without addressing the larger political project of gender equality or the larger, transformational women, peace and security agenda, risks "selling gender while selling it out".[55]

The women's rights or equality based argument for gender mainstreaming seems to be less effective than the efficiency based argument, in convincing all but the most liberal. It is clear that in order to achieve the objectives of UNSCR 1325, an essential first step is to increase women's participation, a step in the direction of more women in all roles in peacekeeping. When the number of women in diverse roles in peacekeeping is achieved, change will already be occurring with that numerical increase. In this regard 'critical mass' theory has some relevance.[56]

One of the earliest notions of critical mass was described by Rosbeth Moss Kanter, who proposed that as the percentage of women in a group increases (past about 35%, she suggests), the women can first of all, form coalitions, support one another and "affect the culture of the group." Secondly, she says, at around the 65:35 ratio, women are perceived as "individuals differentiated from each other," rather than mere representatives of the 'stereotypical female'. This theory speaks directly to the utility and impetus to implement UNSCR 1325. Once a 'critical mass' of women is reached in all positions in peacekeeping, what operational and/or policy changes might ensue and what might the operational environment resemble?

---

53 Nadine Peuchguirbal: "Discourses on Gender, Patriarchy and Resolution 1325: A Textual Analysis of UN Documents," International Peacekeeping, Vol. 17, Issue 2, Women, Peace and Conflict: A Decade After Res 1325, 2010
54 Susan Willet: Security Council Resolution 1325: Assessing the Impact on Women, Peace and Security
55 See Jennings, Kathleen, NOREF Report
56 Rosabeth Moss Kanter: "Some Effects of Proportions on Group Life: Skewed Sex Ratios and Responses to Token Women," Harvard, 1977

While the lack of mechanisms for compliance and verification are clear, it is also evident that feminism and feminist ideology has had an impact on institutional processes within the UN since the adoption of UNSCR 1325. There is now real debate in the General Assembly, Security Council, Economic and Social Council and NGO forums where issues that continue perpetuating gender inequalities at the structural level are made visible. This has however, not been translated into major policy changes addressing the structural disadvantages and socio-cultural causes of women's inequality. It has also perhaps, not substantially affected the 'social hierarchies of gender' at the UN, except in tokenistic fashion.[57]

Irish Defence Forces

How have the Irish Defence Forces fared thus far in terms of the implementation of the women, peace and security agenda? Ireland has made substantial progress since an initial recruitment crisis, exacerbated by abuse cases, which motivated its gender reform path through a review in 2001-2003[58]. It has continued to be an active contributor to UN peacekeeping and reform efforts.[59] The Irish, Danish and Finnish Defence Forces, are to date, the only militaries in the world with stand alone plans, in addition to their respective National Action Plans for the implementation of UNSCR 1325, itself an indication of the priority afforded to the issue by those Defence Forces.

The Irish Defence Forces First Action Plan on Women, Peace and Security of 2013 was updated by the Second Action Plan in November 2016, for the period 2016-2018. "The Defence Force continues to take a unique approach to implement a gender perspective in military training and operations. The command structure which has placed Gender Advisors in BDE/FMN HQ and DFHQ are a valuable resource in bringing the women, peace and security agenda forward."[60]

A 2017 UN Security Council Report of the High Level Independent Panel on Peace Operations[61] suggested just such a relocation of and change of reporting lines for Gender Advisors, so that they might be able to directly contribute to policy at the highest levels of the mission and HQ administrations. This strategy was also applied by the Swedish Forces in the UN Peacekeeping mission in Mali. At the political-strategic level, the DPKO gender unit moved to the Officeof the Chief of Staff and reports directly to the DPKO leadership. Similarly, at the mission-strategic level, from September 2017, the gender unit has been part of the Office of the SRSG.[62]

---

57 I am referring to institutional gender guidelines put in place for the advancement of women in the UN Department of Peacekeeping Operations (DPKO) and the Secretariat, as well as numerical quotas for women's deployment in peacekeeping operations for the UN military and UN police and finally, an increase in female Special Representative's of the Secretary General since the adoption of Res 1325. There are solid groups of feminists working within the UN bureaucracy, such as DPKO's Gender Advisory Team, the system of Gender Advisor's and Focal Points throughout peacekeeping structures and those in specialized gender departments and entities, such as UN Women.
Diane Otto speaks of "selective engagement with feminist ideas" and also mentions "the failure to address the structural nature of women's inequality and the silencing of feminist critiques of militarism as the quid pro quo for the Security Council's endorsement of women's participation in peace-making and peace-building, in Power & Danger, quoted above, p.106
58 Eimi Harris, The Canadian Armed Forces: Integrating Gender perspectives into Military Culture, (Women in Security, NATO Association of Canada, 17 February 2016). From Susan Harris Rimmer: Barriers to Operationalizing the "Women, Peace and Security" Doctrine in United Nations Peace Operations. 2016. See also Edward Burke and Jonathan Marley, Walking Point for Peace: An Irish View on the State of UN Peacekeeping, Centre for International Cooperation: NYU. June 2015
59 Ibid
60 Irish Defence Forces Second Action Plan on Women Peace and Security, p.2 Authorized by Patrick O'Halloran Brigadier General, Assistant Chief of Staff , 18 November, 2016
61 UNSC Report of the High Level Panel on Peace Operations on uniting our strengths for peace: politics, partnership and people (HIPPO) S/2017/428, 21 June 2017
62 Eva Hagstrom Frisell and Helene Lackenbauer: "Still a long way to go: A Review of the Implementation of UNSCR 1325 by United Nations Peacekeepers in Mali", Swedish Defence Research Agency FOI-R-4573-SE, February 2018, pp. 31-32

Commandant Gillian Collins, The current Irish Defence Forces(DF) Gender Equality and Diversity Advisor, echoed the importance of this strategy as according to her, one of the main successes of the Irish Defence Forces Action Plans to date, have been "the appointment of qualified Gender Advisors throughout the forces with a full-time post at the Defence Forces Headquarters level."[63]

Domestically, although the DF have introduced initiatives to target female recruitment such as shorter overseas deployments and the introduction of a DF Women's Network with the aim of increasing participation of women at all levels of the organization[64], this has in fact not yet achieved the stated aim of increasing participation of women at all levels of the organization.[65] The DF's position is that: "Gender diversity is not just a moral or policy imperative; it is also an operational imperative as diversity within a large organization such as ours is a hedge against the complexity of the modern operational environment"[66].

Despite this position and targeted recruitment strategies with the aim of increasing the number of women in its' ranks "only one in 15 members of the Irish Defence Forces are women"[67]. The latest figures for 2018 show there are 591 women in the Irish Defence Forces, making up 6.5% of the 9,057 personnel working in the army, naval service, and air corps.[68] Like Sweden, policy coherence and implementation has not yet lead to greater recruitment of women into the armed forces in Ireland.[69]

Conclusion

In general, the political rhetoric and soft law commitments emanating from the women, peace and security agenda require translation into structural changes that address existing gender roles and stereotypes, participation in decision making and a more equal access to resources for real equality to be achieved at the field level and within the UN. For women to participate as full and equally empowered partners in peacekeeping, what is required is an overall examination, questioning and change of the discriminatory structures that continue to perpetuate inequality within the UN organization, within the member states themselves and within their respective defence forces. This must necessarily include an overall assessment/audit of the prevailing "peacekeeping culture", which continues to reward and give precedency to males/masculine traits.

Significant cultural and institutional impediments remain which negatively impact upon women's full, and equal participation and empowerment in peacekeeping. Global militaries, as institutions, remain: "not just male dominated but masculinist in orientation, ideology and functioning."[70] As previously stated, deeply embedded structural preference for traits traditionally considered masculine in nature[71] is an impediment which must be addressed if

63 Gillian Collins Comdt., Irish Defence Forces Gender Equality and Diversity Advisor, Email exchange with the author on 23 August, 2018.
64 Ibid
65 See also Bronegh Hinds and Debbie Donnelly: Midterm Review of Ireland's Second National Action Plan on Women, Peace and Security 2015-2018
66 Aoife Barry, The Journal.ie: "Defence Forces Facing Challenges in Fulfilling its Gender Targets", 22 December 2017
67 Lynne Kelleher, The Irish Examiner: "Just one in 15 Military Personnel are Female", 9 April 2018
68 Ibid
69 Susan Harris Rimmer: Barriers to Operationalizing the Women, Peace and Security Doctrine in United Nations Peacekeeping Operations." Journal of International Peacekeeping 20 (2016) 46-68
70 Kathleen Jennings, "Women's Participation in UN Peacekeeping Operations: Agents of Change or Stranded Symbols?" Norwegian Peace building Resource Centre NOREF, Report, September 2011 p. 8
71 See Sabrina Karim and Kyle Beardsly for an expansion of the same argument.

real progress is to be achieved. Thus, although it has clearly embarked upon the right road, the UN as an organization and many of its troop contributing member states, still have a long journey ahead to fully translate the principles of UNSCR 1325 into their own policies, internal hierarchies and structures in order to make women's equal participation in peacekeeping an objective reality.

"JAFFABATT"

Pte Terrance O'Reilly

Abstract

Between 1978 and 2001, forty seven Irish infantry battalions served with UNIFIL. As is so often the case with units formed in the history of our Defence Forces, "officers and other ranks are drafted in and soon begin to take a pride in their new unit; local legends and jokes are born and flourish and a distinctive atmosphere grows. Then all is ended, the personnel disperse and all that is left is a bundle of yellowing files and a few increasingly vague memories. "

All of these battalions were well documented with official histories (most still subject to the 30 year rule) and press coverage. One such was the 66th Infantry Battalion, which served in South Lebanon between November 1989 and April 1990, at a time when momentous events were occurring in Europe, not least the fall of the Berlin Wall. These went unwitnessed by most of us due to the paucity of TV communications at that time.

"Jaffabatt" (so named due to its unusual orange battalion flash) was a unique unit in some respects; it was the first ever Irish 66th Battalion (all others having recycled their designations since the Civil War), the first overseas unit fully equipped with the new Steyr AUG, and the first equipped with the exceptionally reliable SISU APC. Yet it is not a name easily recognised even within the Army, far less the general public.

After a gap of nearly three decades, it is time to make an accounting, if only in the hope that it might encourage other histories to be written of the Defence Forces 112 battalions.

Introduction

Between 1978 and 2001, forty-seven Irish infantry battalions served with UNIFIL. Many of these battalions were well documented with official histories and press coverage. However, some have been afforded less attention. One such, is the 66th Infantry Battalion, which served in South Lebanon between November 1989 and April 1990. "Jaffabatt" (so nicknamed due to its unusual orange battalion flash) was a unique unit in some respects; it was the first ever Irish 66th Battalion (all others having recycled their designations since the Civil War) and it was the first overseas unit fully equipped with the new Steyr assault rifle and SISU APC. After a gap of nearly thirty years it is worthy of a study.

Pre-deployment.

On 11th September 1989, 127 men of A Company (CO Comdt Michael O'Donnell), drawn from Eastern Command, assembled in Collins Barracks Dublin. A week later B Company (CO Comdt Cormac Spain) and C Company (Comdt Sean Kilbride) gathered in Kilworth Camp and Columb Barracks Mullingar respectively. The 83 men of Recce Company (CO Comdt John Hamill) were drawn mainly from artillery and cavalry corps, including an EOD team, formed up as a unit in Magee Barracks Kildare a week later, after a period of corps training. This unit would provide the Battalion Mobile Reserve (BMR). The 217 men of Headquarter Company (CO Comdt T.A. Griffith) were drawn from across the Defence Forces and included six platoons: Administration, Logistics, Signals, Transport, Medical and Engineers. The last included a Specialist Search Team (known as "Wadi Walkers").

Under Battalion Commander Lt-Col Vincent Blythe (formerly OC 28th Infantry Battalion) the 657 men commenced intensive training to prepare them for their tasks ahead. Some 60% of the battalion had served with UNIFIL before and all personnel knew their designated positions in the Battalion AO in south Lebanon. HQ Company would be headquartered in Camp Shamrock near Tibnine, A Company in Hadattah, B Company in Tulin, C Company in Brashit and Recce Company in Al Yatun.[1]

The IRISHBATT AO was bordered by the Israeli Controlled Area (ICA) established in 1985 and garrisoned largely by the Israeli-backed "South Lebanese Army" (SLA). These maintained a series of compounds each manned by infantry, a T-55 MBT, mortars and machine guns. These were opposed mainly by AMAL, a Shia Moslem militia which although broadly pro-UNIFIL contained undisciplined hotheads who sometimes caused serious incidents. Also opposed to the SLA were Hezbollah, who were then a nascent organisation but today are a much more formidable presence.

On 12th October 1989 a reconnaissance party including Lt-Col Blythe and four senior officers arrived in the AO. On the night of the 18th Chalk One arrived, having landed that morning in an Aer Lingus Boeing 747 at Ben-Gurion airport in Israel. Three nights later, the AMAL attacked the SLA compound above Hadattah and the next morning an SLA foot patrol was hit by a Roadside Bomb (RSB). On both occasions the SLA unleashed massive retaliatory fire against villages below. On 25 October 1989 Chalk Two arrived in the AO and on the following day 66 IRISHBATT assumed operational control of the AO. Chalk Three arrived on 1st November.[2]

On the Ground and Under Pressure

The new battalion was thrown into a volatile situation. For example, on 12 November, two AMAL men, escorting a senior cleric, threatened the checkpoint crew at Al-Yatun by cocking their Kalashnikovs and pushing a rifle into a soldier's chest. This incident which could have had serious consequences was protested with AMAL, but was the first of several such incidents at this checkpoint.[3] Shortly afterwards, at 0553 on the 15th, an RSB exploded near 6-20 (an isolated OP within the ICA known as the "Black Hole") and in response, the SLA at Brashit fired 2000 rounds, some close to 6-20.[4] Then at 1146 on the 17th, the SLA T-55 above Hadattah

---

1 *66 Infantry Battalion Commemorative Magazine* 1990, Kilkenny Printing Ltd
2 Ibid
3 "Operational Report 30 Oct-19 Nov" *Litani* December 1989 p8
4 Military Archives (MA) CS 129/29: Incident Reports IRISHBATT Area November 1989

fired a random HE shell into Ayta Az Zutt. Shrapnel struck young mother Mousa Mutada (27) in the chest. She was rushed to Tibnine Hospital while IRISHBATT provided blood donors and requested a helicopter to bring her to the SWEDEMEDCOY hospital at UNIFIL HQ in Naqoura. Sadly she died as the helicopter landed in Tibnin. Lt-Col Blythe attended her funeral with men from A Company. "It was reported in the papers at home," stated the Battalion Commander. "She was described as a villager. But she wasn't just a villager. She was a mother with an address and a name and children and a life."[5]

The battalion suffered its own tragedy when on 21 November Comdt Michael O'Hanlon (Quartermaster officer) died in Camp Shamrock from a shooting accident.[6] Meanwhile, the pressure continued to ratchet upwards: at 0540 on 24 November, AMAL from Brashit fired on an SLA patrol, wounding one. The SLA responded with seven mortar shells and 3600 MG rounds, several of which impacted close to 6-17.7 A Company CO later reported that:

"The sixth roadside bomb placed, again at Bayt Yahun on 3 Dec caused the deaths of two [SLA]. The resulting fire of eleven tank rounds and seven mortar caused considerable damage to the centres of Ayta Az Zutt and Haddathah villages but no casualties, as we had advised the villagers to take cover on the Northern side of the villages."[8]

Several Irish positions reported "firing close" incidents, an increasingly common occurrence by now. The morning of the 5th December began at 0415 with the T-55 at Hadattah firing a shell low over position 6-40, sending Recce Coy into Groundhog for an hour. It then fired six rounds into Haddatah, hitting three houses and wounding ten local civilians. A Company evacuated the injured by APC to Tibnine Hospital during the shelling. Later that day, the BMR deployed to Haddatah to prevent an SLA incursion.[9]

The Irish journalist, Justine McCarthy, arrived in the AO the following day and wrote a report for the Irish Independent which described some of the carnage the battalion was facing, but coping with. Her description is both evocative and revealing of Jaffabatt's situation and is worth reproducing at length:

"This has been a harsh introduction to the land of the Bible for the 657 men of the 66th Irish Battalion, which started its UNIFIL tour of duty early in November. While no Irish soldier has sustained as much as a scratch in action, the men of Camp Shamrock have witnessed more pain and devastation in the 19 villages scattered through its 105 square kilometres area of operations than previous battalions saw in their full six months..... When we arrived in the village of Ayta Az Zutt last Wednesday, we were met by the assistant commander of A Company, Captain Tony Hanlon, with the news that there was no [APC] available for the Battalion Commander. "We have a threat," he explained. "The APC is committed." At the central crossroads of the higgledly-piggedly village an emergency bunker had been built for the Irish soldiers who had come under fire two days before while on checkpoint duty. Just the day before, seven local men had confronted the company's patrol at mid-morning, armed with Kalashnikov rifles. That afternoon, two more men attempted to pass with anti-tank weapons. At two o'clock on Wednesday morning, the same checkpoint had come under 20 rounds of machine gun fire.....

5 MA CS 129/29: Incident Reports IRISHBATT Area November 1989; McCarthy, Justine "Over There" *Irish Independent* December 10, 1989
6 "Obituary Comdt Michael O'Hanlon" *An Cosantóir* December 1989 p22
7 MA CS 129/29: Incident Reports IRISHBATT Area November 1989
8 O'Donnell, Michael. "From Donegal Tweed to Shui Lung Cotton" *66 Infantry Battalion Commemorative Magazine* 1990 p27-29
9 MA CS 129/29: Incident Reports IRISHBATT Area December 1989; 66 Infantry Battalion Unit Journal 5 Dec 1989

We were shown a house, facing the hillside across the valley where an [SLA] compound pounds out .5 machine gun, mortar and tank rounds. A huge, clean hole had been blasted in the front wall of the house. The family of ten had managed to flee five minutes before their home was hit. In the village Mosque, chunks of shrapnel lay impotently on the floor, amid the debris of shattered furniture. Over a photograph of the late Ayatollah Khomeini, the sacred Koran had been shredded by the impact of the shelling. Torn and tattered pages lay in sacrilegious testament on the marble altar… .(even) the home of mingy man [local trader] Monsour, had been blown into a heap of rubble with his five children inside. Even as the shelling continued, the men of A. Company had gone into what was left of the house and medevacked the children. One of them, six-year-old Amal, was found with shrapnel lodged in the back of her head. She was sent to hospital in Sidon."[10]

A Company's bravery was not always rewarded. A later history of IRISHBATT noted that: "Ironically one of the families the Irish rescued from Haddathah that day was involved in a fire fight with troops in which two men died over two months later."[11]

The violence continued unabated throughout December and in fact was set to escalate. LITANI, UNIFIL's magazine, reported: "On 10 Dec beginning at 2245, there was a two hour shootout between armed elements moving around Hadattah and SLA positions at Rshaf, Tireh, Hadattah, Brashit, Beit Yahoun and Jabal Humayd. During the exchange Irish positions at Hadattah, Brashit and Beit Yahoun were hit seven times. No UNIFIL casualties."[12] CO A Company later reported: "The night of Sunday 10 December was to emerge as one of the most serious for A Coy. The firing by [SLA] personnel from Brashit, Bayt Yahun, Haddattah and At Tiri compounds totalled 2,400 rounds HMG, 29 tank rounds, and 4 x 120mm mortar rounds, and the Company was in the 'groundhog' bunkers for just under four hours. However, we had all our systems and drills running to perfection, the sound of gunfire had lost its intimidatory effect, and whenever heavy shelling threatened, we were confident of getting the last man into the bunkers in under sixty seconds, by day or night".[13]

Noteworthy at this time was a marked deterioration in relations with the AMAL; an AMAL member threatened an Irish officer at Ayta az Zutt, also threatening his superiors who tried to reason with him. In the same period, SLA men fired three times into an Irish position at Tireh.[14]

"On the morning of 21 December 1989," recalled an officer in B Company, "a barrage of mortar and tank fire was directed at the 'B' company area and its surrounding villages. Two 120 mm mortars landed only 100 metres from the company's headquarters in Tulin. Nearby in Quabrika village two soldiers narrowly escaped death or injury after a tank round … struck their billet and flattened it. Miraculously two minutes earlier Sergeant John Wade, who was in charge of the post, roused the soldiers from their beds warning them about incoming fire. He ordered them to take shelter in the post's bunker. Had it not been for Sergeant Wade's prompt action in reacting to the incoming attack lives would have definitely been lost."[15] LITANI reported: "Members of Bravo Company of 66 IRISHBATT narrowly escaped death when their

10 McCarthy, Justine "Over There" *Irish Independent* December 10, 1989
11 MacDonald, Henry. *IRISHBATT* Cork; Mercier Press, 1993 p130
12 "Operational Report 19 Nov-18 Dec" *Litani* January 1990 p18
13 O'Donnell, Michael. "From Donegal Tweed to Shui Lung Cotton" *66 Infantry Battalion Commemorative Magazine* 1990 p27-29
14 Operational Report 19 Nov-18 Dec" *Litani* January 1990 p18
15 Finegan, Rory. "Bravo Company – An Overview" *66 Infantry Battalion Commemorative Magazine* 1990 p30-33

accommodation billet received a direct hit from a tank round from Al Qantarah compound of the SLA on 21 December 1989. The Company Commander, Cormac Spain, had ordered "Groundhog" for all Company positions after his headquarters was showered with shrapnel from 120 HE mortar rounds that impacted to the perimeter of his location. The occupants of position 6 -14B, two of whom were asleep , resting off duty, were Pte Irwin, Pte M. Farrell, Pte O'Sullivan, Pte K. Kennedy and Pte G, Mackey who evacuated the sleeping quarters minutes before the impact...During the shelling on 21 December, 46 Tank rounds, 10 120mm Mortar rounds high explosives and 3400 heavy and light machine gun rounds impacted around the B Coy positions."[16]

No Peace for Christmas

It was later noted that "Coming up to Christmas 1989 the constant 'plastering' of A Company positions in the Lebanon did not make the headlines. Being under fire was routine now."[17] In fact, the last week of the year proved to be traumatic for the villagers of Hadattah, Ayta Az Zutt and Brashit as a result of indiscriminate shelling by the SLA. A woman was killed, two elderly villagers seriously wounded, and seven children hospitalized with shrapnel wounds, two seriously. LITANI related: "The prayer hall and a mosque in Ayta Az Zutt took the full impact of tank rounds. Chunks of twisted cobalt lay scattered on the floor amidst broken chairs, shattered glass and fragmented cushions. Large lumps of masonry were blown from the roof and walls ...In the village of Hadattah ... there was total destruction in every room of one house ... this family lost everything. The shelling was in retaliation for the two [SLA] personnel killed by a roadside bomb inside the Israeli Controlled Area. Regrettably, it was those who had no part in the war game who paid the price."[18]

The new year brought little relief, when the seventh RSB of the tour exploded in A Coy's AO on January 2nd. However, by the end of that month, ten Finnish built SISU APCS were delivered to IRISHBATT, which commenced an intensive training course with the vital assistance of FINBATT. Weighing 12 tons and 6X6, these proved to be a vast improvement on their Panhard predecessors.[19]

At 1020 on 25 January, an Israeli Defence Forces patrol, of two 65 ton Merkava MBTs supported by an infantry section, set off a mine near position 6-20 "with a heart-stopping explosion [releasing] an acrid, greasy, black pall of smoke." Between 1224-1339, a total of 67 IDF personnel, an MBT, a M113 and soft-skin vehicles arrived at the location and established a defensive position. At 0845 the following morning, two more MBTs arrived, but at 0948 another explosion further damaged the immobilised Merkava and another tank. When at 1440 a massive tank transporter arrived it proceeded to detonate more mines, seriously injuring the crew. In retaliation, a Merkava fired 1200 MG rounds towards Brashit, sending observers in positions 6-20 and 6-17C into Groundhog.[20]

As described by the Battalion Commander:
"Now 66 IRISHBATT from the relative safety of protected OPs and the apprehensive populations of nearby Haddatah, Ayta az Zutt and Brashit knew that retaliation was but a

16 McNamara, Con. "Irish Position Smashed" *Litani* January 1990 p4
17 Duggan, John. *A History of the Irish Army*. Dublin; Gill and MacMillan, 1991 p270
18 McNamara, Con. "Buildings Bombarded" *Litani* January 1990 p4
19 "The SISU 180 APC" *66 Infantry Battalion Commemorative Magazine* 1990 p38
20 MA CS 129/29: Incident Reports IRISHBATT Area January 1990

matter of time. It duly came [between 1302 and 1349 on 29 January] in beautiful sunshine when two tanks trundled out of the [SLA] compounds of Brashit and Bayt-Yahun and with 'a gaze, blank and pitiless as the sun' fired 42 rounds of High Explosive into the hapless village of Brashit. 66 IRISHBATT had witnessed a similar retaliatory shelling of Ayta az Zutt before and as the rounds pounded into the village school and in ordinary homes, knew that the people were cowering in the uncertain sanctuary of cellars and ground floors. Watched from a distance each house seemed to give an almost human jerk of agony when hit and inevitably red flares arced over the pall of dust and smoke to signal a round had impacted on or close to an Irish position....Suddenly it was all over. The firing ceased. All 66 IRISHBATT positions reported personnel safe. They then moved into the village to evacuate casualties and assess damages. Incredible as it may appear there were no injuries or deaths. Four houses had been destroyed and twelve damaged. More amazing still in the aftermath of the shooting the people of Brashit instead of contemplating leaving, appeared even more determined to hang on and just one day after the incident were repairing walls and clearing the debris of shattered furniture, household effects and masonry from their homes and attempting to return to normal routine again."[21]

Storm-Clouds

As 66 IRISHBATT reached the midway point of its tour, Lt-Col Blythe reflected:
"As I write this in February it is cold in South Lebanon with heavy driving rain pushed on by gale force winds. West of Ireland weather in fact except there is no salt on the wind and the farmers are content that holding tanks and village ponds are welling up with precious water. They know full well there is a long parching summer to follow. There are other differences. The low lying cloud 'bundled up' on the surrounding hills blind not so much the gentle green sloped forts of an Irish landscape as the menacing , weed-killed brown mounds of the [SLA] compounds."[22]

In fact storm clouds broke for Jaffabatt on 21st February, when the most serious incident of the tour occurred. At 0740 AMAL militia in Hadattah engaged the nearest SLA post in a firefight that lasted until 0930. Forty minutes later, a section from A Company entered the village to ascertain casualties. They secured an LMG found there, but were then suddenly confronted by five heavily armed AMAL, who demanded the weapon's return. As the confrontation escalated, Comdt. O'Donnell arrived in a jeep accompanied by another section.

"Further attempts at negotiation were rejected and an AMAL gunman then pointed an [RPG] at Comdt. O'Donnell's head. Another RPG was fired into the jeep, injuring the driver, Pte. Patrick Mason, As the gunmen opened up with, Kalashnikov rifles, Privates Riccardo Lucchesi and Anthony. Sheeran fell wounded to the ground and the Irish then returned fire, killing two of the guerrillas. The three other gunmen fled."

These two dead AMAL fighters belonged to the Hijazi family who had been rescued by A Company during heavy shelling the previous December. By 1100, a SISU had rushed the wounded to Camp Shamrock, after which they were helivacked to immediate surgery in

SWEDEMEDCOY. The Battalion Commander later praised the "Prompt efficient action of all

---

21 Blighe, Vincent. "A Mighty Outfit" *66 Infantry Battalion Commemorative Magazine* 1990 p3/ MA 66 Infantry Battalion Unit Journal 28 Jan 1990
22 Ibid

personnel involved in the incident and in the subsequent evacuation and medical treatment."[23]

At 1148 IRISHBATT went to Red Alert and across the AO all posts went into Scheme of Defence. The BMR rushed to Hadattah and the FMR was alerted. The dead AMAL were brought to Tibnine Hospital where a large crowd gathered, to the concern of the nearby post at 6-48. At 2100 Shamrock informed all companies of "Increased AMAL activity in all areas, friendly rather than offensive."[24]

Negotiations between the Battalion Commander and local AMAL leaders were already underway, the former commenting that "the co-operation and support of that organisation are most positive." Irish personnel involved in the incident were transferred to Naqoura "to defuse the tension in the village and also to ensure their safety."[25]

By 23rd February, Pte Lucchesi was transferred to Rambam Hospital in Israel and IRISHBATT was able to go back to Yellow Alert with personnel in the smaller posts thankfully getting their first proper sleep in two days.[26] AMAL President Ayoub Hymayyed met the Force Commander in Tibnine and later visited the Hijazi family, later stating that "we consider the Irish contingent as an integral part of our movement."[27]

As a further measure to defuse tensions, it was decided that A Company would exchange AOs with B Company on the 27 February. At 0600, A Company reported "Ready to move." Apart from a tense forty minute loss of communications with 6-20 ending by 2230, the operation was complete by midnight.[28]

Although Yellow Alert was still in force on March 17th, IRISHBATT held a St Patrick's Day parade in Tibnine led by a unit of the Lebanese Army, and locals "threw rice and flowers in a gesture of friendship and welcome." A reception in Camp Shamrock was attended by the Chief of Staff, the junior Defence Minister, representatives of the Lebanese government and AMAL, and was reported upon by ITN and Lebanese TV.[29]

While the incident of February 21st was behind them, the rest of the trip did not pass entirely quietly for Jaffabatt. On 27th March, AMAL detonated an RSB near Brashit and SLA retaliatory fire wounded a villager and destroyed her house.[30] On 2 April, another RSB near Brashit killed one SLA and wounded two more (both AMAL and Hezbollah claimed responsibility). SLA retaliatory shelling destroyed ten houses in the village. Lebanese media reported that A Company doused a fire in Tireh school and B Company prevented an SLA incursion into Hadattah.[31]

Conclusion: Going Home but not Forgetting.

By 18th April over a hundred troops flew home on Chalk One to be replaced by the first wave of pale soldiers from the incoming 67th Infantry Battalion. On 25th April, Chalk Two

23 MA 66 Infantry Battalion Unit Journal 21 Feb 1990/ Brady, Tom; Glennon, Chris; Healy, John. "Irish Peace Soldiers Shot" *Irish Independent* February 22, 1990/ MA Communication between OC 66 Inf Bn and Director of Operations AHQ Dublin
24 MA 66 Infantry Battalion Unit Journal 21 Feb 1990
25 MA Communication between OC 66 Inf Bn and Director of Operations AHQ Dublin
26 MA 66 Infantry Battalion Unit Journal 23 Feb 1990
27 MA CS 129/29 News Summary for UNIFIL Contingents 26 Feb 1990
28 Military Archives 66 Infantry Battalion Unit Journal 27 Feb 1990
29 Riegel, Ralph. "Camp Shamrock puts on the style" *Cork Examiner* March 19, 1990
30 Military Archives 66 Infantry Battalion Unit Journal 27 March 1990
31 Brady, Tom. "Irish Troops caught in shoot-out" *Irish Independent* April 4, 1990; Military Archives CS 129/29 News Summary for UNIFIL Contingents 2 Apr 1990 and 11 Apr 1990

flew home and on 26th April, operational responsibility was handed over. On 4 May, the last men of the battalion flew home from Ben-Gurion airport. These included Lt-Col Blythe who had made a final meeting with the Hijazi family, as a result of which he was able to state that: "we are handing over to the 67th Battalion with a clean slate. The matter has now been resolved."[32] Landing in Dublin late that evening, the troops were reunited with emotional families and dispersed across the country, thus effectively ending the existence of the 66th Infantry Battalion.

In retrospect, what stands out is the sheer ubiquity and unpredictability of violence which Jaffabatt faced. From firings close, to random shelling or deliberate confrontations, lethal force could arrive at any time and from any quarter. It is perhaps all too easy with the passing of time to forget just how dangerous and terrifying missions such as UNIFIL were, and the demands it made on Irish troops who served there. Their dedication, courage and discipline also stand out in telling the story of 'Jaffabatt', as does the leadership at all levels, that held the battalion together. However, what is most poignant in looking back at how Jaffabatt fared, is the tragedy of modern Lebanon and the plight of civilians who were repeatedly targeted or victims of indiscriminate firing. The wider lesson to be drawn then may well be the need to keep centre stage in peace-keeping, the local civilian population, who as often as not, are simply trying to survive in anarchic and brutal warzones.

---

32 O'Loughlin, Ann. "Army averts revenge threat" *Irish Independent* May 5, 1990

"PRAGMATIC EVOLUTION?" REFLECTIONS ON THE FOREIGN POLICY MOTIVATIONS, IMPLICATIONS AND IMPACT OF IRELAND'S EXPERIENCE OF PEACEKEEPING IN THE MIDDLE EAST

Damien Cole
Director Policy Planning Unit, the Department of Foreign Affairs and Trade

Disclaimer: The opinions in this paper represent the views of the author only and not those of the Department of Foreign Affairs and Trade

Abstract

Irish personnel have participated in UN Peacekeeping operations in the Middle East since 1958, and this year marks the 60th anniversary of their deployment to the region. To date over 30,000 Irish soldiers have served in Lebanon alone. Today, the majority of Irish peacekeepers overseas continue to be deployed to the Middle East.

The paper offers some reflections on the foreign policy motivations, implications and impact of Ireland's long experience of UN peacekeeping in the Middle East. It is framed by Ishizuka's study of Irish motivations for International Peacekeeping Operations, which considers the experience through a realist/idealist analysis. This approach provides a useful framework to examine this long experience within the context of international relations theory and the Irish foreign policy tradition, and to understand the underlying motivations which shape the specific choices made by policymakers. The foreign policy motivations of Ireland's involvement in Middle East peacekeeping are considered within this analytical framework through three case studies: Operation "Grapes of Wrath" in South Lebanon in 1996; the 2006 Lebanon War, and the deployment of Irish peacekeepers in 2013 and 2014 with UNDOF on the Golan.

These have been chosen for several reasons: firstly, because the Middle East is where Irish peacekeepers have served in the greatest numbers and for the longest time, and therefore it is an essential context for an understanding of peacekeeping and how it has affected Irish foreign policy. Secondly, these events represent periods of some of the most intensive policy response to specific crises.

The most recent statement of foreign policy "The Global Island: Ireland's Foreign Policy in a Changing World" describes Irish participation in peacekeeping as one of Ireland's "signature" foreign policies. While peacekeeping is presented as one of Ireland's core foreign policy values, there is also an acknowledgement that it has "evolved pragmatically in response to changes in the international security environment and must continue to do so". While policy has evolved over the last 60 years, in practice Ireland's approach to Middle East peacekeeping represents a good example of the continuity of the broader Idealist/Realist motivations in Irish foreign policymaking identified by Ishizuka.

Looking ahead, there is scope to learn policy lessons from the experience of peacekeeping in the Middle East in a more structured and systematic way. The paper concludes by setting out a number of broad questions that might be considered in this context.

Introduction

Irish personnel have participated in UN Peacekeeping operations in the Middle East since 1958, and this year marks the 60th anniversary of the deployment of Irish troops to the region. The Irish involvement in the Middle East has therefore been the most sustained engagement by Defence Forces personnel in any region of the world since Ireland began its participation in UN peacekeeping operations. That service has not been without cost – some forty seven Irish peacekeepers have died in Lebanon alone, and one remains missing[1].

Because of that shared experience between the people of Ireland and Lebanon, in particular, there is a strong political and public interest in Ireland in the Middle East. That interest has been shaped both by Irish involvement in Middle Eastern PKOs, but also by Irish attitudes to the ongoing Israeli-Palestinian conflict. As Miller has pointed out, Ireland's support for the UN's role in the Middle East, including on the Palestinian question, has proved a defining aspect of the state's foreign policy[2].

In their survey of Irish foreign policy, Doyle et al underline the relevance of the international literature and debates in Ireland's case[3]. The application of international relations theory helps to enhance our understanding of Ireland's foreign policy motivations, and the aim of this paper is to consider Ireland's experience of UN Peacekeeping in the Middle East through the frame of a number of key foreign policy theories. The basis of this analysis is Katsumi Ishizuka's detailed study of Irish motivations for participation in Peacekeeping Operations, which he examines from an idealist and realist perspective. Three case studies, which represent period of intensive response by Irish policymakers to events in the Middle East, have been chosen for more in-depth consideration within this analytical framework.

Ireland's Foreign and Defence Policy and Peacekeeping in the Middle East: Perspectives and Motivations

From an idealist perspective Ireland's participation in peacekeeping reflects the continuity of core values in Irish foreign policy, which date back to Taoiseach Eamon De Valera's involvement in the League of Nations in the 1930's and foreign minister Frank Aiken's strong support for the United Nations after Ireland joined the organisation in 1955[4] In his speech to Dáil Eireann in 1963, President John F. Kennedy highlighted the centrality of the UN to Ireland's foreign policy, and described that role in specifically idealist terms, telling the assembled members that

The major forum for your nation's greater role in world affairs is that of protector of the weak and voice of the small, the United Nations. From Cork to the Congo, from Galway to the Gaza Strip, from this legislative assembly to the United Nations, Ireland is sending its most talented men to do the world's most important work–the work of peace[5]

That idealist conception of peacekeeping continues to exercise a powerful influence on the shaping of Irish policy. It is restated in the most recent review of foreign policy *"The Global Island: Ireland's Foreign Policy for a Changing World"*, which was published in 2015. The Minister

1 Henry McDonald. H. "Irishbatt: the story of Ireland's Blue Berets in the Lebanon". (Dublin: Gill and Macmillan, 1993), 2.
2 Miller, Rory. "Ireland and the Middle East at the UN, 1955-2005", *in Obligations and Responsibilities: Ireland and the United Nations, 1955-2005,* ed. Michael Kennedy and Deirdre McMahon (Dublin: IPA, 2005), 55.
3 Tonra, Ben (ed) Irish Foreign Policy. (Dublin, Gill and Macmillan, 2012), 1.
4 The Global Island. (Dublin: The Department of Foreign Affairs and Trade, 2015), 27.
5 John F. Kennedy, Address before the Irish Parliament, JFK Library, accessed, 13 August 2018.https://www.jfklibrary.org/Asset-Viewer/lPAi7jx2s0i7kePPdJnUXA.aspx,

for Foreign Affairs Charlie Flanagan T.D recalled Ireland's "proud tradition of principled engagement on issues such as ....UN peacekeeping" [6].The review describes Ireland's participation in UN peacekeeping as one of a small number of "signature foreign policies" which are at the heart of Ireland's values as a nation[7].

Ishizuka's analysis confirms idealism as a primary motivation for Ireland's participation in UN Peacekeeping Operations (PKOs). However, he situates this motivation within a broader idealist/realist frame. As Keith Jeffrey puts it in his foreword to Ishizuka, "it is clear from the Irish experience that idealism alone is not enough". He goes on to note that "support for peacekeeping has been underpinned by a shrewd appreciation of the resulting national benefits. Ireland's direct contribution to important UN missions has materially raised its international profile and reinforced its foreign policy influence"[8]

In terms of Ireland's foreign policy motivations, these are summed up well in the remarks of Brian Cowen, the then Minister for Foreign Affairs, on the last occasion when Ireland took a non-permanent seat on the UN Security Council in 2000. The Minister argued for the value of both idealist and realist motivations. Minister Cowen said that it was not an either/or situation because small states could not compete in a power-seeking international system run primarily on realist principles. He said that

> *Ireland like most small nations has always known that a multilateral rules-based international order is in our national interest. We would like to think, and I believe with much justification that we have demonstrated this, that our commitment to liberal internationalism is also based on principle[9]*

This statement captures an important dimension of Irish foreign policy. Ishizuka identifies the primary motivation for Ireland's participation in UN PKOs as its commitment "to sustain or enhance the authoritative status of the UN", which is consistent with the idealist perspective which underpins this important value of Irish foreign policy. At the same time, as Jeffery notes, it is also seen as being in our national interest.

This primarily idealist motivation is supported by a number of realist impulses, which Ishizuka identifies as Ireland's aim to have prestige as an active member in the international system; Ireland's desire to fully utilise its Defence Forces on the wider international stage (particularly as Ireland is not a member of NATO and therefore has fewer outlets for participation in military operations), and Ireland's wish to enhance understanding of its traditional policy of military neutrality. Peacekeeping is very important precisely because it is one of one of the most tangible manifestations of the practical implementation of these idealist and realist imperatives[10].

Ishizuka's analytical framework is used to consider the motivations, implications and impact of Irish policymaking relating to Middle East peacekeeping in the three case studies which follow.

---

6 The Global Island. (Dublin: The Department of Foreign Affairs and Trade, 2015), 2.
7 The Global Island. (Dublin: The Department of Foreign Affairs and Trade, 2015), 28.
8 Katsumi Ishizuka. Ireland and International Peacekeeping Operations, 1960- 2000: A Study of Irish Motivation. (London and New York: Frank Cass, 2004), vii & viii
9 Doyle, John. "Irish Diplomacy on the UN Security Council 2001-2: Foreign Policy-making in the Light of Day" in *Irish Studies in International Affairs*, Vol. 15. (Dublin: Royal Irish Academy, 2004), 56.
10 Katsumi Ishizuka. Ireland and International Peacekeeping Operations, 1960- 2000: A Study of Irish Motivation. (London and New York: Frank Cass, 2004), 180

Case Study 1: "From Garryowen to Groundhog"[11] UNIFIL 1996

In 1996, Israel launched *"Grapes of Wrath"*, a 16 day operation against Hezbollah in Southern Lebanon. During that operation, the UN compound in Qana was shelled by the Israeli Defence Forces, killing more than 100 Lebanese civilians. [12]

Operation *Grapes of Wrath* was a time of major crisis for the Irish peacekeepers in UNIFIL. In Dublin, it was a period of intensive diplomatic and political activity, driven by the threat to Irish soldiers as well as the extensive media and political reaction to the conflict. During the first half of 1996, the pressure was intensified as Ireland was also a member of the EU Troika, prior to taking over the Presidency of the EU in the second semester of the year.

The Tánaiste and Minister for Foreign Affairs, Dick Spring TD, set out Ireland's diplomatic and policy response to events in Lebanon in considerable detail in a reply to a series of Parliamentary Questions on 23 April 1996. His statement to the Dáil illustrates clearly the various dimensions of Ireland's policy towards the war in South Lebanon in the spring of 1996.

Ishizuka's realist/idealist approach provides a lens to examine how Irish foreign policymakers responded. Ireland had little choice but to work through both the UN and EU tracks simultaneously. From a realist perspective, Ireland needed to be seen by all its EU partners, as well as the UN, to be active in all multilateral organisations to help broker a resolution to the conflict. It also needed to work to end the war quickly to protect the safety and security of its peacekeepers.

At the same time, the idealist impulses of Irish foreign policy are shown by the decision to allocate £200,000 (a substantial sum at the time) for humanitarian relief in South Lebanon[13]. Minister Spring also took a strong diplomatic line on how important the protection of Lebanese civilians was for Ireland. He told the Dáil that Ireland had specifically prioritised the protection of civilians in its statements at the UN, championing this issue in the address by the Irish Permanent Representative to the Security Council on 18 April 1996[14]. The strong idealist and humanitarian impulses at work in Ireland's overall response were also displayed by Irish peacekeepers in ensuring the protection of civilians and the provision of humanitarian relief in South Lebanon. These tasks often put Irish troops at considerable risk, as they moved around the Area of Operations (AO) under fire.[15] Reflecting the increasing international concern about the risks to civilians, the protection of civilians is specifically mandated in UN Security Council Resolution 1701 which established the strengthened UNIFIL mission in 2006.[16]

While the idealist/realist impulses at work in Irish foreign policy are apparent in the reaction to the war in South Lebanon in 1996, it is harder to identify any specific impacts on policy. Certainly at the time, the crisis-driven demands of the heavy workload in responding to political

---

11 Cusack, Jim. "From Garryowen to Groundhog". *Irish Times*, 27 April 1996. Garryowen is a state of alert when Irish personnel must wear flak jackets and helmets at all times, and Groundhog means that personnel must take shelter in bunkers.
12 Letter from the Secretary General to the President of the Security Council concerning the shelling of the UN Compound at Qana, dated 7 May 1996. UN Docs, accessed 13 August 2018.
http://www.un.org/ga/search/view_doc.asp?symbol=S%2F1996%2F337&Submit=Search&Lang=E
13 Dáil debates, 23 April 1996, https://www.oireachtas.ie/en/debates/debate/dail/1996-04-23/43/
14 Dáil debates, 23 April 1996, https://www.oireachtas.ie/en/debates/debate/dail/1996-04-23/43/
15 Cusack, Jim. "200 Irish soldiers leave the Lebanese cauldron while another 200 fly in". *Irish Times*, April 23 1996, accessed 13 August 2018. https://www.irishtimes.com/news/200-irish-soldiers-leave-the-lebanese-cauldron-today-while-another-200-fly-in-1.42239
16 UN Security Council Resolution 1701, 11 August 2006. Para 12. UN Docs. Accessed 19 September 2018. http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1701(2006)&Lang=E

and public demands for Ireland to take a strong diplomatic line meant that there was little time for reflection on the wider policy implications.

In his memoir, Tom Clonan recalls the intensive cycle of patrolling, humanitarian relief work and the incessant shelling that the Irish peacekeepers experienced.[17] It was clear that the violent events of 1996 in South Lebanon had put Irish peacekeepers at considerable risk. The next two case studies demonstrate an evolution in the direction of policymaking around the important aspect of the safety and security of Irish peacekeepers.

Case study 2: "Ireland has always come up to the plate". UNIFIL and the 2006 Lebanon war

The 2006 Lebanon war was triggered by a clash between the IDF and Hezbollah in the sensitive Shebaa farms area, and lasted for 34 days until a UN brokered ceasefire took effect. During that time, there was extensive destruction and loss of life throughout South Lebanon. The conflict was brought to an end by UN Security Council Resolution 1701, which also authorised a major shift in the size, shape and mandate of UNIFIL18. While a policy decision had been taken by Ireland to withdraw most troops from UNIFIL in 2000, the violence and scale of destruction in 2006 ultimately resulted in the return of Irish peacekeepers in substantial numbers to South Lebanon. They have remained there since, with some 378 Irish soldiers currently serving with UNIFIL.[19]

Mirroring the violent events in 1996, an IDF airstrike in Qana killed 28 civilians[20]. This tragic event, and the international condemnation it caused, gave impetus to diplomatic efforts, led by France at the UN Security Council, to reach a ceasefire to create space for a longer term diplomatic solution.

The policy imperatives that had resulted in the decision to withdraw the Irish battalion from UNIFIL in 2000 remained in place. However, these were counterbalanced by the political reality that Ireland and other UN member states were strongly lobbied to participate in a strengthened UNIFIL operation. France, as the traditional penholder in the UN Security Council on Lebanese issues, was especially active in lobbying of EU partners and the UN Secretariat. This resulted in intensive discussions between France and other UN member states at working level in New York, which complemented ongoing contacts at political level. The aim was to have stronger EU involvement in the reinforced UNIFIL mission, ideally including Irish participation in significant numbers because of our long experience in Lebanon

In an interview with the *Irish Times*, Taoiseach Bertie Ahern implicitly acknowledged the realities of international lobbying saying that "Ireland has always come up to the plate". It is notable, however, that in justifying Ireland's renewed participation in UNIFIL he framed it in terms of an idealist commitment to the UN.. The Taoiseach said that "we have, per head of population, one of the highest levels of UN peacekeeping operations" and "that's something

17 Clonan, T. "*Blood Sweat and Tears*". Dublin, Liberties Press, 2012. Accessed 13 August 2018. https://www.amazon.co.uk/Blood-Sweat-Tears-Irish-Soldier/dp/1907593551
18 UN Security Council Resolution 1701, 11 August 2006. UN Docs. Accessed 14 August 2018. http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1701(2006)&Lang=E
19 http://www.military.ie/overseas/current-missions/unifil/. Accessed 4 September 2018.
20 Letter dated 7 August 2006 from the Secretary-General addressed to the President of the Security Council, UN Docs, accessed 14 August 2018. https://reliefweb.int/sites/reliefweb.int/files/resources/D653D74956BF027E852571C600621083-unsc-lbn-07aug.pdf

we're very proud of"[21]. The rhetorical power of an appeal to the idealist strand of Ireland's tradition of peacekeeping, and the fact that many Irish people would have known soldiers who had served in Lebanon, remained a trump card in building domestic political support for what was potentially a risky mission.

But while an appeal to the idealist traditions of Irish foreign policy was critical in generating public support for the political decision to return to Lebanon, there is evidence that Irish politicians were indeed wary of the risks of the new mission. Both the Taoiseach and the Minister for Foreign Affairs stressed the importance of adequate capabilities being in place to ensure the safety and security of UN personnel. These concerns were met by the decision of both France and Italy to deploy large "anchor contingents". At an EU conference on 25 August 2006, the UN got pledges of up to 25,000 personnel from European countries and the Minister for Foreign Affairs, Dermot Ahern TD, confirmed the participation of Irish troops saying that the large size of the proposed force meant that Ireland could now consider making a "substantive contribution to the mission"[22]. His remarks confirmed that the presence of large and well-equipped French and Italian contingents, along with a significantly more robust mandate for the mission, provided the necessary reassurance about the safety and security of Irish troops participating in the operation.

Case study 3: "Irish soldiers don't stand back ". Ireland on the Golan, UNDOF 2013 and 2014.

The ongoing Syrian conflict has significantly complicated the implementation of the UN Disengagement Observer Force (UNDOF's) mandate, which is responsible for monitoring the ceasefire between the Syrian Arab Republic and Israel along the Golan. The presence of various armed groups has also increased the overall riskiness of the mission, which resulted in a number of countries including Austria, Croatia and Japan withdrawing their contingents in 2013[23]. Following that decision, Ireland received a request in July 2013 from the UN to provide a mechanised infantry company to UNDOF as the mission's force mobile reserve (FMR). The escalation of the conflict in Syria meant that UNDOF needed a more robust force protection capacity, as well as troops to replace the departing units. [24]

Minister of State Paul Kehoe's speech to the Dáil proposing the deployment clearly reflected both the idealist and realist motivations for Ireland's participation in UN Peacekeeping Operations (PKOs), and how these were relevant to the decision to step up our engagement in UNDOF despite the complexity and risk associated with mission. His statement focussed both on Ireland's continuing commitment to UN PKOs, but also what Ishizuka describes as the realist imperative to "activate" the Defence Forces to ensure they maintain an operational capability to participate in UN PKOs, even in complex and risky environments. The Minister's statement referred to this explicitly when he said that the proposal to "deploy Defence Forces personnel to the mission is supportive of Ireland's ongoing obligations to international peace

---

21 "Safety of troops in Lebanon a major issue". *Irish Times*. 17 August 2006.
22 Ireland set for role in UN force as EU finally commits. *Irish Times*. 26/8/06.
23 AFP, The Daily Telegraph, June 6, 2013, accessed 13 August 2013. https://www.telegraph.co.uk/news/worldnews/middleeast/israel/10105040/Peacekeepers-in-disarray-as-Austrians-withdraw-from-Golan-Heights.html
24 Burke, Edward and Marlay, Jonathan. *Walking Point for Peace: An Irish view on the state of UN peacekeeping* (New York: NYU CIC, 2015), 4.

and security and the Government's commitment to maintaining the Defence Forces' *capacity in international operations*"[25].

These points were echoed by the then Minister for Foreign Affairs, Eamonn Gilmore, who said the deployment was an important opportunity to demonstrate our commitment to the UN which, like all multilateral organisations is only as strong and effective as its members enable it to be"[26]. Minister Gilmore's statement also indicated the realist motivations for increasing our participation in UNDOF, by highlighting the prestige and reputational benefit that would accrue to Ireland from the deployment.

He told the Dáil that in deploying to UNDOF "we continue a proud tradition of answering the UN's call for service with UN peacekeeping operations and we consolidate our global reputation in this field". Reflecting the idealist focus on values in Irish foreign policy, he also highlighted the humanitarian aspect of the mission, noting the alarming influx of up to 6,000 refugees a day and the provision of Euro 10 million to UN agencies, the Red Cross and NGOs to assist the refugees [27]

Concerns about the risks of the mission proved to be well founded. On August 30, 2014 Irish peacekeepers in UNDOF came under attack from al-Qaeda's affiliate Jabhat-al-Nusra. The group kidnapped 45 Fijian peacekeepers, overran UN bases and captured weapons and equipment. They then surrounded two other positions held by Filipino peacekeepers. The UN units were ultimately relieved by the Irish FMR. Burke and Marley highlight how this incident revealed the weakness both of the contingents deployed to UNDOF and of the mission mandate. As they note, "in the end, it was only a single company of Irish soldiers that possessed any serious military capability to respond to an attack by al-Nusra"[28].

Policy lessons were learned from this incident. As Burke and Marley show, it intensified the shift in Irish thinking which had been evident since 2006. They concluded that, while Ireland has always been willing to serve the UN in places where other European countries would not, the incident on the Golan in 2014 meant that "a previously unwavering Irish commitment to UN service may become more conditional"[29].

That evolution in thinking from the circumstances of 1996 and 2006 emerges in the statements by the Minister for Defence, Simon Coveney TD, who argued for a stricter conditions based approach for Irish participation in Middle East PKOs. Burke and Marley ascribe this to a number of factors influencing Irish policymaking, including increased expectations of military capabilities, the need for more realistic mandates and the duty of care on the part of the Irish Government[30]. This reflects the wider experience since the financial crisis of 2008, with a greater public and media demand for accountability and clarity around decisions taken by the Irish state. It also is a result of a much more complex and demanding international

25 Proposed Deployment of Permanent Defence Forces to UNDOF: Motion. Dáil Debates, 18/7/13:https://www.oireachtas.ie/en/debates/debate/dail/2013-07-18/15/
26 Proposed Deployment of Permanent Defence Forces to UNDOF: Motion. Dáil Debates, 18/7/13: https://www.oireachtas.ie/en/debates/debate/dail/2013-07-18/15/
27 Proposed Deployment of Permanent Defence Forces to UNDOF: Motion. Dáil Debates, 18/7/13: https://www.oireachtas.ie/en/debates/debate/dail/2013-07-18/15/
28 Burke, Edward and Marlay, Jonathan. Walking Point for Peace: An Irish view on the state of UN peacekeeping (New York: NYU CIC, 2015), 4.
29 Burke, Edward and Marlay, Jonathan. Walking Point for Peace: An Irish view on the state of UN peacekeeping (New York: NYU CIC, 2015), 4.
30 Burke, Edward and Marlay, Jonathan. Walking Point for Peace: An Irish view on the state of UN peacekeeping (New York: NYU CIC, 2015), 4.

environment, in particular the changing landscape of UN and EU policy on peacekeeping operations as well as a continuing lively domestic political debate on Ireland's participation in peacekeeping operations. Overall, the idealist motivation to participate in UN PKOs is balanced by a realist imperative to ensure that the activation of Irish Defence forces personnel is based on an appropriate risk assessment.

As well as the stronger focus on the safety and security of Irish personnel, this is an indicator of Ireland's evolving policy, in particular towards the UN, driven by experience on the ground. As noted above, it is the result of a more demanding, dangerous and complex peacekeeping operations. Against that backdrop, it is essential that the safety and security of UN peacekeepers is protected in UN mandates. Unlike the decision to participate in UNIFIL initially in 1979, which Noel Dorr characterised as almost an "anxiety" to get back on good terms with the UN Secretariat, Ireland is now prepared to take a much firmer line with the UN Secretariat to look after its own interests and the needs of its personnel. The attitude to the UN has matured, and has become more clear-eyed[31].

Conclusions and Looking Ahead

Peacekeeping is generally considered as one of the core "values" of Irish Foreign policy. However, by applying Ishizuka's analytical framework to the three case studies considered in this paper, it can also be seen as representing a good example of both the practical manifestation and continuity of the idealist and realist motivations which have shaped Ireland's broader foreign policy tradition. The three case studies illustrate both the idealist and realist motivations for Irish participation in peacekeeping operations. While idealism remains the primary motivation for Ireland's involvement in peacekeeping, as Ishizuka confirms, events in South Lebanon and the Golan reveal an evolution towards a more "*realist*" assessment of the foreign policy costs and benefits of participation in PKOs. The "*Global Island: Ireland's Foreign Policy for a Changing World*" explicitly acknowledges that peacekeeping must continue to evolve pragmatically in response to changes in the international security environment, including in the Middle East[32].

It is harder to determine the extent to which the long experience of peacekeeping in the Middle East has resulted in quantifiable impacts on foreign policy. Any analysis is complicated by the difficulty of making definitive judgements on policy impact, without a formal policy evaluation mechanism or appropriate indicators. At the same time, a number of aspects do emerge from an analysis of policy and political statements which are worth highlighting.

Firstly, a stronger focus on the safety and security of Irish personnel. This does not represent risk-aversion, as was evident in Ireland's willingness to deploy to the dangerous FMR role in UNDOF in 2013. Nonetheless, given the increasingly complex and dangerous international environment, as well as calls for greater political accountability in all areas of public policy after the 2008 economic crash, there is an understandable desire to ensure that every step has been taken to ensure the safety of Irish peacekeepers. Secondly, and related to this, there is an evident willingness to take a more robust line with the UN Secretariat itself. While still respecting the UN's role, Ireland's approach has matured since the early days of peacekeeping

31 Katsumi Ishizuka. Ireland and International Peacekeeping Operations, 1960- 2000: A Study of Irish Motivation. (London and New York: Frank Cass, 2004), 106)
32 The Global Island. (Dublin: The Department of Foreign Affairs and Trade, 2015), 28.

when it wanted to stay in the Secretariat's good books, perhaps for fear of being frozen out of peacekeeping.

These are welcome evolutions in policymaking, but they could be underpinned and strengthened by a more structured and systematic approach to lessons-learning. On the 60th anniversary of Irish participation in UN peacekeeping in the Middle East, it would seem timely to consider how best to learn from the policy lessons which could be drawn from this long experience. A number of issues could be considered, including the extent to which Ireland's extended participation in Middle East UN PKOs remains relevant to our overall foreign policy objectives, and is consistent with the policy motivations outlined in this paper. It would also be worth examining whether there are specific policy lessons from 60 years of peacekeeping in the Middle East that could help shape future policy on the Middle East, in particular our approach to the wider region. This would help ensure that the invaluable experience of peacekeeping hard won by individual soldiers and officials is documented and retained to inform the policy-making process.

Finally, although this paper has focussed largely on policy issues, it is important not to lose sight of the human dimension of Ireland's participation in UN Peacekeeping in the Middle East over 60 years. The relationship between Ireland and the UN which has been forged through decades of participation in Peacekeeping operations remains remarkably durable. It goes beyond realist or idealist principles of support for the UN, activating the Defence Forces, or even fulfilling our international obligations. Those ties reflect most of all the individual experiences and sacrifice of generations of Irish soldiers and officials, who have patrolled the rocky hills and wadis of South Lebanon, stood guard on the Golan, or have worked with the UN in many peacekeeping and humanitarian missions since Irish personnel first travelled to the Middle East in 1958.

THE HUMAN RIGHTS JURISDICTIONAL REACH - A NEW ENTRY POINT IN PEACE OPERATIONS?

Lt Colonel Richard Brennan

"Armed Conflict and occupation do not discharge the State's duty to investigate and prosecute human rights abuses."[1]

"[a] U.N. flag doesn't give...immunity as a state or as an individual soldier"[2]

Abstract

International human rights law (IHRL) is in principle, applicable at all times, in peacetime as well as during armed conflict. It remains an important legal regime as regards the operability of all Peace Support Operations. It is broadly accepted that Peace Operations are shaped by human rights law through the mandate under which the operation is undertaken; or the law of the Host State; and the human rights obligations of the Sending State as such rights may apply extraterritorially for acts committed by the State within its jurisdiction.

This article will examine legal basis for the extraterritorial applicability of human rights obligations of the European States conducting Peace Support Operations arising from the recent interpretations from domestic Courts and the European Court of Human Rights on the reach of the European Convention of Human Rights. In particular where the Court has held TCCs responsible for the conduct of their troops in international military operations. All of which appears to indicate the applicability of the Convention in Peace Operations if certain criteria are satisfied.

The decision of the Netherlands Supreme Court in The Netherlands v Hasan Nuhanovic, arising from events in Srebrenica exemplifies the perilous position of the State when international obligations are held to have extraterritorial effect.

In the final analysis, this article explores how such interpretations may impact on TCCs and more importantly commanders exercising command under UN mandated Peace Support Operations.

Introduction

The applicability of human rights as a matter of law remains controversial in some respects, such as the extraterritorial application of the European Convention on Human Rights (ECHR). Questions as to when a state owes obligations under a human rights treaty towards an individual "located outside its territory are being brought more and more frequently, before courts both international and domestic."[3] The list is broad and varied; victims of aerial

---

1   Philip Alston, Report of 8 March 2006 on Extrajudicial, Summary or Arbitrary Executions (E/CN.4/2006/53. Available at: https://www.ohchr.org/en/issues/executions/pages/srexecutionsindex.aspx.
2   Liesbeth Zegveld, Dutch Lawyer who represented the victims of Srebrenicia.ICD-*The Netherlands v. Nuhanovic* – Asser Institute. Available at:http://www.internationalcrimesdatabase.org/Case/1005/The-Netherlands-v-Nuhanovi%C4%87/.
3   Marko Milanovic "From Compromise to Principle: Clarifying the Concept of State jurisdiction in Human Rights Treaties", *Human Rights Law Review*, Volume 8, Issue 3, available at: https://academic.oup.com/hrlr/article-abstract/8/3/411/641552?redirectedFrom=PDF.

bombardment,[4] inhabitants of territories under military occupation,[5] the family of a KGB spy who was assassinated in London through the use of radioactive toxin,[6] all of these people have claimed protection from human rights law against a State affecting their lives while acting outside its territory.

Human Rights and Peace Operations.

The application of human rights in Peace Operations retains an equally important narrative. Each Troop Contributing Country (TCC) undertaking Peace keeping[7] and or Peace Enforcement[8] UN mandated operations (hereinafter Peace Operations[9]) has an independent obligation under International Human Rights Law (IHRL) to ensure that its armed forces comply with its human rights obligations during its participation in a Peace Operation, whether expressly declared in the mandate or not.[10]

In Peace Operations, human rights obligations can be viewed through three pillars, the mandate under which the operation is taken; in the absence of express provision in the mandate, Peace Operations should respect the laws of the Host State including its obligations under international law of which human rights may be a part; and finally, the human rights obligations of the Sending State and/or of the organisation under the control of which a Peace Operation is conducted may apply extraterritorially for acts committed within its jurisdiction.[11]

This follows from what is described as the "the tripartite obligation which is incumbent on all State parties to all human rights treaties to respect, to protect and to fulfil human rights. The obligation to respect human rights means that the State shall not interfere with anyone's enjoyment of their rights and freedoms. The obligation to protect human rights means the State shall take active steps to protect individuals against such interference from other actors. Finally, the obligation to fulfil human rights means that the State shall take active feasible

---

4 Bankovic and Others v Belgium and Others, (App.No. 52207/99, judgement 12 December 2001 (hereinafter Bankovic and ors GC). The application was brought by six citizens of the Federal Republic of Yugoslavia (FRY) and concerned the bombing by the North Atlantic Treaty Organization (NATO) of the building of Radio Televizije Srbije (Radio-Television Serbia, RTS) during the Kosovo crisis in April 1999. The building was destroyed; 16 people were killed and 16 others were seriously injured. The applicants, all family members of the deceased or themselves injured in the bombing, complained that the bombardment of the RTS building violated not only Article 2 (right to life), but also Article 10 of the European Convention on Human Rights (freedom of expression).

5 R (Al-Skeini and others) v Secretary of State for Defence, [2007] UKHL, 26 [2007] 3 WLR 33 [2007]. Al-Skeini concerned the killing of six Iraqi civilians by British soldiers in southern Iraq, including the brutal death of Baha Mousa during his detention at a UK army base. In 2007, the House of Lords held that the Human Rights Act 1998 did not apply to the soldiers' actions save those on the army base. However, the Grand Chamber held that the UK Government had a duty to conduct an effective investigation into the deaths of all the civilians killed by British soldiers, whether or not they were within the confines of a UK military base. It based its decision on the fact that the UK had assumed responsibility for the maintenance of security in Southern Iraq and was exercising 'control and authority' over Iraqi civilians.

6 Application No. 20914/17 by Maria Anna Carter against Russia-lodged 21 May 2007,Available at: https://hudoc.echr.coe.int/eng-comold?i=003-3345303-3743418

7 United Nations Peacekeeping Operations Principles and Guidelines ("The capstone doctrine), DKPO Publications, UN Secretariat, March 2008, page 18, Available at https://www.un.org/ruleoflaw/blog/document/united-nations-peacekeeping-operations-principles-and-guidelines-the-capstone-doctrine/- Peace Keeping is a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by peace makers. Over the years, peacekeeping has evolved from a primary military model of observing cease-fires and the separation of forced after intra state wars to a complex model of many elements – military, police and civilian.

8 Ibid at page 18: Peace enforcement involves the application, with the authorization of the Security Council, of a range of coercive measures including the use of military force.

9 Gill,T., Fleck, D., Boothby and VanHeusden, A. (eds)(2017), *Leuven Manual on the International Law Applicable to Peace Operations*, Cambridge University Press, 77 rule 5.1 prescribes that "as a rule, a Peace Operation consists of national contingents or individuals which are placed at the disposal of an international organisation, but the precise status of an operation may vary under the law of the organisation. With regard to the UN, Peace Operations are ordinarily established as subsidiary organs of the organisation. National contingent forces and contributed individuals remain organs and agents of their TCCs, and as such remain, in principle, bound by the obligations of their respective TCCs."

10 B.F. Klappe, 'The Law of International Peace Operations', in D. Fleck (ed), The Handboook of International Humanitarian Law, 3rd edn (Oxford University Press, 2013), pp.619-625.

11 Supra note 9 at page 76.

measures? through legislation, administrative practice...to realise the human rights of everyone towards whom they have human rights duties and obligations."[12]

It is an obligation that is explicitly set out by the United Nations Human Rights Committee (UNHRC) which prescribes that the International Covenant on Civil and Political Rights applies to "those within the power or effective control of the forces of a State Party acting outside its territory, regardless of the circumstances in which such power or effective control was obtained, such as forces constituting a national contingent of a State Party assigned to an international peace-keeping or peace enforcement operation."[13] A view held by the International Court of Justice (ICJ), having considered the object and purpose of the International Covenant on Civil and Political Rights in its Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* is that while the jurisdiction of States is territorial, it may sometimes be exercised outside the national territory and it would "seem natural that even when such is the case, State parties to the Covenant should be bound to comply with its provisions."[14] The ICJ noted that the "constant practice of the Human Rights Committee is consistent with this."[15] Similarly, as a matter of policy and practice human rights provide "significant guidance in EU operations and in practice, EU operational planning and rules of engagement take into account internationally recognised standards of human rights law."[16]

This Article's primary contribution is to review relevant aspects of decisions of the European Court of Human Rights (ECtHR), in particular where the Court has held TCCs responsible for the conduct of their troops in international military UN mandated operations. In effect, instances where the Court was able to apply human rights standards to the extraterritorial acts of States through the actions of a State's armed forces. A pattern which appears to demonstrate that the Convention is considered applicable in Peace Operations if the criteria for application are satisfied in the particular case.[17] This article will finally briefly assess the effect of this jurisprudence on the operational considerations that both States and more importantly, commanders will need to have on UN mandated Peace Operations going forward.

Understanding the Threshold Criterion of 'jurisdiction'.

In order for any military force to have legal human rights obligations towards anyone, a relevant nexus is required between the forces and the potential rights holders. In human rights treaties, this nexus is often referred to as the exercise of 'jurisdiction'[18]. Article 1 of the ECHR sets out the threshold criterion that "The High Contracting Parties shall secure to everyone within

12 *Supra* note 9 at page 81, "This tripartite obligation, which is similar to the obligation under international humanitarian law (IHL) 'to respect and to ensure respect for' the Geneva Conventions of 1949 in all circumstances, means that States must ensure, to the greatest extent possible, that their armed forces comply with their States' human rights obligations."
13 UN Human Rights Committee, General Comment No.31 on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, UN Doc. CCPR/C/21/Rev.1/Add.13 (2004),para 10. Available at: http://www.unhcr.org/4963237716.pdf.
14 *Legal Consequences of the Construction of a Wall in Occupied Palestine Territory*, Advisory Opinion, I.C.J. Reports 2004, paragraph 109, page 136 (hereinafter *The Wall case*). Israel denied that the human rights instruments to which it was a party, including the International Covenant on Civil and Political Rights, were applicable to the Occupied Palestinian Territory. The ICJ seminally set out that "As regards the relationship between IHL and HRL, there are three possible situations; some rights may be exclusively matters of International Humanitarian law; others may be exclusively matters of human rights law; yet others may be matters of both branches of international law. In order to answer the question put to it, the Court will have to take into consideration both these branches of international law…"
15 Ibid at paragraph 109 "The constant practice of the Human Rights Committee is consistent with this. Thus, the Committee has found the Covenant applicable where the State exercises its jurisdiction on foreign territory."
16 Frederick Naert "International Humanitarian Law in Peace Operations as part of a variable ius post bellum", Institute for International Law, Working paper No. 150 –October 2011, available at: https://www.law.kuleuven.be/iir/nl/onderzoek/working-papers/wp150e.pdf.
17 Gill,T.,Fleck, D.,Boothby and VanHeusden, A. (eds)(2017), *Leuven Manual on the International Law applicable to Peace operations*, Cambridge University Press, 81.
18 Ibid at Rule 5.2 page 79.

their jurisdiction the rights and freedoms defined in section 1[19] of the Convention." It is the "threshold criterion, which must be satisfied in order for treaty obligations to arise in the first place."[20] In other words, a necessary condition for a Contracting State to be able to be held responsible for acts or omissions imputable to it. Naturally, the meaning of this "contentious concept"[21] of 'jurisdiction' and the precise parameters of this extraterritorial reach is of "paramount importance."[22]

'Jurisdiction' in human rights treaties is primarily territorial,[23] in the sense that States are presumed to have human rights obligations within their own territory, but not normally outside the territory[24]. However, practice from international human rights bodies and the European Court of Human Rights (ECtHR) has accepted a notion of extraterritorial jurisdiction, meaning that a State is considered to exercise jurisdiction, and consequently to have human rights treaty obligations outside its own territory[25] in exceptional circumstances.[26] The evolving jurisprudence of the ECtHR has recognised a number of exceptional circumstances capable of giving rise to the exercise of jurisdiction by a Contracting State outside its own territorial boundaries.

Exceptional Circumstances

The ECtHR has recognised that a State's jurisdiction under Article 1 may extend to acts of its authorities which produce effects outside its own territory such as diplomatic and consular agents when *State agent authority and control* is exercised.[27] Within this rubric the State may also exercise effective control of the relevant territory and its inhabitants when through "the consent, invitation or acquiescence of the Government of that territory, it exercises some or all of the public powers normally exercised by of that Government."[28] In addition, in certain circumstances, the use of force by a State's agents operating outside its territory may bring an individual, brought under the control of the State's authorities, into the State's Article 1 jurisdiction- individuals taken into custody of State agents abroad[29] - referred to as the '*personal model* of jurisdiction within the rubric of '*State agent authority and control*'.[30] Importantly, the

19 Section 1 sets out the Rights and Freedoms guaranteed under the Convention; Article 2- Right to Life; Article 3- Prohibition of Torture; Article 4-Prohibition of slavery; Article 5-Right to Liberty and Security; Article 6-Right to a fair trial etc., available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf.
20 M. O'Boyle, 'The European Convention on Human Rights and Extraterritorial Jurisdiction: A comment on "Life After Bankovic"', in F. Coomans & M. Kamminga (eds), *Extraterritorial Application of Human Rights Treaties* (Intersentia, 2004) at 125.
21 Cedric Ryngaert "*Clarifying the Extraterritorial Application of the European Convention on Human Rights*";Utercht Journal of International and European Law (7 July 2011);pg. 58, available at https://www.utrechtjournal.org/articles/abstract/10.5334/ujiel.ba/
22 Marco Milanovic "*Al-Skeini and Al Jedda in Strasbourg*"; *The European Journal of International Law* Vol.23 no.1 (2012); p. 122, available at: https://academic.oup.com/ejil/article/23/1/121/525492.
23 *Bankovic and ors GC,* supra note 4, paragraph 61 and 67.
24 Supra note 17 at page 79.
25 Supra note 17 at page 80.
26 *Bankovic and ors GC,* supra note 4, paragraph 67: "In keeping with the essentially territorial notion of jurisdiction, the Court has accepted only in exceptional cases that acts of the Contracting States performed, or producing effects, outside their territories can constitute an exercise of jurisdiction by them within the meaning of Article 1 of the Convention."
27 *Ibid* at paragraph 73: "Additionally, the Court notes that other recognised instances of the extra-territorial exercise of jurisdiction by a State include cases involving the activities of its diplomatic or consular agents abroad and on board craft and vessels registered in, or flying the flag of, that State. In these specific situations, customary international law and treaty provisions have recognised the extra-territorial exercise of jurisdiction by the relevant State."
28 *Al-Skeini and Ors v. The United Kingdom*, Application no. 55721/072011, Judgement of 7 July 2011[GC], at paragraph 135 "…Thus, where in accordance with custom, treaty or other agreements, authorities of the Contracting State carry out executive or judicial functions on the territory of another State, the Contracting State may be responsible for breaches of the Convention thereby incurred, as long as the acts in question are attributable to it rather than to the territorial State"
29 Ocalan 91 "directly after being handed over to the Turkish officials by the Kenyan officials, the applicant was effectively under Turkish authority and therefore within the 'jurisdiction' of that State for the purposes of Article 1 of the Convention, even though in this instance Turkey exercised its authority outside its territory"
30 See further Milanovic, *supra* note 19, at 122.

Court has underpinned that what is '*decisive*' in such cases is the "exercise of physical power and control over the person in question," [31]and not '*solely*' control over buildings etc. in which individuals may be held.[32]

The Court has also recognised that a State's jurisdiction under Article 1 may extend outside its jurisdiction when a State *exercises effective control of an area* outside its national territory[33] whether lawfully or unlawfully.[34] It is of course a question of fact whether a State exercises effective control over an area outside its own territory.[35] Critically, the Court has established that the importance of establishing the occupying State's jurisdiction in such cases does not imply that "jurisdiction under Article 1 of the Convention can never exist outside the territory" covered by the Council of Europe member States.[36] This killed off the concept that the Convention was not designed to be applied throughout the world[37] - that the extraterritorial reach was limited to the '*espace juridique*' or legal space of the Convention States.

This jurisdictional reach is now accepted by all but a very few objecting States and according to the Leuven manual constitutes the "entry point for legal human rights obligations for Peace Operations"[38] that deploy and operate outside the territory of their respective TCCs.

'Particular Facts'

However, the question as to whether 'exceptional circumstances' exist to trigger extraterritorial jurisdiction "must be determined with reference to the particular facts."[39] A brief over view of some seminal domestic and ECtHR jurisprudence provides significant indicators of what are increasingly important 'particular facts' triggering ECHR obligations.

In *Nuhanovic v. The Netherlands*[40] the Supreme Court of the Netherlands emphasised the extraterritoriality of the ECHR. The case concerned events that occurred shortly after the

---

31 *Al-Skeini and Others v. The United Kingdom* Application no. 55721/07, Judgement of 7 July 2011[GC], paragraph 136.
32 *Ibid* at paragraph 137 "It is clear that, whenever the State, through its agents, exercises control and authority over an individual, and thus jurisdiction, the State is under an obligation under Article 1 to secure to that individual the rights and freedoms under Section 1 of the Convention that are relevant to the situation of the individual. In this sense, therefore, the Convention rights can be "divided and tailored."
33 *Loizidou v. Turkey*, (preliminary objections),Application no 15318/89, judgement of 23 Feb. 1995[GC] paragraph 62 "Bearing in mind the object and purpose of the Convention, the responsibility of a Contracting Party may also arise when as a consequence of military action - whether lawful or unlawful - it exercises effective control of an area outside its national territory. The obligation to secure, in such an area, the rights and freedoms set out in the Convention derives from the fact of such control whether it be exercised directly, through its armed forces, or through a subordinate local administration." See Gill,T.,Fleck,D.,Boothby and VanHeusden,A. (eds)(2017), *Leuven Manual on the International Law applicable to Peace operations*, Cambridge University Press, p. 80-"State is considered to exercise jurisdiction, and consequently to have human rights treaty obligations, outside its own territory in exceptional circumstances namely if it exercises authority or control over an individual or over a geographical area, regardless of whether this authority or control is exercised lawfully or unlawfully."
34 *Issa v. Turkey*, Application No.31821/96, judgement of 16 November 2004 [GC], paragraph 71, "a State may also be held accountable for violation of the Convention rights and freedoms of persons who are in the territory of another State but who are found to be under the former State's authority and control through its agents operating-whether lawfully or unlawfully- in the latter State." Milanovic supra note 18 posits that "this case was an example of allowing application of both the Spatial and the personal model of jurisdiction to a Turkish incursion in Iraq."
35 *Al-Skeini and Others v. The United Kingdom*, Application no. 55721/07, 7 July 2011 (hereinafter *Al-Skeini GC*), paragraph 139 "In determining whether effective control exists the Court will primarily have reference to the strength of the State's military presence in the area…other indicators may also be relevant, such as the extent to which its military, economic and political support for the local subordinate administration provides it with influence and control over the region…"
36 *Ibid* at paragraph 142.
37 *Bankovic and Others GC,* supra note 4 at paragraph 80 "…The Convention was not designed to be applied throughout the world, even in respect of the conduct of Contracting States. Accordingly, the desirability of avoiding a gap or vacuum in human rights' protection has so far been relied on by the Court in favour of establishing jurisdiction only when the territory in question was one that, but for the specific circumstances, would normally be covered by the Convention."
38 Supra note 17 at page 80.
39 *Al-Skeini GC*, Supra note 35, at paragraph 58.
40 *The Netherlands v. Hasan Nuhanovic,* Supreme Court (Hoge Raad) of the Netherlands, judgement of 6th September 2013, 53 ILM (2014) 516 (hereinafter *Nuhanovic judgement*).

fall of Srebrenica on the 11th of July 1995[41]. Hasan Nuhanovic worked as an interpreter for the United Nations Military Observers (UNMOs), who were attached to UNPROFOR[42] and formed part of Dutchbat stationed in Potacari (outside Srebrenica). Nuhanovic had a UN pass and was on the list of local personnel allowed to be evacuated with Dutchbat. However his father, mother and brother – who had sought refuge in Potacari, were not on this list. The Dutchbat commanders ultimately allowed Nuhanovic's father to stay because he had been part of a committee of Srebrenica civilians that had held consultations with Mladic. However, his mother and his brother were not allowed to stay. His father decided to leave the compound with them.[43] All three were murdered by Bosnian Serb Army or related paramilitary groups.[44] Hasan Nuhanovich was holding the State responsible for the harmful consequences of their eviction from the compound at Potacari.

First, the Supreme Court found that the "possibility is not excluded that a Contracting State may, in exceptional circumstances have jurisdiction referred to in Article 1 even outside its territory."[45] The Court accepted that the rights codified in articles 2 and 3 of the ECHR were also rules of customary law that are binding extraterritorially in that form.

Secondly, in discussing whether Dutchbat (and thereby the Netherlands) had 'control' of the kind that would be sufficient to trigger extraterritorial human rights obligations, the Court examined the overall political framework. The Court noted that "In this case Dutchbat's presence in Srebrenica and in the compound in Potocari resulted from the participation of the Netherlands in UNPROFOR, and UNPROFOR derived its right to take action in Srebrenica from the Agreement on the status of the United Nations Protection Force in Bosnia and Herzegovina concluded between the United Nations and Bosnia and Herzegovina."[46]. This underpinned Bosnian consent to the presence of UNPROFOR and its control over the ill-fated Potacari compound, in so far as "...the State was competent, through Dutchbat, to exercise jurisdiction within the meaning of article 1 ECHR in the compound."[47]

Furthermore, notwithstanding the actual fall of the enclave on the 11th July 1995, the Court noted that "the Bosnian Serb army respected Dutchbat's authority over the compound to which it had withdrawn until the departure of Dutchbat on 21 July 1995" and therefore Dutchbat retained authority[48] over the compound[49] Critically, these facts formed a sufficient basis for the

---

41 *Ibid* at paragraph 3v of the judgement: " On 5 and 6 July 1995 the Bosnian- Serb army under the command of General Mladic mounted an attack on the Srebrenica enclave. Srebrenica was captured by the Bosnian-Serb army on 11 July 1995. Subsequently refugees started leaving the town with 5000 refugees entering the Dutchbat compound at Potacari including 239 men of military age. The refugees within the compound were accommodated in an abandoned factory. A far larger number of refugees (probably around 27000) had to stay in Potacari outside the compound in the open air".
42 United Nations Protection Force established under S/RES/743 (1992), available at: securitycouncilreport.org/un-documents/document/Bosnia%20SRES%20743.php.
43 *Nuhanovic judgement*, supra note 40, at paragraph 3xiv of the judgement "…Franken then told Nuhanovic's father (Ibro) that he was allowed to stay because he had been a member of the civilian committee that had held consultations with Mladic. Nuhanovic's mother and brother were not offered that opportunity. Ibro chose to leave the compound together with his wife and his son Muhamed. All three of them were taken away by the Bosnian Serbs and murdered by the Bosnian Serb Army or related paramilitary groups."
44 *Ibid* at paragraph 3xiv of the judgement.
45 *Ibid* at paragraph 3.12.2 of the judgement. The Court further set out at paragraph 3.17.1 "Part 5 submits that any assessment of Dutchbat's disputed conduct by reference to the legal principles implicit in articles 2 and 3 ECHR and articles 6 and 7 ICCPR is prevented by the fact that the State did not have jurisdiction as referred to in article 1 ECHR and article 2(1) ICCPR either in Srebrenica or in the compound in Potacari. *This submission fails* (my emphasis)."
46 *Ibid* at paragraph 3.17.3.
47 *Ibid* at paragraph 3.17.3.
48 Tom Dannenbaum "*Dutch Supreme Court Affirms that Dutchbat Acted Unlawfully in Srebrenica*" EJIL:Talk Blog of the European Journal of International Law (2013), who sets out that the Dutch jurisdiction dependant on a hybrid of de jure consent by Bosnia and Herzegovina and de facto consent of the VRS. Even without the consent of Bosnia and Herzegovina, if the Bosnian Serb forces were respecting Dutchbat control of the compound, the battalion arguably had de facto control over the area, and (in the alternative) over the individuals in question, available athttps://www.ejiltalk.org/dutch-supreme-court-affirms-that-dutchbat-acted-unlawfully-.
49 *Nuhanovic judgement*; supra note 40 at paragraph 3.17.3.

view that "the State, through Dutchbat, was actually able to ensure compliance with the human rights enshrined in articles 2 and 3 of the ECHR."[50]

This case was important not only as it marked the first time an individual government has been held to account for the conduct of its peacekeeping troops operating under a UN mandate, but the reasoning and methodology of the Court in finding for an extraterritorial reach for human rights obligations which ought to have been accounted for by the Dutch State through its battalion.

In *Al-Skeini and others v. The United Kingdom*[51] the ECtHR examined the application of the Convention to the deaths of the relatives of six applicants[52] during the period of the United Kingdom's occupation[53] of south east Iraq where five of the applicants were killed by British troops on patrol in UK occupied Basra, at intervening periods, from the cessation of hostilities in May 2003 to November 2003. The sixth applicant, Mr Baha Mousa, was arrested by British troops and taken to a UK detention facility, where he was mistreated and ultimately killed.[54] The applicants alleged that their relatives (civilians) fell within United Kingdom jurisdiction when killed and that there had been no effective investigation into their deaths, in breach of Article 2[55] of the ECHR.[56]

The Court examined the elements of governmental authority exercised by the UK forces (Multinational Division (South East) at that time in the province of Al-Basra. It noted that as occupying powers in Iraq from end of combat operations on 1 May 2003, " the United States of America and the United Kingdom, having displaced the previous regime created the CPA to exercise powers of government temporarily…the provision of security in Iraq, including the maintenance of civil law and order."[57]

Importantly, the Court - not unlike the Court in *Nuhanovic*, noted the formal terms and construction of the Security Council resolutions, in particular UNSCR 1483 which "gave further recognition to the security role which was assumed by the …United Kingdom calling upon the Occupying Powers 'to promote the welfare of the Iraqi people…including in particular

50 *Ibid* at paragraph *3.12.3.*
51 *Al-Skeini and others v. The United Kingdom,* Application no. 55721/07, 7 July 2011((hereinafter *Al-Skeini GC.)*
52 See House of Lords Appeal, *Al-Skeini & Ors* [2007] UKHL 26, paragraph 6: Mr Hazim Jum'aa Gatteh Al-Skeini was shot dead on 4 August 2003 by a member of a British military patrol in Basra; Mr Muhammad Abdul Ridha Salim was fatally wounded on 6 November 2003 when British troops raided a house in Basra; Mrs Hannan Mahaibas Sadde Shmailawi was shot and fatally wounded on 10 November 2003 in the Institute of Education in Basra, she was shot unintentionally during an exchange of fire between a British patrol and a number of gunmen; Mr Waleed Sayay Muzban was shot and fatally injured on the night of 24 August 2003 in Basra. He was driving a people-carrier when he was shot, and he died the next day; Mr Raid Hadi Sabir Al Musawi was shot and fatally wounded by a member of a British military patrol in Basra on 26 August 2003; Mr Baha Mousa was employed as a receptionist at a hotel in Basra and was working there on the morning of 14 September 2003 when British troops entered the hotel. He was seized and detained and taken to a British military base in Basra At the base he was brutally beaten by British troops. He died of the injuries so inflicted during the night of 15 September 2003.
53 *Al-Skeini GC*, supra note 51, at paragraph 143 "…the Court takes as its starting point that on 20 March 2003, the United Kingdom together with the United States…entered Iraq with the aim of displacing the Ba'ath regime…. This aim was achieved by 01 May 2003, when major combat operations were declared to be complete and the United States and the United Kingdom became Occupying Powers within the meaning of Article 42 of the Hague Regulations."
54 Marko Milanovic "*Al-Skeini and Al-Jedda in Strasbourg*", *The European Journal of International Law* Vol. 23 no. 1(2012): page 125, available at: https://academic.oup.com/ejil/article-pdf/23/1/121/1406079/chr102.pd.
55 Article 2 of the European Convention of Human Rights (ECHR) does impose an obligation on States to conduct effective official investigations where individuals have been killed as a result of the use of force, see *McCann v The United Kingdom* (1995) 21 EHRR. In addition the Court has set out that has determined that an Article 2-compliant investigation must be reasonably prompt, independent and effective, have a sufficient element of public scrutiny and appropriately involve the subject or next of kin, see, *Hugh Jordan v UK* [2001] App No 24746/94, BAILII: [2001] ECHR 327, para 107; *Kelly and Others v UK* [2001] App No 30054/96, BAILII: [2001] ECHR 328, para 95; *McKerr v UK* (2002) 34 EHRR 20, para 112n no. 55721/07.
56 *Al-Skeini GC*, supra note *49* at paragraph 3.
57 *Al-Skeini GC*, supra note *51* at paragraph 143.

working towards the restoration of conditions of security and stability""[58]; UNSCR 1511[59] which "authorised a Multinational Force...to take all necessary measures to contribute to the maintenance of security and stability in Iraq, including for the purposes of ensuring necessary conditions for the implementation of the time table and programme as well as to contribute to the security of the United Nations Assistance Mission for Iraq, the Governing Council of Iraq and other institutions of the Iraqi interim administration, and key humanitarian and economic infrastructure;"[60]and UNSCR 1546[61] which "endorsed the formation of a sovereign interim government of Iraq...which will assume full responsibility and authority by 30 June 2004 for governing Iraq."[62]

The Court concluded that the "United Kingdom...assumed in Iraq the exercise of some of the public powers normally to be exercised by a sovereign government. In particular...authority and responsibility for the maintenance of security."[63] In these exceptional circumstances, the Court considered that the United Kingdom, through its soldiers engaged in security operations in Basra during the period in question, exercised authority and control over the individuals killed in the course of the security operations so as to "establish a jurisdictional link between the deceased and the United Kingdom for the purposes of Article 1 of the Convention."[64]

The case is important since as it presents the Court's approach to extraterritorial jurisdiction as being more expansive, applying a personal model of jurisdiction to the killing of all six applicants, but did so "only exceptionally, because the UK exercised public powers in Iraq,"[65] which was grounded on the particular facts as evidenced from the mandates. The ruling on jurisdiction should be measured against the fact that UK forces were operating in a chaotic theatre of operations, the Court noted that since 1 May 2003 there had been "1050 violent attacks against Coalition Forces in the Multinational Division (South-East)...12 grenade attacks...101 attacks using improvised explosive devices...145 mortar attacks. 147 rocket propelled attacks, 535 shootings..."[66] It was in this environment, the "British army was the sole agent of law and order, within its area of operations."[67] This ruling from the commander's perspective cuts to the gravamen of the matter where Convention rights are expected to be respected in Peace Operations - *post bellum*, where there are simply not the requisite amount of troops in a theatre to impose law and order.

The case of *Al-Jedda v. The UK* [68] engaged with the thorny matter of attribution for wrong doing between the UN and the State, and the equally difficult matter of UN obligations as set out under mandate versus a State's obligations under human rights law. In this case the

---

58 *Al-Skeini GC*, supra note *51* at paragraph 146.
59 S/RES/1511 (2003) 16TH October 2003, OP 13: "…authorises a Multinational Force under unified command to take all necessary measures to contribute to the maintenance of security and stability in Iraq, including for the purposes of ensuring necessary conditions for the implementation of the timetable and programme as well as to contribute to the security of the United Nations Assistance Mission for Iraq, the Governing Council of Iraq and other institutions of the Iraqi interim administration and key humanitarian and economic infrastructure." Available at: www.un.org/en/sc/documents/resolutions/2003.shtml.
60 *Al-Skeini GC*, supra note *51* at paragraph 148.
61 S/RES/1546 (2004) 8th June 2004, OP 10: "Decides that the Multinational Force shall have authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq…including by preventing and deterring terrorism, so that the United Nations can fulfil its role in assisting the Iraqi people…" Available at: www.un.org/en/sc/documents/resolutions/2004.shtml.
62 *Al-Skeini GC*, supra note *51* at paragraph 148.
63 *Al-Skeini GC*, supra note *51* at paragraph 149.
64 *Al-Skeini GC*, supra note *51* at paragraph 149.
65 *Supra* note 54 at page 130.
66 *Al-Skeini GC*, supra note *51* at paragraph 23.
67 *Al-Skeini GC*, supra note *51* at paragraph 22 citing the Aitken Report (paragraph 69) which was prepared on behalf of the Army Chief of General Staff.
68 *Al-Jedda v. The United Kingdom*, Application no. 27021/08, judgement 7th July 2011, hereinafter (*Al-Jeddah GC*).

applicant was detained by British forces in Iraq under the authority to detain preventatively under UNSCR 1546.[69] He claimed his detention was unlawful under Article 5[70] of the ECHR, while the UK relied on Article 103 of the UN Charter, which provides that in the event of a conflict between the obligations of the Members of the UN and their obligations under any other international agreement, the obligations under the Charter shall prevail. The UK accepted that by virtue of his detention he did actually fall within Article 1 of the ECHR, however, the UNSCR authorisation to detain trumped any human rights obligations under the ECHR by virtue of Article 103 of the Charter, thereby the grant of detention authority in UNSCR 1546 prevailed over the contrary prohibition in Article 5 ECHR.

In respect of attribution, the Court did not consider that, as a result of the "authorisation contained in Resolution 1511, the acts of soldiers within the Multinational Force became attributable to the United Nations or – more importantly, for the purposes of this case – ceased to be attributable to the troop-contributing nations."[71] On the substantive issue, the Court ruled that "in interpreting its resolutions, there must be a presumption that the Security Council does not intend to impose any obligations on Member States to breach fundamental principles of human rights. In the event of any ambiguity in the terms of a Security Council Resolution, the Court must therefore choose the interpretation which is most in harmony with the requirements of the Convention and which avoids any conflict of obligations."[72]

Again, this case signals particular vectors. In respect of attribution- which was also considered in *Nuhanovic*, the Court now essentially admits the possibility of dual or "multiple attribution of the same conduct to the UN and to a State."[73] Significantly, in respect of the balance between the demands of a mandate and a State's human rights obligations, the Court has laid down a clear statement rule for interpreting Security Council resolutions "that can go a long way in providing meaningful human rights check on the Security Council."[74] In this case the Court found that Mr. Al-Jedda was unlawfully detained.

Respecting the Entry Point

The Leuven manual correctly, in this author's view, identifies the jurisdiction of the ECHR as an important "entry point for legal human rights obligations for Peace Operations."[75] The Court in setting out a very broad interpretation of 'jurisdiction' in conjunction with very clear position as regards attribution of the same conduct to the UN and the State[76] may prove to be important for securing human rights compliance with respect to UNSC decisions. More

---

69 S/RES/1546 (2004) 8th June 2004 at op. para. 10 and annex: "Decides that the Multinational Force shall have authority to take all necessary measures to contribute to the maintenance of security and stability in Iraq in accordance with the letters annexed to this resolution." The letters referred to were sent to the Council by the then U.S. Secretary of State, Mr. Colin Powell, and the interim president of Iraq. The letters outlined the duties of the MNF forces stating that these 'will include combat operations against members of insurgent groups, internment where this is necessary for the imperative reasons of security', Available at: www.un.org/en/sc/documents/resolutions/2004.shtml.
70 Article 5 "Right to liberty and security 1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law." Available at: https://www.echr.coe.int/Documents/Convention_ENG.pdf.
71 *Al-Jedda, GC*, supra note 68 at paragraph 80.
72 *Ibid*., at paragraph 102.
73 *Supra* note 22 at page 137.
74 *Ibid*.
75 *Supra* note 17 at page 80.
76 *Al-Jedda v. The United Kingdom*, Application no. 27021/08, judgement 7th July 2011, paragraph 80 **"**The Court does not consider that, as a result of the authorisation contained in Resolution 1511, the acts of soldiers within the Multinational Force became attributable to the United Nations or – more importantly, for the purposes of this case – ceased to be attributable to the troop-contributing nations."
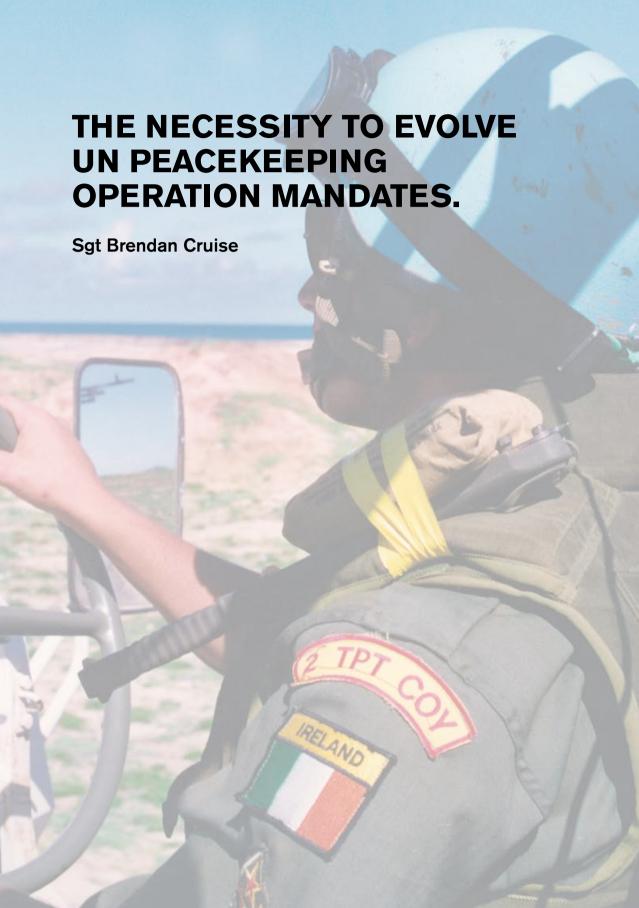
importantly, this jurisprudence fosters accountability, opening, as stated by the Court in *Nuhanovic*, "..the possibility of judicial assessment in retrospect of the conduct of the relevant troop contingent."[77]

How soon and how far this 'entry point' should be identified by planners and commanders prior to deployment on Peace Operations remains open for further discussion, and is outside the scope of this article.

However, it is submitted that the 'particular facts' of *Al- Skeini*, *Nuhanovic and Al-Jeddah* are not beyond the operational picture of any deployment on Peace Operations, given the increasingly broad mandates and robust rules of engagement, where protection of civilians and powers of detention are the norm, moving human rights closer to the centre of Peace Operations. In particular, where human rights obligations may suddenly crystallize arising from actions taken by commanders in robust theatres of operation. Perhaps it is somewhat apposite to leave the final words to the concurring opinion of Judge Motoc in *Jaloud v. The Netherlands* that "Soldiers who take part in peace-keeping operations or are members of multi-national forces cannot enjoy immunity simply on account of the fact that their State is participating in such operations."[78]

---

77 Nuhanovic, supra note 40.
78 *Jaloud v. The Netherlands*, Application no.47708/08, concurring opinion Judge Motoc, 20 November 2014, at paragraph 20.

THE NECESSITY TO EVOLVE UN PEACEKEEPING OPERATION MANDATES.

Sgt Brendan Cruise

"The change began in Somalia, where we discovered that we were involved in an operation where there was no peace, so there was no more a peacekeeping operation because there was no peace."
Boutros Boutros-Ghali

Abstract

UN peacekeepers are rarely deployed to a region where war has ended with a decisive outcome, they tend to be deployed in an attempt to maintain peace where both sides have the capacity to disrupt it, Peacekeeping operations (PKOs) are tasked with the authority to act in a certain way via UNSC resolutions which produces mission mandates, traditional PKO mandate provisions tended to be the ensuring of basic safety and security by keeping warring factions apart via establishing a defined buffer zone and monitoring ceasefires to ensure that the combatants on both sides are complying with any peace agreement thus creating an environment where both conflict and peace is frozen, whilst more modern peace-building mandates are defined as an "action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict."

The high profiled PKO failures of the UN mission in Somalia and during the Rwandan genocide led to the publication of a report stating that PKOs would now attempt to prevent the continuation or resumption of violence by creating a sustainable peace through the process of peace-building rather than focus on the more traditional objectives.

The traditional mandates of PKOs can be looked upon as an initial short-term solution concerned with the management of an ongoing dispute, whilst PBMs aim for a more long-term resolution focusing its attention on preventing the recurrence of conflict between the same adversaries coupled with creating a stable environment for all.

Introduction

The United Nations Security Council (UNSC) through a unique global-partnership has mandated over 70 missions. These Peace-Keeping Operations (PKO) are the combination of the legal and political authority of the UNSC. In order to commit to such PKOs, the UNSC draws upon contributions of personnel and finance from member States, the support of host countries and the accumulated experience of the Secretariat in establishing and managing operations in countries affected by conflict. Peacekeepers are utilised to fill the gap in the transitional period following a cease-fire until trust can be re-established and self-enforcing domestic political institutions can take over. For this transition to take place Peacekeepers are often deployed in a manner so that they are the largest and most visible international presence on the ground[1].

PKOs are tasked with the authority to act in a certain manner via UNSC resolutions which produce mission mandates. They were envisaged to be about ensuring basic safety and security by keeping warring inter-state factions apart via establishing a defined buffer zone and monitoring

---

1 Gilligan, M.J. and Sergenti, E.J., 2008. Do UN interventions cause peace? Using matching to improve causal inference. *Quarterly Journal of Political Science,* 3(2), pp. 89-122.

ceasefires to ensure that the combatants on both sides are complying with any peace agreement thus creating an environment where both conflict and peace is frozen[2]. During the 1990s these provisions were extended to include more long-term solutions and complex tasks, such as judicial and security sector reform, thus placing an emphasis on establishing a more stable conflict resolution plan. There was an increasing realisation that their traditional mandates failed at establishing long-term peace settlements and so mandates have evolved with a clear focus on creating a conflict resolution option.

This paper argues that PKOs under the umbrella of traditional mandates are justifiably being replaced by more demanding and complex Peace-Building Mandates (PBM). This evolution does not signal the end of military led peacekeeping efforts but a shift in the development of multi-agency efforts in creating long-term peace and stability.

Traditional Mandates in PKOs

The very first UNSC mandate dealt with The Palestine Question[3]. This mandate was concerned with solving an immediate problem by preventing further violence within the Middle East region by preventing military personnel and war material from being transported in or out of Palestine, Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Jordan or Yemen during the cease-fire, this was to be supervised by UN mediators and military observers. However, the mandate had scant regard for future peace-building or considerations for any of the deeper issues of this conflict. There have been times in the not too distant past when Peacekeepers were tasked with unrealistic expectations and objectives which were not compatible with what could be achieved. An example of this was the original traditional mandate directed at re-establishing peace in Lebanon[4], where the focus was on confirmation of the withdrawal of Israeli forces from southern Lebanon, the restoration of peace, and ensuring the return of the Government of Lebanon's effective authority in the region. UNIFIL[5] was hastily organised as an "interim" force to prevent events in South Lebanon from escalating this rush to deploy peacekeepers led to mandate short comings such as UNIFIL operating in accordance with traditional peacekeeping principles rather than looking at resolving the deeper issues of this conflict.

Traditional PKO mandate provisions derive from Chapter VI of the UN Charter which deal with the peaceful settlement of disputes, these PKOs were usually deployed following a cease-fire but prior to any real solid final peace agreement being established, they created and policed a buffer zone and assisted the demobilisation and disarmament of military forces[6]. This however, tended to freeze the status quo and inhibit change by removing some of the pressure on the disputants to make concessions and settle the dispute[7]. With these grievances in place and underlying issues still in dispute, conditions are more suited towards the resumption of hostilities. The primary purpose of traditional mandate PKOs has been to prevent the immediate resumption of conflict so they are an effective conflict management tool but not an effective conflict resolution option.

2 Ibid
3 UN Security Council Resolution 50 adopted in 1948.
4 UN Security Council Resolution 425 adopted in 1978.
5 United Nations Interim Force in Lebanon.
6 Doyle, M.W. and Sambanis, N., 2000. International peacebuilding: A theoretical and quantitative analysis. *American political science review,* 94(04), pp. 779-801.
7 Supra note 8.

Studies have shown that traditional mandates prolong cease fires[8] and have a significant effect in lengthening post-war periods of peace but they also have no significant effect in shortening wars[9]. This is because they are unlikely to resolve conflicts as they have not eliminated the underlying issues in dispute[10]. If there is a failure to reconcile past uncertainties and disputes completely, then conditions can be created where parties believe that a renewed war will lead to a better settlement and so a vicious cycle of combat is created.[11]

A prime example of this type of stagnation can be seen in Cyprus[12] where due to the absence a political settlement the UNFICYP[13] force has existed through a traditional mandate and remained on the island for over 50 years mainly to supervise and maintain a buffer zone between factions known as "the Green Line". This mission is often cited as a UN PKOs failure at conflict resolution. It would be remiss to cite this as the only effort to resolve this conflict, as there have been other endeavours that have been unsuccessful, leading to this conflict becoming a diplomatic graveyard for efforts such as the Annan Plan, numerous unsuccessful negotiations, and EU working groups.

In the Kashmir region[14] the UN observer mission UNMOGIP[15] has been in place since 1949, with the main objective under the traditional mandate to observe developments pertaining to the strict observance of the ceasefire and to report thereon to the Secretary-General. This mission is not without its own problems as both India and Pakistan disagree about UNMOGIP's current mandate even though it has been altered. Nonetheless, its resources and manpower has remained at a limited capacity and so UNMOGIP exists as an observer mission.

Closer to home, Óglaigh na hÉireann has deployed hundreds of its serving members on UN PKOs since 1958 and is still today deploying troops across the globe under different UNSC mandates. Irish troops have been deployed in south Lebanon since 1978 under two UNIFIL mandates, UNSCR 425 and UNSCR 1701[16], the latter being a product of the 2006 conflict demonstrating that UNIFIL was not able to provide effective protection in the context of armed hostilities south of the Litani River. Significantly, the evolved UNIFIL mandate calls for Israel and Lebanon to support a long-term solution, and has seen the number of tasks increase and diversify to include a vital Protection of Civilian's (POC) element.

Across the border in Syria[17] Irish personnel are deployed in an area of separation in the Golan Heights, as part of UNDOF[18] observer mission although the Irish deployment has increased to include the establishment of a Quick Reaction Force within this region. These two mandates are still traditional in the sense that they are peacekeeping and observer missions as opposed to peace-building missions, so they are part of keeping the status quo instead of moving parties towards an ultimate resolution. These missions, combined, are a large task for the Irish Defence Forces where for Ireland, significant numbers of troops and military equipment are deployed

8 Fortna, V.P., 2004. Does peacekeeping keep peace? International intervention and the duration of peace after civil war. *International Studies Quarterly,* 48(2), pp. 269-292.
9 Supra note 1.
10 Werner, S., 1999. The precarious nature of peace: Resolving the issues, enforcing the settlement, and renegotiating the terms. *American Journal of Political Science,* pp. 912-934.
11 Werner, S. and Yuen, A., 2005. Making and keeping peace. *International Organization,* 59(02), pp. 261-292.
12 UN Security Council Resolution 186 adopted in 1964.
13 United Nations Peacekeeping Force in Cyprus.
14 UN Security Council Resolution 39 and 47 both adopted in 1948.
15 United Nations Military Observer Group in India and Pakistan.
16 UN Security Council Resolution 1701 adopted in 2006 which draws on both Chapter VI and Chapter VII of UN Charter.
17 UN Security Council Resolution 350 adopted in 1974.
18 United Nations Disengagement Observer Force.

into these hostile environments with no real aim to eliminate the source of the conflict and so they have no clear resolution process in sight.

Through lessons learned from previous missions, the UNSC have worked to provide a broader multidimensional approach when creating PKOs so that a self-sustaining long-term peace can be established and maintained.

Peace-Building Mandates

Several key incidents led to a change of direction concerning the drafting of mandates including the high profiled PKO failure of the UN mission in Somalia, the inaction of UN peacekeepers during the Rwandan genocide and in Srebrenica, and the publication of a report in 1992 by the then UN Secretary-General Boutros Boutros-Ghali stating that PKOs would attempt to prevent the continuation or resumption of violence by creating a sustainable peace through the process of peace-building rather than focus on the more traditional objectives.[19] The UNSC expanded its core mission from providing security through monitoring and de-militarisation activities in the aftermath of cease-fires or peace agreements to adopting a broad range of measures aimed at the sustainable peaceful transformation of societies emerging from violent conflict[20]. These new peace-building mandates develop conflict resolution using a three-pronged approach: (1) a military pillar, the peacekeepers/the blue helmets; (2) a diplomatic and political pillar, Special Representative of the UN Secretary-General; and (3) a humanitarian pillar, specialised agencies such as the Office of the UN High Commissioner for Refugees or the United Nations Development Programme.[21]

Member States re-committed their peacekeepers and additional agents, so they would now seek to address the root causes of violence, creating a societal expectation for peaceful resolution and stabilization of society, both politically and socioeconomically. This concept of peace-building was defined as an *"action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict"*[22], and was a clear attempt to establish long term peace as the ultimate resolution and not just keeping factions from engaging in conflict. Indeed, over time Secretary-General Boutros-Ghali placed more emphasis on the need for peace-building mandates than he did on traditional peacekeeping mandates.[23]

An example of this evolution can be seen in the UN operation in Somalia[24] where in 1991 civil war broke out and under UNOSOM I[25] Peacekeepers were initially deployed in a traditional manner to monitor the cease-fire, provide security and protection for UN personnel in vital areas in and around Mogadishu, and to escort humanitarian assistance to distribution centres.

Within a year this traditional mandate had evolved to an expansive mandate[26] creating UNOSOM II[27] so that the operation became a multidimensional peace-building mission which included long term tasks such as assisting in the reconstruction of political life, re-establishing

19 Jett, D.C., 2000. *Why peacekeeping fails.* Springer.
20 Franke, V.C. and Warnecke, A., 2009. Building peace: An inventory of UN Peace Missions since the end of the Cold War. *International Peacekeeping,* 16(3), pp. 407-436.
21 Hatto, R., 2013. From peacekeeping to peacebuilding: the evolution of the role of the United Nations in peace operations. *International Review of the Red Cross,* 95(891-892), pp. 495-515.
22 Boutros-Ghali, B., 1992. *An agenda for peace.* New York: United Nations.
23 Diehl, P.F., Reifschneider, J. and Hensel, P.R., 1996. United Nations intervention and recurring conflict. *International Organization,* 50(04), pp. 683-700.
24 UN Security Council Resolution 751 adopted in 1992.
25 United Nations Operations in Somalia I.
26 UN Security Council Resolution 814 adopted in 1993.
27 United Nations Operations in Somalia II.

the national and regional institutions and assisting the re-organisation of the Somali judicial system.[28] The language used in UNOSOM II was very different from that used in UNOSOM I. Notably, there was a clear directional change towards peace-building with the mission focusing on long term peace and stability rather than keeping the conflict frozen in its current state.

UN mandates are now routinely expansive in their tasking's. For example, the UN mission in the Democratic Republic of the Congo[29] (MONUSCO[30]), lists no less than 45 different tasks. The UN mandate which is concerned with the situation in Mali[31] (MINUSMA[32]) has added requirements such as the necessity to support transitional authorities in areas of unrest throughout the country, not to mention an undertaking with the Malian transitional authorities to hold free, fair, transparent and inclusive presidential and legislative elections. Further responsibilities include the support of both national and international efforts towards rebuilding the Malian security forces and support in the implementation of Mali's transitional road map, as well as the promotion and protection of Human Rights. MINUSMA's remit also deals with the area of national and international justice by supporting the efforts of the transitional authorities to bring to justice those responsible for war crimes and crimes against humanity that have taken place within Mali. It goes without saying, this is a demanding mandate, which presents operational and logistical challenges. MINUSMA may be a case of a mandate being too expansive with many varying requirements which could be too difficult to be delivered by the Force Commander.

With the failure of certain missions and the development of others, the UNSC has realised that the traditional PKO mandates are no longer sufficient in obtaining peace and so they evolved towards this multidimensional approach with the added political and social aspect. These broader mandates are dependent primarily upon the resolution of political differences and the alleviation of political or social grievances[33]. Such a task would have been above the remit of traditional PKOs regardless of the number of troops and resources deployed to troubled regions. Now more civilians are deployed along with troops to attempt to help transitional authorities create a stable environment, this is due to the theory that for stability to exist in an area of conflict, peacekeepers alone cannot provide the permanent solution, as only political negotiation can do that[34]. The transformational PBMs encompass peace-building efforts and attempts to create and sustain the conditions under which the political process of reconciliation can move forward, however these more ambitious and extensive type of mandate requires a larger and better equipped peacekeeping force[35]. Moreover, these ambitious mandates will inevitably create tension between operational and logistical requirements. Indeed, it is no longer solely a military operation but also contains civilian subject matter experts or non-government organisations involved in areas such as human rights, rule of law, and gender advisory. The co-ordination between military and civilian component pose significant challenges for military command as soldiers are conditioned to discipline and following standard operating procedures whereas civilians often regard themselves as outside the military chain of command.

---

28 Supra note 5.
29 UN Security Council Resolution 1925 adopted in 2010.
30 United Nations Organisation Stabilisation Mission in Democratic Republic of Congo.
31 UN Security Council Resolution 2100 adopted in 2013.
32 United Nations Multidimensional Integrated Stabilisation Mission in Mali.
33 Fearon, J.D., 2004. Why do some civil wars last so much longer than others? *Journal of Peace Research,* 41(3), pp. 275-301.
34 Supra note 7.
35 Supra note 5.

Most Peace-Building Mandates (PBM) have been set up to help implement a comprehensive negotiated peace agreement of long-standing conflicts, if there is a peace treaty in place and in conjunction with the cooperation of the parties, then PBMs can assist with the institutional and political reform that helps secure longer term self-sustaining peace through development and stability36. This policy of political stability through peace and development must be pursued in an integrated and mutually supporting way, making all parties aware of the inseparable links between peace and development in order for it to succeed.37

The mandates of multidimensional PBMs encompass strengthening state structures and the relevant country government (assuming there is one, as was the situation in Liberia when UNMIL38 was deployed there) so that hostilities will remain a thing of the past allowing countries to focus on development rather than combat39. These mandates seek to create the conditions necessary for a sustainable peace in war-torn societies by pursuing civil and military conflict management at the social, economic and political levels40. These matters are addressed in conjunction with traditional peacekeeping issues and are a supplement to peacekeeping forces with large civilian components used to monitor elections, train or monitor police, human rights issues and even temporarily administer the country.41

There is evidence that multidimensional PBMs which include economic reconstruction, judicial and election oversight significantly improve the chances of peace42, however, to ensure a successful outcome depends on these peace-building missions being given the appropriate authority, personnel, and resources to develop the peace-building ecology in which it is planned that they will operate43. Some studies have shown that such PBM missions have a positive effect in the reduction in violence and lead to the establishment of higher order peace in post conflict whilst at the same time retaining the sovereignty of the local government.44

Although this approach is obviously a step in the right direction there are issues with the implementation of these mandates because UNSC resolutions that define mandates are themselves political documents and mandated goals are often crafted in vague ambiguous terms in order to embody political compromises45. If the correct multidimensional PBM is secured by UNSC and properly implemented, then there is less than 50% chance of war reoccurring46 and the odds of peace-building success can be up 23 times larger than against a region in which no such operation was deployed47. These numbers show that if a peace-building mandate is implemented then there is a more concerted effort at establishing an ultimate peaceful resolution.

36 Supra note 20.
37 Supra note 7.
38 UN Security Council Resolution 1509 adopted in 2003 and completed in 2018.
39 Ruggeri, A., Gizelis, T. and Dorussen, H., 2013. Managing Mistrust: An Analysis of Cooperation with UN Peacekeeping in Africa. *Journal of Conflict Resolution,* 57(3), pp. 387-409.
40 Supra note 7.
41 Supra note 21.
42 Supra note 20.
43 Supra note 16.
44 Supra note 5.
45 DPKO, A. and DFS, U., 2009. New Partnership Agenda: Charting a New Horizon for UN Peacekeeping.
46 Supra note 5.
47 King, G. and Zeng, L., 2007. When can history be our guide? The pitfalls of counterfactual inference1. *International Studies Quarterly,* 51(1), pp. 183-210.

Success or Failure

UN peacekeepers are rarely deployed to a region where war has ended with a decisive outcome. They tend to be deployed to maintain peace where both sides have the capacity to disrupt it[48]. This situation causes its own dilemma if there is no clear path to peace, then the dominant priority can be to prepare for future war rather than to reconstruct devastated economies and rebuild infrastructures.

One argument is that paradoxically PKOs can hinder long term peace because they attempt to end or interfere with the conflict before combatting parties can learn their opponents' true military strength and so the dominate side is never revealed. This is a vital factor, as establishing an opponents' military strength is an important determinant of a parties bargaining strength. It could be argued that after several years of war the military strength of the factions is fairly well known, so if a PKO is implemented then, military strength may no longer be as salient to the outcome of negotiations because readily deployed peacekeepers can reduce or eliminate the possibility that a faction will lose the war outright[49]. An uninterrupted war where no peacekeepers are deployed would certainly cause more death and destruction and lead to an unjust outcome from one perspective or another, but it would also bring forth a situation where negotiations would have to take place thus leading towards a postwar era without the need to establish a PKO,[50] so here parties would effectively be giving war a chance. This approach requires careful consideration and handling as it could cynically be used to justify inaction by the international community.

There is also a perception that a fundamental disconnect has developed between expectations, based on mandates, and the actual delivery of peace and stability through peacekeeping operations. This can be attributed to military forces either trying to do too much or by doing too little, or what is sometimes known as mission cringe or mission creep. Mission cringe is the term for a group of perceived inadequacies which give rise to allegations of doing nothing, avoiding the issue and appeasing bullies. It suggests that there are discrepancies between desirable ends and the means attempted or not attempted to achieve them. It is primarily a problem at the level of UN mandates, political will and strategic planning.51

Mission creep occurs when there is an incremental increase in the tasks assigned UN forces to the point that the tasks far exceed initial expectations of what the forces had planned for and were equipped to achieve52. Mission creep was experienced in UNOSOM II which was initiated as a humanitarian assistance mission but extended well beyond this objective. Both symptoms are difficult to avoid unless the mission Force commander interprets the mandate in a strict sense, a task which, in itself, is unrealistic.

For future and current mandates to be successful, regardless of whether they are traditional or PBMs, the inclusion and enforcement of a Protection of Civilians element is essential as is how effectively the UN responds, or is perceived to have responded, to protect civilians at

_____

48 Supra note 18.
49 Supra note 1.
50 Supra note 45.
51 Pugh, M., 1997. From mission cringe to mission creep? Implications of New Peace Support Operations Doctrine. _Forsvarsstudie._ Defence Studies No 2/1997.
52 Daniel, D.C.F and Hayes, B.C., 1996. Securing observance of UN mandates through employment of military force. _International Peacekeeping._ Vol 3, Issue 4, pp. 105-125.

risk[53]. The UN has normalised its obligation to protect civilians at risk in armed conflict as a 'strategic objective of peacekeeping' – the 'flagship activity of the UN'[54,], indeed POC has also become a central criterion of its legitimacy although there is need for greater clarity on expectations for the use of force and the accountability of relevant stakeholders for failing to protect civilians, including as a result of not using force. The UNSC mandated POC for the first time in Resolution 1270 on Sierra Leone (UNAMSIL)[55], authorising UN peacekeepers to 'afford protection to civilians under imminent threat of physical violence'[56]. This language has effectively served since as the de facto definition of POC as no single definition exists[57]. POC in UNSC mandated peacekeeping operations, conditioned upon consent of the host state, has over time rallied broad support not only from the UN's membership but also from troop contributing countries, even though, much like implementing PBMs, the application of POC requires a multidimensional effort. It should also be emphasised that protecting civilians from physical violence cannot be a substitute for a political process[58].

Conclusion

UN Peacekeepers and the mandates that direct them cannot anticipate all the tasks critical to a country's transition towards peace and so each conflict requires a customised response[59]. The more appropriately designed the mandate of the UN operation then the better the prospects for peace[60]. Consent based multidimensional PBMs tend to be more successful if there is a mandate to end the violence and to ultimately stop it from reoccurring by establishing a solid political bedrock for development[61]. After much criticism and high-profile failures, the UN gradually broadened its PKO mandates with the development of a more comprehensive approach, actively promoting sustainable peace processes and supplementing classical peacekeeping with long term peace-building mandates.[62]

The traditional mandates of PKOs can be looked upon as an initial short-term solution concerned with the management of an ongoing dispute, whereas PBMs aims for a long-term resolution focusing on preventing the recurrence of conflict between the same adversaries coupled with creating a stable environment for all[63]. The traditional mandate did not require UN peacekeeping to be well equipped to tackle the troubled social and economic dimensions in conflict zones and these Blue Helmets often managed with difficulty to facilitate their mission objectives[64]. They relied on others to provide sustainable development and capacity-building support whereas now these requirements are a substantial part of PBMs.

---

53 Shesterinina, A., and Job, B.L., 2016. Particularized protection: UNSC mandates and the protection of civilians in armed conflict, *International Peacekeeping*, 23:2, pp. 240-273.
54 UN Office of Internal Oversight Report (*UN, Evaluation of the Implementation*,para. 3).
55 United Nations Mission in Sierra Leone.
56 UN Security Council Resolution 1270 adopted in 1999.
57 Proust, A., and Swift, L., 2018. Protection of Civilians, *International Peacekeeping*, 25:3, pp. 471-474.
58 Ibid.
59 Ahmed, S., 2005. No size fits all: Lessons in making peace and rebuilding states. *Foreign affairs*, pp. 162-169.
60 Sambanis, N. and Doyle, M.W., 2007. No easy choices: Estimating the effects of United Nations peacekeeping (response to King and Zeng). *International Studies Quarterly,* 51(1), pp. 217-226.
61 Supra note 20.
62 Supra note 5.
63 Supra note 8.
64 Kjeksrud, S. and Ravndal, J.A., 2010. Protection of civilians in practice-emerging lessons from the UN mission in the DR Congo. *Kjeller: Norwegian Defence Research Establishment, FFI report,* 2378.

The UN realised that they must focus on long-term conflict resolution with some changes in strategy in order to meet new challenges[65], but this does not mean that traditional mandates will be made totally redundant; a resurgent Russia, a new Cold War, and the rise of China as the possible hegemonic state could well make traditional inter-state conflict important once again with the need for a traditional "line in the sand" PKO approach.

Nonetheless, we have reached the stage whereby it may be advantageous for the UN to consider phasing out the traditional peacekeeping mandates in favour of PBMs, subject to UNSC geopolitics. Even though PKOs still invariably include military personnel they are supplemented by a civilian element who often have a significant role in implementing comprehensive and complex settlements of future desires[66]. As may be the case with the mandate of MINUSMA, a Force Commander may be required to downplay some aspect of mandate over another, and give priority to one aspect at a given time such is the variety of tasks produced from PBMs.

The presence of uniformed UN peacekeepers working under especially challenging circumstances is not a silver bullet and their deployment certainly does not guarantee lasting peace although it does tend to make peace more likely to last. Such an outcome can be attributable in large part to the performance of the political parties negotiating long-term peace agreements[67]. While the mandate that PKO troops are deployed under is key to creating long term resolutions, Peacekeeping is only one part of a political solution towards establishing self-sustained peace. It is not an alternative.[68]

---

65 Supra note 8.
66 Supra note 7.
67 Supra note 17.
68 Supra note 18.

"IS CIMIC AN EXTENSION OF MILITARY STRATEGY IN PEACE KEEPING OPERATIONS?"

Comdt (AR) Tommy Martin

Abstract

Is CIMIC just an afterthought, a "nice to have", but not really central to the fulfilment of a defined military strategy, or does it have a deeper purpose? Then again, as strategic aims are updated to reflect the actuality of real politick and developments, will CIMIC itself become the next casualty of war? For centuries, military forces did what they had always done - propagate aggressive operations to defined objectives against an identifiable military, with collateral damage to civilians and property accepted and expected, but not permitted to unduly influence strategic thinking or operational exigencies.

In many senses, not a lot has changed - militaries still do what they have always done, albeit with fewer numbers and much greater use of technology. Belligerents today are much less likely to be from a clearly defined enemy force, but perhaps an amalgam of internal and external part-time fighters coming from, and melting back, into their local community.

CIMIC is clearly not provided with the intention of occupying idle soldiers hands during their downtime, but has a much more focussed and targeted approach - that of winning the hearts and minds of the local population, by providing tangible and obvious improvements in their daily lives.

However, this presupposes that a level of trust and understanding has been reached to a significant level between the military and the local population, who will naturally be suspicious of those who yesterday were part of a struggle that resulted in the destruction of property and the taking of lives, and who today are keen to put it right through practical projects.

On a different level, CIMIC in practical terms, is also a term that you could argue is interchangeable with Intelligence gathering. As relations improve between the military and the local population and CIMIC projects commence, trust will hopefully follow. From here, it is entirely possible that useful military intelligence will be provided. The ethical dilemma for the military, is whether or not the value of a CIMIC project can be measured for its own sake, or from the information and potential other assistance that may come from it. What lessons can history teach us about these challenges?

Introduction

This paper examines civil military co-operation (CIMIC)[1] in the context of peace-keeping operations and humanitarian interventions. Whereas during the Cold War era, military thinking on CIMIC was relatively unsophisticated, today it has become seen as a vital component of mission success. However, to what extent might the concept include complexities and contradictions that are seldom acknowledged - from the perspectives of militaries and humanitarian assistance agencies? It is argued here that expecting too much of CIMIC is unrealistic, and a 'hybrid model' of military and civilian co-operation might be more useful.

---

1 CIMIC is described as providing "functional expertise, advice and assistance in identifying and assessing in the areas of civil administration, civil infrastructure, economy and commerce, humanitarian aid and assistance and cultural affairs.

Back in the days when CIMIC mattered - but perhaps it didn't

I grew up in an era when the Cold War dominated all military thought processes. In Ireland, military exercises were conducted on the premise of attempting to repel an invading force from wherever it came. Throughout Europe, NATO[2] forces were stationed in Germany and elsewhere, with the sole aim of delaying a Soviet advance, to allow time for US backed forces to mobilise and hopefully deal with the invading forces.

The entirety of SHAPE[3] tactics were based on just this and no more - it was accepted that the troops forming the tip of the NATO sword were, in many ways, sacrificial lambs to the greater good of protecting Western democracy. As one British Army on the Rhine (BAOR) veteran commented: "I spent many long days and nights on manoeuvres, all of which were based on how quickly we could retreat! We were given minimal notice, usually on a weekend, and immediately began the process of packing everything up and heading off in a Westerly direction. The locals were not impressed with our presence to begin with, but when they realised our tactics were to abandon them, I think they became even more apathetic towards us."[4] Clearly there wasn't much evidence of CIMIC in operation in these strategic withdrawal exercises.

The BAOR further annoyed the local population in Germany during training exercises, when they frequently drove tanks and other tracked vehicles through lawns and farmers' fields. This became such an issue with German environmentalists, that each British Soldier taking part in such exercises, was issued a "blue card" highlighting the financial cost to the Army of compensating such damages, while also imposing restrictions on the areas and durations of military training activities.[5] This development clearly illustrates the attitude of the local population towards the BAOR, in that their environment mattered more than their questionable protection.

During the Cold War, civilian considerations by NATO, while not by any means ignored or minimised, were not to the forefront of military doctrine, and certainly co-operation and assistance from militaries to the civilian population, were not factored into strategic or operational thinking. The reason for this is easy to understand - NATO military command had far bigger issues to deal with in terms of repelling an invading and numerically superior hostile force, and didn't have the resources, training or indeed the mindset, to deal with civilian matters to any great extent.

From this remove, such an omission seems strange, in that the entire purpose of a military presence would appear to be to protect the local population and the population would no doubt have felt reassured by such a presence. However the larger strategic objective of real politick meant that it was territorial defence or delaying an advance that was the driver, not necessarily the fate of a number of local people. The bigger picture was always to the forefront of strategic thinking, as one would expect it should.

Today it is all so very different. Mitigating civilian casualties and responding to their displacement, is such a huge part of military planning and operations, that Military Operations conducted in the recent past would not be countenanced today as the risks to civilians would

---

2 North Atlantic Treaty Organisation
3 Supreme Headquarters Allied Headquarters Europe - NATO Headquarters
4 Interview with Major John Godrich, (Retired) British Army Royal Army Medical Corps, 6th June, 2006.
5 "The Scottish Herald", 'British Troops in bid to curb war game damage', newspaper report, 22nd September, 1989.

be considered unconscionable. Much of this can be attributed to the proliferation of social media, with people all over the world having the capacity to instantly record and share events on mobile devices, without censorship, to a wide audience. This development, coupled with a changed mindset and attitude towards civilians, and indeed a more benevolent and empathetic society generally, has put CIMIC in a more central role. However, is this an appropriate role for a military?

CIMIC in an historical context

Firstly, can we assume that CIMIC[6] is really a very new concept? The answer as it turns out is equivocal. CIMIC has been with us, and been a military consideration for as long as war and conflict itself. Militaries have always recognised that civilians are key stakeholders in any conflict, and they have used this for both good and evil - to defend the oppressed, or to oppress the defenceless. We see this again and again throughout history, and we are seeing it continuously on our daily newsfeeds and media reports. The unfortunate, and often intended consequence of conflict, is that people get hurt - usually the weak and defenceless - the civilians. Conflicts today are less likely to be between Nations, but more likely to be "guerrilla wars", and with civilians being centrally involved, usually involuntarily, they suffer the inevitable attendant consequences.

Sun Tzu[7] was acutely aware of the need to consider civilians as part of a military strategy. "In the practical art of war, the best thing of all is to take the enemy's country whole and intact; to shatter and destroy it is not so good."[8] Sun Tzu knew that to destroy the infrastructure of his enemy, while on the face of it being a desirable outcome, would ultimately impact his own forces, in that they would then become burdened with the administration and rectification of the conquered population. There is also the real consideration that to capture or seize and destroy territory or property, is really only denying it to the enemy, while taking such resources away from yourself and delivering a pyrrhic victory.[9]

Sun Tzu was also aware of the impact military operations may have on his own people; "On the other hand, the proximity of an army causes prices to go up; and high prices cause the people's substance to be drained away."[10] This is an important consideration - we are conditioned to think of CIMIC as referring to the population of a belligerent, or in our capacity as the protector of a civilian population displaced or impacted by conflict[11], but it also refers to our own civilian population and their needs and requirements.

While it may have taken some time, we can see that CIMIC centric thinking has permeated military strategic, and indeed operational leadership, as best evidenced by the relatively recent "NATO Military Policy on Civil-Military Co-operation".[12] Under "Terminology and Application", this Policy states; "Changes to the environment within which NATO might operate have led to the development of a new Strategic Concept (SC 99). SC 99 states that the interaction between

6 Civil-Military Co-operation (CIMIC)
7 Sun Tzu was a Chinese General, Military thinker and Philosopher, who wrote the influential book "The Art of War".
8 Sun Tzu, 544 BC - 496 BC
9 A victory that is achieved but at the cost of huge losses. It is attributed to King Pyrrhus of Epirus, who defeated the Romans at Asculum in b.c. 279, but lost his best officers and many of his troops in doing so.
10 Sun Tzu, 544 BC - 496 BC
11 A typical example is the presence of Irish Military personnel in Lebanon since May, 1978 to present, whereby they serve the dual function of monitoring the border and securing by their presence, the safety of the local population, supported by tailored local CIMIC programmes.
12 MC 411/1 NATO Military Policy on Civil-Military Co-operation, updated 18th January, 2002 - NATO International Military Staff.

Alliance forces and the civil environment in which they operate is crucial to the success of operations. This applies to both Collective Defence Operations (CDO) and non-Article 5 Crisis Response Operations (CRO), however it is likely to be of greater importance in the conduct of the latter. Indeed, MC 400/2 states that the multi-functional nature of CROs requires that all military and civilian agencies and organisations involved fully co-operate."

What is interesting about this doctrine, is just how recent it actually is. While CIMIC in various versions has been in existence for some time, there aren't too many examples of this level of depth of thinking throughout history - with the obvious exception of the US Military occupation of their zone in Germany during World War 2, and the subsequent Marshall plan.[13] The Marshall plan is best remembered as an economic programme, but it also ran in tandem with a Military disarmament programme in Germany and elsewhere.

This is a good example of the potential manipulative nature of CIMIC - if not used correctly. The premise that a protectorate controls the purse strings and the flow of vital materials, but will only release these when certain demilitarisations are delivered is understandable. However, such an approach may ultimately cause disaffection amongst the local populace if not carefully managed. We have seen a similar programme during the Northern Ireland peace talks, when the "decommissioning of paramilitary weapons"[14] became a central tenet of the Good Friday Agreement.[15] Even in Los Angeles, there are regular "guns for food" programmes, whereby weapons are surrendered for vouchers, with no questions asked. But none of this is new, the Prophet Isaiah exhorted his followers to; "beat their swords into ploughshares and their spears into pruning forks!"[16]

Of particular interest to Irish Peacekeepers, is the UNMIL[17], weapons "buy back" scheme at Camp Schieffellen, near Monrovia. On the 7th December, 2003, International Peacekeepers were overwhelmed when over 1,000 former warring parties turned up to exchange their weapons for US$300.00 each, but rioted when told they would receive US$150.00 per weapon immediately, with the balance paid at the end of a three-week demobilisation course.[18]

NATO Military policy went on to further categorise CIMIC as; "The co-ordination and co-operation, in support of the mission, between the NATO Commander and civil actors, including national population and local authorities, as well as international, national and non-governmental organisations and agencies."[19]

The key phrase here is; "in support of the mission" - in other words, CIMIC is a means to an end not an end in its own right. This I believe is one of the key challenges of CIMIC - it is too easy for the beneficiary of CIMIC to question or fear the true motives of those providing humanitarian or other logistical support. After all, taken in its purest terms, military personnel are trained in aggressive warfare which in the eyes of many neutrals, is their default setting - however ill-judged that opinion may be. It is therefore difficult, if not impossible, for civilians

---

13 The Marshall Plan, also known as the European Recovery Program, provided US$13 billion in grant aid and funding towards the economic recovery of Europe, from 1948 to 1951.
14 Decommissioning of paramilitary weapons in Northern Ireland, conducted under the control of the independent weapons monitor, General John de Chastelain.
15 On 10th April, 1998, the Good Friday Agreement was signed by all parties to the Northern Ireland conflict, and was supported by the British and Irish Governments, as the framework to deliver peace and end the violence.
16 The Prophet Isaiah - Bible quotation, 2:3-4.
17 United Nations Mission in Liberia
18 IRIN News Humanitarian Journalism 'How best to remove guns from post-conflict zones?', 28th July, 2011.
19 Section 2(4) - MC 411/1 NATO Military Policy on Civil-Military Co-operation, updated 18th January, 2002 - NATO International Military Staff.

to understand or appreciate that CIMIC is usually delivered without obvious expectation of gain or privilege. When you also factor in cultural, economic and social differences between the occupying military and the local population, or indeed if there is a hostile or unfriendly aspect present between both, it then makes the entirety of CIMIC a difficult proposition to implement.

CIMIC - from a Military Commanders' perspective

All military commanders, from Alexander the Great to a young Sergeant leading a routine patrol in South Lebanon today, are primarily concerned about the mission to the exclusion of most else. Military training is structured and geared towards fulfilling the mission - even if this involves death or injury to your own forces and the opposition, a unique requirement of militaries. The mission objective is the end game - this is what must be achieved, and on which success is measured, or the greater strategic goal is reliant.

Militaries place a high premium on leadership and character, but not necessarily in the pursuit of CIMIC objectives - unless these are prioritised in the mission scope. "Leadership is a potent combination of strategy and character, but if you must be without one, be without the strategy."[20]

Military commanders are focused on the deliverables - what must be done, by when and by whom. That is the traditional mindset of the military leader, yet this style of thinking has undergone both a subtle and a dramatic change, certainly over the past twenty years. Senior Commanders of United Nations, African Union, EU or other mandated missions, are responsible for thousands of soldiers - frequently from a range of nations, with different operational methods, abilities and cultural and economic divergences. In addition, there are budgets to manage and the overall responsibility of knowing that decisions they make can have a dramatic impact on the lives of their troops, and the strategic goals of their own country. Military commanders also have to consider the protection of the local population from unacceptable behaviour of their own troops - something that has proven to be quite contentious. It is an onerous responsibility, and one that is mitigated to the fullest extent possible by good intelligence gathering and ongoing relevant and realistic training.

The hierarchical nature of military command has changed - for reasons such as better educated and trained soldiers at all levels - but also because of the ease of communication and distribution of orders, that can be changed quickly to adapt to an evolving situation. The "top down" nature of militaries has evolved, insofar that the Commander can communicate personally, immediately and effectively with all his/her troops at the click of a mouse. There is also a much greater level of flexibility and authority to make decisions devolved to lower levels of command, that would have been unimaginable a short few decades ago, because of an awareness and an immediacy of decision making, not necessarily having to be constantly referred to a higher authority. "Soldiers can sometimes make better decisions that are smarter than the orders they have been given." [21]

---

20 US General Norman Schwarzkopf - Commander Allied Forces - First Persian Gulf War, 1991.
21 Quote attributed to Orson Scott Card, Enders Game

What all this has done, is make the commander more accountable, but also much more in the public eye, and it is with this public awareness, we have witnessed a greater awareness of CIMIC and the necessity to keep it very much to the forefront of military operational thinking.

The military commander, having invested time, resources and personnel, together with an acceptance of a mission scope with boundaries and considerations not countenanced by his historical predecessor, must be satisfied that there is a dividend to his/her forces, for such an investment. This dividend comes in the form of clear and tangible support for his/her force - or at the very least, an absence or largely reduced, aggressive military operations against his/her troops. Such dividend may even extend to the willingness of friendly locals to warn troops of immediate threats such as IEDs[22] - which may present further challenges, by potentially exposing the locals to reprisals. Is the local military commander and his superiors therefore buying local acquiescence? You could argue that is certainly possible, but as in all things, there is a greater good and a more important paymaster to consider.

This is where CIMIC can conflict with military strategy. If the military situation is stagnant or not going well, there is a big temptation for the military commander to try and leverage an advantage through abuse of CIMIC, through covert or overt threats to reduce or withdraw the aid to the civilian population. It would be naïve in the extreme to presume that such thinking does not form part of some greater military strategies, and this is where the real issue with CIMIC as part of peace support missions and operations can conflict.

CIMIC - boots on the ground and the value of a smile

For those engaged in peace support missions, for the maintenance of morale and the fulfilment of the mission, the individual soldier must feel and see that they are making things better for those around them. Unlike a conventional battle or operation, where there is a clearly identified objective that is quantifiable in terms of terrain seized or casualties inflicted, Peace Support operations are measured in terms of military inactivity on the part of the insurgents or warring factions. It appears paradoxical to a well trained military, but the quieter the tour of duty, the more it can be deemed to be a success.

In exactly the same way, the local population must also tangibly see and feel that their lot has improved, their lives are safer, and there is clear water ahead to support them re-booting their lives previously interrupted by conflict and war. This can be difficult - particularly if sympathy remains within the local community for those engaged or propagating the conflict, but it is well recognised that the winning of "hearts and minds"[23] is as much part of the battle as the firing of bullets and bombs. "The shooting side of this business is only 25% of the trouble, and the other 75% lies in getting the people of the country behind us."[24] The key guide to whether or not you are "winning the peace", is evidence based measurements of locals being fed, sheltered, regaining employment and resuming normal life. A stong indicator of the

---

22 IED - Improvised Explosive Device
23 The term was originally coined by French General Louis Hubert Gonzalve Lyautey as part of his strategy to combat the Black Flags Rebellion along the Indochina-China border in 1895. It was also widely used by the British during the Malayan Emergency, but has entered the lexicon of military CIMIC talk following a widespread strategic public relations and self help campaign during the Vietnam War, to enlist the support of the local population in the fight against the Viet Cong.
24 Field Marshal Sir Gerald Walter Robert Templer,KG,GCB,GCMG,KBE,DSO,SMN - British Commissioner - Malayan Insurgency, 1953

restoration of normality, is the building of houses - an effective CIMIC function will closely watch for such signs within the local community.

To maintain this positivity can be a challenge. Much talk was made, and continues to be made of the Northern Ireland "peace dividend".[25] For support to continue for a regime change, whether forced or otherwise, the average man or woman in the street, must reasonably be able to point to something that is better today than yesterday, and will be even better tomorrow and into the future. If however, these changes and improvements are unreasonable or unfair and are interpreted as being a means to maintain the population in subjugation, then there will be an obvious and visible evaporation of support, and the real likelihood of an outbreak of further violence.

The importance of scope and avoidance of Mission creep

To ensure that CIMIC does not become a pawn in a greater game, it is important that the responsibilities for any S5 Officer[26] are clear and unambiguous. To be effective, the S5 must be truly knowledgeable and familiar with all matters relating to the civilian population, and understand and appreciate the local economy, customs and institutions. A further key element is the management of any treaties or agreements, together with visibly working to restore and improve public services, monuments, customs and traditions. The personal skillset of the S5 is very important - he/she must have language skills, an understanding of tribal and extended family systems, and an awareness of the necessity to respect local cultures and traditions - which may be very different from their own. Western militaries routinely struggle to produce suitably qualified S5 personnel with the necessary skillset for some conflict zones - Iraq and Afghanistan being recent examples.

It is all too easy for such objectives, which are very subjective and open to interpretation, to be used for other purposes. In fact, a third party could easily take the view, that such objectives are not military in nature whatsoever, and would be better delivered without a political agenda, by any of the well known NGOs[27] in operation. This is a very cogent argument against CIMIC - will the loaf of bread taste any better if given by a soldier or a volunteer, one of whom has possibly borne arms against your neighbours, while the other is unknown to you and does not appear to be aligned to any forces whatsoever? There is also the consideration however, that NGOs may have their own agendas, to possibly maximise their own role and budgets, or indeed have an ideologically different perspective from the military function.

This is the ultimate dilemma for the S5 trying to deliver CIMIC - the underlying level of suspicion and mistrust, together with the very real possibility of the local population manipulating, exaggerating or simply delivering the populist view to ensure the supply of resources continues.

To my mind, it is important to take a step back from military thinking in terms of CIMIC, and accept that it is not always appropriate to have a CIMIC element as part of your military strategy. There may be other organisations such as NGOs, who may be more palatable to

---

25 Northern Ireland peace process culminating in the Good Friday Agreement, 1998.
26 S5 is the Staff Officer responsible for Civil-Military operations as part of a Peace Support or other Mission. It routinely involves managing a budget as part of a local support initiative, together with building good relations with the local community. It also involves a level of intelligence gathering and threat assessment.
27 NGO - Non Governmental Organisation - a non-profit that operates independently of any Government, usually with the remit of delivering aid and local assistance.

the local population, who may not have any agenda, and who may ease this logistical burden from those engaged in Peace Support operations. Of course, this means that the military cannot deliver or embed a programme of co-ordinated support and build local relations to the same extent, but a cynical observer may take the view that such relationships, certainly in the short-term, are not mutual, but are in many ways, symbiotic, with the potential for misuse on both sides.

I personally believe that CIMIC is an important element of military operational and strategic thinking, but I also take the view that it can be limited in value - for both the civilian population and the military. In particular, I would question the value and accuracy of intelligence that may be provided - especially if the giving of such intelligence is motivated by personal gain. Community memory can be very long - Afghan elders complained to a British Army Regimental Commander in the early 2000s about the burning down of their local market place by the British Army - in 1879!

Perhaps the answer is a hybrid model, with the military providing security to the local population, and non aligned professionally focussed NGOs delivering logistical support, while protected and supported by the military engaged in peace support operations. All of this is subject of course to the local population accepting all sides. This model is present in an ad hoc arrangement in some locations, but perhaps there is merit it revisiting it as a way forward. Of course, military operational efficiency will not permit civilians wandering through the AO[28] of Peace Support operations, and likewise, NGOs will have concerns regarding the security and safety of their personnel,[29] but there may be a certain logic for both sides, if they accommodated each other in the delivery of their individual missions. Interestingly, the US military have a policy whereby only civil affairs officials, who are mainly US military Reservists, regularly work with NGOs'. I believe there is a template here for militaries that is worthy of further investigation.

Conclusion

CIMIC is very necessary - to promote good relations and to build communities ravaged by war and conflict. However, militaries are not always best-placed to have the impartiality necessary for such work - particularly if insurgents or belligerents remain active or are embedded within the community. There is also the strong possibility of not being accepted, or worse, being manipulated by the local population.

I would venture that there will be many situations where CIMIC could be used to facilitate and accommodate, rather than directly provide local assistance. If done correctly, the support for the military may well increase expeditiously as part of the general improvement in security in living standards and reflect the optimistic outlook of the very community they have come to protect. Surely that may be a better use of scarce military resources?

---

28 AO - Area of Operations

29 NGOs' have occasionally used private military contractors for security of their personnel. However, the numbers deployed are small, are not part of a larger grouping, and as such are of limited value and questionable efficiency,

"DREAMING OF THINGS THAT NEVER WERE" -

Irish Soft Power and Peacekeeping in the 21st Century

Comdt John F Quinn

"As we celebrate the 70th anniversary of the United Nations and look back at our achievements and setbacks, we can look to future with some confidence knowing that the people of Ireland are so strongly committed to upholding the Organisation's values of peace and security, development and human rights in every corner of the world".

-Ban Ki Moon, 21 May 2015.

"Ireland historically has punched above its weight when it comes to humanitarian assistance, dealing with migrants who are displaced because of war, peacekeeping activities around the world. And so, we've been very grateful to hear the kinds of work that Ireland is already doing, and want to continue to partner with them on that front".

-Barack Obama, 15 March 2016.

Abstract

Óglaigh na hÉireann/The Irish Defence Forces, are a key pillar of Ireland's Defence and Security policy, a policy that emphasises Ireland playing a leadership role in supporting international peace, security and human rights protection. But how are the Defence Forces utilised as an instrument of soft power? How are they perceived at home and abroad and what explanations can be provided for Ireland consistently sending their men and women abroad in such large numbers to engage in peacekeeping duties? The purpose of this paper is to capture how Ireland projects power as a security actor in Europe and the wider world through its support for multilateralism and peaceful resolution of disputes and conflict by peacekeeping. It will seek to highlight the important role that Óglaigh na hÉireann's deployments as a military hard power instrument play in achieving peace and security aims more associated with "soft power". The increasingly important role played by ethics, values-based leadership and gender in Ireland's approach to peacekeeping will also be analysed in this context. Having gone some way to establishing what they do and how they do it, the aims and motivations (the why) will be analysed to study Ireland's leadership role in International peacekeeping operations. The effectiveness of Ireland's contribution to peacekeeping will be assessed, whilst also identifying the critical requirement for a Defence Forces Peacekeeping Doctrine, to further enhance Ireland's role as an ethical leader in peacekeeping.

Introduction

This year Ireland's Defence Forces celebrated 60 years of continuous service with the United Nations. Despite this significant contribution, the motivations, effects and influence gained by Ireland's contribution to peacekeeping is relatively unknown. This is particularly the case when we attempt to frame peacekeeping in terms of Ireland's wider security, defence and foreign policy. Recent years have seen clearer declarations of what role the Defence Forces fulfils through successive white papers and strategic plans but Ireland's strategic culture together with the wider debate on future defence and security policy remains impoverished.[1] Unfortunately,

1 Irish Government, White Paper on Defence (Dublin: Department of Defence, August 2015) http://www.defence.ie/WebSite.nsf/WP2015E accessed 03 Nov 2016; Irish Government, The Global Island: Ireland's Foreign Policy for a Changing World, 13 Jan 2015, https://www.dfa.ie/media/dfa/alldfawebsitemedia/ourrolesandpolicies/ourwork/global-island/the-global-island-irelands-foreign-policy.pdf accessed 01 Mar 2017.

the study of Irish Foreign Policy is a neglected field in Irish academia, a fact that is not lost on those who study this area.[2]

Ireland is, by most metrics, small, new and relatively powerless in the world that surrounds it. Yet the abovementioned quotes from two men with enormous power and influence in the world clearly recognise that Ireland "punches above its weight". Recognising its status, a small country vulnerable to global security instability, Ireland has placed support for multilateral security cooperation at the centre of its security policy and it has gained a great deal of respect and normative power through its support for development aid, international peacekeeping and the strengthening of international legal norms.[3]

This paper seeks to analyse the role that Irish defence and security policy plays in the wider foreign policy commitment to multilateralism and international cooperation. In particular the role of the Irish Defence Forces is examined and the motivations of Ireland's involvement in international peacekeeping and whether Ireland achieves positive outcomes from this participation. The key question is whether Ireland can reach the level of ambition espoused in its policies and whether the soft power and positive perceptions Ireland currently enjoys can be further built upon. For many of Ireland's EU partners the use of a traditional hard power instrument to achieve peace and security has been either unsuccessful or unexplored. There is a genuine opportunity for Ireland to demonstrate the value of our UN peacekeeping participation and encourage greater engagement and contribution by EU states.

This paper aims to begin to bridge the gap between practitioner and theorist and begin a conversation that will enhance and develop the security and defence debate in Ireland as well as encouraging more Defence Forces members to voice their opinions and share their experiences, arguably an untapped resource. A more nuanced debate is all the more necessary in light of an international trend that has seen an erosion of multilateral norms and support for institutions. This includes recent moves to undermine and discredit the International Criminal Court and an active policy from the US directly opposing UN funding and multilateral agreements.

Ireland's role in supporting peacekeeping operations throughout the world is regularly praised by others and highlighted by our diplomats and politicians. As a national institution, the Irish Defence Forces, command considerable respect from Irish citizens, especially following the hugely successful 1916 Commemoration programme.[4] However Defence spending is well below the European average of 1.25% with current spending €639 million being 0.25% of Ireland's GDP, a long way from the suggested EU CSDP threshold of 2% of GDP.[5] A recent Dáil (parliament) debate on Defence highlighted a number of issues including the low pay of new entrants, serious personnel shortages and declining morale as shown in the recent organisational climate survey.[6] Shining a parliamentary spotlight on the organisation is important and analysing the motivations and effectiveness of Irish peacekeeping is vital to demonstrating value for money to policy makers and highlighting the important normative

2 P. Keatinge, "Foreword: Making Sense of Irish Foreign Policy" in B. Tonra, M. Kennedy, J. Doyle, Noel Dorr, (eds.) Irish Foreign Policy (Dublin: Gill and Macmillan, 2012) pp. VII-XVI; E. Burke & J. Marley, Walking Point for Peace: An Irish View on the State of UN Peacekeeping (New York: New York University Centre on International Cooperation, 2015) p. 5; R. Murphy, "Europe's Return to Peacekeeping? Opportunities, challenges and ways ahead – Ireland", International Peacekeeping 23 (2016) pp. 721-740; B. Hayes, "We need a proper debate on the future of Ireland's Security and Defence Policy", 11 Mar 2018 Irish Independent.
3 Irish Government, The Global Island (2015); Irish Government, White Paper on Defence (2015).
4 http://www.decadeofcentenaries.com/26-28-march-2016-state-ceremonials-to-mark-centenary-of-easter-rising/
5 L. Chambers, Dáil Debates, Vol 945: 2, 04 Apr 17, http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2017040400047?opendocument accessed 10 Apr 2017.
6 Ibid.

power that Ireland gains in being a proactive and consistent contributor to UN peacekeeping. Whilst, as noted above, it is important that our military servicemen and servicewomen voice their opinions and insights and interact with the academic community it also remains true that there is a line that cannot be crossed vis-à-vis political commentary or specific criticism of government policy.

Ireland And Peacekeeping

Peacekeeping is a relatively new phenomenon in security studies and was restricted mainly to traditional interposition between two state parties in a conflict up until the 1990s. Traditional peacekeeping operations which utilised lightly armed peacekeepers to supervise the implementation of peace agreements gave way in more recent times to complex peacekeeping operations and in some cases peace-enforcement. From the heady days of the First Gulf War which some claimed ushered in a New World Order, to the disastrous interventions in Rwanda, Somalia and the Western Balkans, the post-Cold War period has seen enthusiasm for peacekeeping wax and wane, particularly amongst contributors from the West.[7] The Middle East has hosted numerous UN missions which have brought some measure of stability yet largely failed to live up to their designated temporary status, most notably the "interim" force in Lebanon that celebrate their fortieth year in existence, this year.

UNIFIL

The deployment of UNIFIL in 1978 was intended to supervise the withdrawal of Israeli forces from Lebanese territory. The Israeli invasion of Lebanon pushed back the PLO to Beirut and into the Tyre pocket but dragged the Israeli Defence Forces into a protracted insurgency as they sought to establish proxy militias in South Lebanon that would provide a buffer against future attacks. This intervention, in effect was the spark that lit a powder keg of ethnic and religious tensions in Lebanon. These simmering tensions had been managed to this point by inter-ethnic and a confessional division of the key government positions of president, prime minister and speaker of the house/parliament.[8]

Nowadays, the Irish Defence Forces are deployed to UNIFIL as a modern, well-equipped and capable European task force together with its Finnish and Estonian comrades provide a vital pillar supporting the continuing mission of UNIFIL.9 But what is Ireland achieving by deploying troops to UNIFIL? A key challenge for UNIFIL is the lack of a political process to bring the mission to a conclusion.10 The tripartite talks between Israel, Lebanon and UNIFIL serve more as a fire brigade to quench tensions and reduce the chance of escalation than a meaningful dialogue aiming for a negotiated peace. So long as UNIFIL does not have a clear desired end state, it will be very hard to measure its effectiveness other than to note Israel and Lebanon are not at war and attacks by armed groups from South Lebanon are few and far between. That said there has been progress in UNIFIL's mandate to protect civilians.

7 A. J. Bellamy & P. D. Williams, Understanding Peacekeeping 2nd Ed. (Cambridge: Polity Press, 2004) pp. 93-94.
8 D. Hirst, Beware of Small States; Lebanon, Battleground of the Middle East (London: Faber and Faber, 2010)
9 The recent Finnish withdrawal from this arrangement will see a full Irish Battalion deploy to UNIFIL in Nov 2018.
10 A. Novosseloff, "Expanded United Nations Interim Force in Lebanon (UNIFIL II)" in J. Koops et al (eds.) The Oxford Handbook of United Nations Peacekeeping Operations (Oxford: Oxford University Press, 2015) p.776.

There has been a major shift in UNIFIL particularly since the arrival of the Irish Force Commander and Head of Mission, Major General Michael Beary in July 2016. Around the time of his arrival he was faced with the shockwaves arising from the 2016 scandal in Juba, South Sudan which led (in a welcome but rare example of accountability) to the sacking of the Force Commander and Head of Mission. Since then UNIFIL have operationalised their protection of civilians mandate and implemented a clear strategy. This is despite dealing with a number of severe limiting factors and a complex political dynamic.

UNDOF (United Nations Disengagement Force)

Whilst Ireland has a strong traditional and emotional bond to Lebanon, with generations of soldiers familiar with the ground and the people, the 2013 deployment on short notice to UNDOF in the Golan Heights was to put Irish peacekeepers not far from their UNIFIL colleagues but effectively miles away in terms of the threat and tempo of operations. Similarly, to UNIFIL the deployment of UNDOF in 1974 has not led to any further political settlement or peaceful resolution of the dispute between Syria and Israel over control of the Golan Heights. With the most recent talks breaking down in 2008, despite great hopes of success, the current civil war in Syria makes any change unlikely in the medium term. Whilst the civil war has complicated UNDOF's mission, e.g. the loss by government forces of the main crossing point in September 2014, UNDOF continue to monitor the cessation of hostilities between Syria and Israel. Their very presence may have had a protective effect on adjacent civilian populations as the presence of international observers may deter human rights abuses or atrocities by either side.[11]

UNDOF remains a classical traditional peacekeeping mission of the cold war era and as such can stop the fighting but struggles to foster conflict resolution. As Rudloff and Diehl note, the UNDOF mission raises questions about the trade-off between peace-making and peacekeeping.[12] Without the arrival of the Irish and a large contingent of Fijians in 2013 it is likely that UNDOF would have ceased to exist and this would have only served to further escalate tensions between the two sides. Ireland arrived in the nick of time and saved the mission from extinction.

There is an obvious difficulty in assessing how abstract values based motivations translate into measurable outcomes. However, if Ireland are to demonstrate to their EU partners that peacekeeping is worth contributing to, they must show that it works and continue to present this message to less enthusiastic partners. Given the complexities outlined above this can be difficult but it is greatly assisted when Ireland takes up major leadership positions with these missions and demonstrates our values-based approach to international peacekeeping. Having thus far discussed what Ireland does it is necessary to outline the ethical and values-centred approach taken by the Defence Forces when tackling these complex deployments.

---

11 Subject B, Retired Senior Irish Defence Forces Officer, research interview conducted in McKee Barracks, Dublin, 09 March 2017.
12 P. Rudloff & P. F. Diehl, "United Nations Disengagement Observer Force (UNDOF)" in J. Koops et al (eds.) The Oxford Handbook of United Nations Peacekeeping Operations (Oxford: Oxford University Press, 2015) pp. 240-245.

The Defence Forces' Values

A vital conceptual building block of any military organisation is the knowledge that the state has granted the monopoly on use of lethal force to its military in order to remove and restrict violence. This moral component is at the core of everything the Defence Forces do and further emphasised through the Defence Forces Values: Respect, Loyalty, Selflessness, Physical Courage, Moral Courage and Integrity. The moral component of military operations is not a new concept but the total immersion in these Defence Forces Values is arguably a new departure, and may indeed provide a model for other organisations to follow.

In his 2008 MA thesis Nolan conducts a qualitative analysis of the Irish Defence Forces' approach to ethics in military decision making at the individual level. His cross-disciplinary study encompasses aspects of psychology, philosophy and sociology.[13]

In Nolan's interview with then Chief of Staff, Lieutenant General Dermot Earley, they discuss the level of education and understanding of the Irish Defence Forces values amongst its members. These values developed from the 2002 Dignity Charter and it was accepted that they were not, as yet, fully imbedded in the organisation's culture, however, it was felt that they were a good starting point and that they were chosen on the basis of their intrinsic nature.[14] Nolan identifies leadership as a key aspect in ethical decision making by individuals and inculcating an ethical climate within a military organisation but his research and a survey of the current literature demonstrated that the efficacy of such explicit ethical charters and codes of conduct, like in Canada and the USA, has proven so far, inconclusive.[15] He further notes that whilst the methodology for formal ethics education of officers is generally agreed, the teaching of ethics to enlisted ranks is less certain. The challenge, primarily, is to make the instruction relevant to their daily work and tie training with practical experience.[16]

The Defence Forces sees a direct correlation between inculcating its values and mission success. It has undertaken various initiatives to further imbed the values with Defence Forces Values Awards and with a thorough examination of work practices and education to align actions with the values. By way of example: the Defence Forces' value of respect is taught to a young soldier through her recruit training and military socialisation. This means respect for herself, her colleagues and for those who lead her. Fast forward then to when it is decided that she is ready to travel overseas with a UN mission. As she prepares to deploy overseas she is instructed on how to approach the people she will encounter and again, respect is at the core of this training and development. By teaching in this way the Defence Forces have distilled 70 years of Human Rights protection in peace support operations into this 21 year old woman by using its values.

The concept of ethics and its application to the use of military force is relatively new in academic and professional discourse. The 2016 Defence Forces Leadership Doctrine is the first such doctrinal document published by the Defence Forces and provides a Defence Forces definition of leadership: "Leadership is influencing people by providing purpose, direction and motivation; developing and evaluating the individual, unit and organisation; while achieving the mission." The Defence Forces Leadership doctrine aims to give all soldiers, airmen/airwomen and sailors a value based leadership framework based on the organisations

---

13 N. Nolan, The Good, the Bad and the Ugly: Ethical Decision Making in the Military (MA LMDS Thesis, NUI Maynooth: 2008)
14 Ibid, p. 32.
15 Ibid, p. 49.
16 Ibid, p. 53.

values, as outlined above.[17] This leadership definition is based on a wide-ranging study of other military leadership doctrines as well as the historical commitments of the Irish Defence Forces to multinational peacekeeping operations with the UN. There has also been proactive engagement with regard to gender.

Gender and Peacekeeping

A key aspect of peacekeeping reform has been the recognition of the important role of gender. A commonly used example from NATO's operations in Afghanistan is the obvious but insightful fact that Taliban do not employ or consult with women. Operating with a gender perspective and involving Afghan women in peacebuilding offered the potential to be a game-changer. Whilst the ISAF and NATO operation in Afghanistan had mixed results, what was clear was that empowering women supported the alliance's objectives.

Sandra Whitworth offers a feminist insight into the use of military force to achieve peace and security through peacekeeping and humanitarian assistance operations. She argues that the unique training and preparation of military forces emphasise masculinity, race and belonging in order to emphasise the necessity of team bonding and the unique value of the team they have now joined.[18] Her chapter on militarised masculinity provides a welcome opposing message to the generally accepted proposition that peacekeepers are not ideally military but the military are the only ones that can do the job. Her account, which is highly critical of "militarised men" being deployed to protect vulnerable populations in unsecure regions of the world, provides food for thought for anyone who perceives uniformed peacekeepers as entirely benign and dedicated to assisting and providing security.[19] However, her arguments tend to over-generalise as they fail to distinguish between various militaries with distinctly different cultures. Logically, regardless of similarities in "basic training" a battle-hardened US marine's approach, cultural indoctrination and mindset will be completely different to an Irish infantry soldier in South Lebanon.

Whilst academics that study international relations in Ireland are few and far between, what is even rarer is female academics that study security and defence policy in Ireland. Karen Devine is a vocal critic of many aspects of Ireland's security and defence discourse and argues for a more sophisticated interpretation of Ireland's policy of neutrality.[20] Certainly, there is a desperate need for greater diversity of opinion and critical interrogation of many of the underlying assumptions of Ireland's participation in UN peacekeeping and the sometimes glowing reflection we construct for ourselves.

Ireland has been a strong supporter of the UN Security Council's Resolution 1325: Women, Peace and Security and the Defence Forces have published an action plan (based on the Government's action plan) to implement this resolution. Part of this implementation has been the organisation's continued engagement in the Gender Based Violence Consortium whose work in advocacy and training has greatly highlighted issues such as people trafficking, sexual exploitation/abuse and mainstreaming of gender issues. By continuing to engage with experts

---

17 Irish Defence Forces, Defence Forces Leadership Doctrine (Unpublished: 2016) p. 2-1.
18 S. Whitworth, Men, Militarism and UN Peacekeeping (London: Rienner, 2004) p. 152.
19 Ibid, p. 172, 183-4.
20 K. Devine, "A Comparative Critique of the Practice of Irish Neutrality in the 'Unneutral' Discourse" Irish Studies in International Affairs 19 (2008) pp. 73-97.

in their field, together with the diverse community within the organisation, the Defence Forces has greatly enhanced its capability and also its perception as an organisation open to change and fully aware of the issues that gender and diversity raise.

Tracing the Theoretical Framework for Ireland's Soft Power

Ireland advocates through its politics and its Constitution an adherence to the pacific settlement of dispute through negotiation rather than armed conflict. Multilateral institutions are supported in their work by Ireland and supporting and encouraging others to support the UN is a corner stone of Ireland's foreign policy. The White Paper discusses at length, Ireland's historical commitment to international multilateral organisations and the requirement for Ireland to demonstrate this commitment by contributing to multinational peacekeeping operations and likewise, supporting these missions through the UN General Assembly and other organisations.[21] As the then Irish Minister for Foreign Affairs and Trade stated in his introduction to the Global Island policy:

Our foreign policy is also a statement about us as a people. We have a proud tradition of principled engagement on issues such as development, UN peacekeeping, disarmament and human rights. This is a central part of our foreign policy. A secure and prosperous Ireland is better placed to make its voice heard in support of our values.[22]

When approaching the thorny notion of altruistic peacekeeping, realists will most likely point to the deeper self-interest that underpin peacekeeping operations, in their view. Critics challenge the notion that peacekeeping seeks to end conflict, but that it simply acts as an extension of great power hegemony in a subtler way.[23]

A growing cohort of liberal theorists and advocates have sought to demonstrate measurable indices or indicators to demonstrate the value of peacekeeping. The power of International NGOs such as Amnesty International, Transparency International and Human Rights Watch has grown and their normative influence is considerable. One of the relative newcomers had interesting data in relation to Ireland when Simon Anholt released the results of his first Good Country Index, in 2014. Anholt argues for the recognition of what he terms the "dual mandate", that states now have a mandate to their own citizens but an equally onerous responsibility to the citizens of the world.[24] His index covers seven broad categories but under peace and security, contribution to peacekeeping relative to GDP is a key positive indicator, and partly the reason that Ireland topped the index of over 200 countries in its first year. It has since dropped down to 11th which is still a remarkable result.[25]

Iain Atack highlights the concern of many critics who point to the causes of conflict in new or post-modern wars as flowing from the role of the state.[26] The state and how it operates and who it represents is contested. Therefore, attempting to strengthen the state by deploying peacekeepers only serves to exacerbate the conflict, rather than alleviate insecurity.[27] It is

---

21 Irish Government, White Paper on Defence (2015) p. 26-8.
22 Irish Government, The Global Island (2015)
23 Atack (2005) p. 141.
24 S. Arnholt, The Good Country Index, https://goodcountry.org/good-country-dualmandate accessed 08 Mar 2017.
25 https://goodcountry.org/index/overall-rankings#IRL
26 I. Atack, The Ethics of Peace and War: From State Security to World Community (Edinburgh: Edinburgh University Press, 2005)
27 Ibid p. 153.

crucially important, therefore, not to assume that peacebuilding efforts by the likes of the EU, US or liberal democratic countries like Ireland can by imposing their values achieve a liberal peace. As Atack says: "The process of state-building must be understood in this broad sense, rather than as some Western import, if it is to contribute positively to post-war peacebuilding".[28]

Atack makes the case for multilateralism, international law and cosmopolitanism (representing international human solidarity and respect for life) as an alternative to "the self-interested unilateralism of great power hegemony".[29] A key ethical dilemma posed by using military force to achieve peacebuilding is what Atack calls the Pacifist dilemma, where to make peace one may be required to use violence to convince others of the need to cease armed conflict.[30]

In his broad ranging analysis of Ireland's "security dilemma" Ben Tonra discusses the Irish obsession with the issue of neutrality and rightly points out that Irish defence and security policy is rarely discussed outside the parameters of Ireland's unique definition of neutrality. He identifies four key dimensions of Ireland's defence and security policy: Ireland's geopolitical position on the periphery of Europe with the vast Atlantic to the West; an absence of a strong "martial tradition"; a commitment to multilateralism and the UN's collective security and finally a tradition of military non-alignment or what is commonly referred to in Ireland as "Neutrality".[31] Neutrality dominates both public, governmental and academic discourse on Ireland's role as a security actor in the international or regional community.[32]

Tonra ultimately concludes that the purpose of Ireland's engagement in international peacekeeping, consistent campaigning and lobbying on human rights issue and genuine leadership position with relation to non-proliferation demonstrates that Ireland seeks to increase its security through multilateral security cooperation initiatives rather than by force of arms. This is a pragmatic policy that makes a lot of sense for a country like Ireland. However, he notes that this pragmatism is coupled with Ireland's need to demonstrate leadership from within the UN and EU by expending meagre diplomatic resources on issues such as cluster munitions and nuclear proliferation, issues that have no discernible or proximate monetary or political interest to Ireland other than demonstrate a small country doing good in the world, building credibility.[33] Whilst this analysis seems to demonstrate clearly and convincingly Ireland's motivations it is, as he notes, centred on the UN; placing Ireland's fate at the mercy of the UN Security Council.

A major issue in studying security and defence in any jurisdiction is inaccessibility. The deliberations of Ireland's executive are protected by cabinet confidentiality and though Ireland's freedom of information legislation is comparatively liberal by EU standards, state security and defence is very much off the menu. Therefore, much of the author's independent research relies on the perspective of the Irish Defence Forces. That said it should be noted that if Ireland are to provide leadership to their European colleagues, it will be through, to a certain extent, military-to-military liaison and relationships. This fact is recognised in the 2015 White Paper which proposes consideration of establishing a network of Defence Forces attachés with like-minded militaries in Europe for the first time, a welcome measure to enhance cooperation and

28 Ibid, p. 154.
29 Ibid, p. 152.
30 Ibid, pp. 158-9.
31 B. Tonra, "Security, Defence and Neutrality: the Irish Dilemma" in B. Tonra, M. Kennedy, J. Doyle, Noel Dorr, (eds.) Irish Foreign Policy (Dublin: Gill and Macmillan, 2012)
32 Ibid pp. 223-225.
33 Ibid, pp. 236-240.

interoperability. The Nordic countries and Austria spring to mind, as identified by Burke and Marlay in their research, which included civilian diplomats and policy makers.[34] Additionally, it is Defence Forces leaders and personnel who deploy to UN peacekeeping missions, not their civilian counterparts in government or the department of defence, and the interactions between the UN and Ireland at the operational level are generally through the military and UN civilian structures of the deployed field missions.

Understanding Ireland's Motivations

Whilst there is a great understanding of what countries do and how they project power, be it through diplomatic, informational, military or economic instruments of power, what is less clear is why states and international institutions do what they do. What are their motivations and do they match with why they do what they do?[35] In the initial stages of this research the author encountered the idea that Irish peacekeeping is more concerned with the values-based ethical imperatives of peacekeeping: the simple act of contributing and doing good in the interests of international peace and security.

This is very much a motivation for other countries but it is not, in most cases, the overriding consideration. For some it is monetary; the Fijian economy relies heavily on the hard currency its peacekeeping brings in from the UN.[36] For others it relates to military capability development and testing personnel, equipment and processes in challenging environments, that are difficult to simulate in a training environment.[37] Is there merit to Ireland taking a more ethical, values based approach: a liberal motivation as opposed to realist? That is not to say, of course, that Ireland doesn't stand to gain in the same way, but it is necessary to analyse the theoretical basis for such a value based ethical policy position.

Article 29 of Bunreacht na hÉireann (Constitution of Ireland) states:

Ireland affirms its devotion to the ideal of peace and friendly cooperation amongst nations founded on international justice and morality.

Ireland affirms its adherence to the principle of pacific settlement of international disputes by international arbitration or judicial determination.

Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other states.

Considering the absence of an assertion of the right to use force of arms in pursuing its interests this is a remarkable statement for a sovereign country to make and in many ways is a prophetic declaration of the UN Charter's prohibition of international conflict and acts of aggression.

Following the concept of ethical leadership further, in his inaugural address, President Michael D. Higgins emphasised the difficult economic times in which he was appointed but he also outlined a key pillar of his presidency: fostering and developing a more ethical and inclusive

34 E. Burke & J. Marley, Walking Point for Peace: An Irish View on the State of UN Peacekeeping (New York: New York University Centre on International Cooperation, 2015) p. 5.
35 Ibid; K. Ishizuka, Ireland and International Peacekeeping Operations: A Study of Irish Motivation (London: FRANK CASS, 2004); Lawrence, T., T. Jermalavičius & A. Bulakh, Report: Soldiers of Peace: Estonia, Finland and Ireland in UNIFIL, (Talinn: ICDS, Estonia, December 2016) https://www.icds.ee/publications/article/soldiers-of-peace/ accessed 24 Feb 2017.
36 M. Siegel & L. Feast, "For Fiji's military rulers, U.N. peacekeeping a useful mask", Reuters, 04 Sep 2014, http://www.reuters.com/article/us-fiji-un-crisis-idUSKBN0GZ0GV20140904 accessed 24 Mar 2017.
37 T. Lawrence, T. Jermalavičius & A. Bulakh, Report: Soldiers of Peace: Estonia, Finland and Ireland in UNIFIL, (Talinn: ICDS, Estonia, December 2016) https://www.icds.ee/publications/article/soldiers-of-peace/ accessed 24 Feb 2017.

society, which invite relationships of trust, respect and cooperation across the world. This is a message he has continually emphasised on his many state visits and addresses to world leaders and Irish citizens. His collection of speeches, recently published, is entitled "When Ideas Matter: Speeches for an Ethical Republic" and includes an address delivered to Irish troops serving in Lebanon together with a large Diplomatic, UNIFIL leadership and UN audience. With regard to the importance of Ireland's commitment to peacekeeping he stated that it was:

...an essential component of Irish foreign policy, driven by the values and principles that have guided the actions of our state on the international stage ever since independence – a commitment to multilateralism and to the values of peace, international security and global justice.[38]

This speech demonstrates the critical importance that peacekeeping plays in Ireland's security and wider foreign policies. As mentioned above, the Defence forces has through its values initiative and leadership doctrine, sought to 'double down' on the wider approach of Ireland doing good deeds in the world.

Developing a Peacekeeping Doctrine

Taking the discussion of doctrine further, Professor Ray Murphy, of the Irish Centre for Human Rights in National University of Ireland, Galway has written extensively for many years about Ireland's contribution to peacekeeping and identifies several key challenges that Ireland faces if it is to take more of a leadership role within the EU as a peacekeeping contributor. These are the changing and more complex nature of peacekeeping operations, the domestic budget restraints, downsizing of the Defence Forces following the 2012 reorganisation, legal impediments to contributing, assessment of risk and national caveats. The final, and probably most urgent challenge that can easily be addressed is the lack of a proper peace support operation or crisis management operations doctrine.[39] It has been stated again and again in academic literature, speeches by prominent opinion leaders and in the qualitative research interviews that Ireland has a broad range and depth of experience. Yet there is no written doctrine or handbook for Irish peacekeepers. Information, knowledge and experience is passed on from unit to unit by way of a handover and intensive mission readiness training period. It has a further impact on Ireland's ability to pass to other countries their knowledge and experience. Militaries, particularly NATO members, like to be able to read the manual.

There has been for some time discussion around formalising and codifying the Irish Defence Force's knowledge and experience following more than fifty years of continuous service in UN peacekeeping. The United Nations Training School, Ireland has since its establishment in the Irish Military College been a central hub for Human Rights and Peacekeeping training, particularly for those travelling overseas with troop deployments.

In terms of other sources to examine there is the NATO Peace Support Operations Doctrine (AJP 3.4.1) and the UN's equivalent, The UN Peacekeeping Capstone doctrine "United

---

38 M. D. Higgins, Address to members of 47th Infantry Group, UNIFIL, 28 April 2015 cited in M. D. Higgins, When Ideas Matter: Speeches for an Ethical Republic (London: Head of Zeus, 2016) p. 164.
39 R. Murphy, "Europe's Return to Peacekeeping? Opportunities, challenges and ways ahead – Ireland", International Peacekeeping 23 (2016) pp. 721-740.

Nations Peacekeeping Operations Principles and Guidelines".[40] From an analysis of these two documents there can be seen a clear contrast in approaches. The NATO doctrinal approach is specific, easily understood and based on decades of experience practically applicable to NATO operations and designed to be implemented. The UN capstone doctrine on the other hand is more wedded to principles of consent, restraint and impartiality so, for example, it is thin on detail relating to information gathering and surveillance whereas the NATO document provides a broad suite of options (either covert or overt) whilst acknowledging the requirement to consider ethical factors.

If Ireland is to develop its own doctrine, it is submitted that adopting either wholesale would be unwise. Both documents have merit and Ireland would perhaps best gain by fusing the practical aspects of the NATO doctrine with the more UN specific aspects of the UN's Capstone doctrine and enhancing with experience gained from five decades of peacekeeping the resulting document would be of great interest to similar minded contributors. Ireland have a story to tell that greatly interests our partners in the EU and further afield. Developing a credible and comprehensive peacekeeping doctrine will enhance this role further. The Defence Forces have undertaken a major project to develop a comprehensive doctrine for the organisation, with a Joint Doctrine forthcoming soon, building on the Leadership Doctrine mentioned above.

The "Why": Ireland's Motivations in Peacekeeping

Research conducted in this area did provide some interesting insights with regard to the decision to deploy peacekeeping forces. The decision to deploy the Defence Forces is a government competency. Due to cabinet confidentiality and the desire of successive governments to maintain a certain degree of flexibility, it is not determined by any specific set of requirements or checklists. Whilst Irish governments may adhere to Ishizuka's set of motivations or Murphy's mix of idealism and self-interest when deciding on deployment it remains unclear to what extent each factor is considered or which factors have the highest priority.[41]

The mission's relevance to international peace and security, supporting the UN's overall objectives as well as Ireland's desire to maintain the historical commitment to peacekeeping are persuasive factors in deploying overseas.

Irish troops have a positive reputation amongst other UN member states and are highly regarded in the communities they deploy to, however, Defence Forces members often caution against excessive self-praise and indicate a need for the Defence Forces to continue to learn and develop and most importantly maintain the high standards already achieved. This is emphasised throughout the DF Leadership doctrine.

Ireland's positive reputation in peacekeeping may owe more to its breadth of experience in NATO led, EU led and UN led operations (all under UN Mandate) and its actions on the ground which have demonstrated impartiality and professionalism, rather than notions of a lack of "colonial baggage" or Ireland's traditional policy of neutrality. Examples include the Irish arrival as the Force Reserve Company in UNDOF in 2013, Irish actions during 17 Mar

---

40 NATO, AJP 3.4.1 NATO Peace Support Operations Doctrine (2014) nso.nato.int/nso/zPublic/ap/AJP-3.4.1%20EDA%20V1%20E.pdf accessed 04 Apr 17; United Nations, United Nations Peacekeeping Operations Principles and Guidelines (New York: UN DPKO, 2008) http://www.un.org/en/peacekeeping/documents/capstone_eng.pdf accessed 10 Apr 2017.
41 Ishizuka (2004); Murphy (2016) p. 737.

2004 riots in Kosovo and the Irish leadership of the EUFOR Chad Operational HQ in Paris under Major General Pat Nash.

A joint report led by an Estonian government think tank, the International Centre for Defence and Security provides an interesting, though admittedly not entirely independent, view of the Irish Defence Forces' involvement in UNIFIL in South Lebanon.[42] The Estonian academics interviewed strategic level decision makers from each of the three country capitals, currently contributing to the multinational battalion deployed to South Lebanon and also received funding and assistance from Finland and Ireland. They studied the mission from the senior leadership perspective as well as travelling to Lebanon to interview a wide variety of peacekeepers, right down to the tactical level.

Their key findings related to improvement of pre-deployment training, cultural awareness and civil military cooperation and coordination (known by the military acronym CIMIC or civilian UN acronym CM-Coord).[43] What was of interest was their comparative analysis of the motivations of the three contributors. As the researchers note in their report Ireland is the largest per capita European contributor to UN missions and Finland and Estonia are second and fourth respectively. In their interviews with strategic decision makers they found that Irish policy makers tended to see participation as more values based than transactional, i.e. it was more about the why than necessarily what Ireland can gain. The report states in its executive summary:

Irish decision makers tend to see peacekeeping above all as an essential component of a values-based foreign policy, while Estonian decision makers look for more tangible returns for their participation on including, ultimately, an expectation that their readiness to provide security will ensure that they themselves are not left alone in times of crisis. Finnish decision makers also explain their contribution largely in terms of values, but, much more than Ireland, also justify it on the grounds of building the capability of the Finnish Defence Forces.[44]

Assessing a troop contributor's decision to commit to a peacekeeping mission is complex. There are numerous factors at play, whether they be the risk of the mission, budgetary constraints or the role and mandate that the troops will be assigned on arrival. What is clear, and has been acknowledged by the UN Secretary-General[45] is that Ireland has not shied away from risky deployments or robust missions.

Whilst there is always a danger of engaging in idealistic self-praise, based on the results of the ICDS study and other literature it is widely believed that Ireland deploys peacekeepers for the intrinsic good and improved security that they can provide. During the research it became clear that whilst there is an acceptance of the proposition that Irish Defence Forces soldiers generally do the right thing and for the right reasons, they would not accept that we are any more ethical than our fellow troop contributing countries, which is an important point to bear in mind.

If Ireland were asked to go somewhere where they couldn't make a discernible impact, it is unlikely they would go. At the end of the day narrow interests such as testing equipment and

---

42 Lawrence, Jermalavičius & Bulakh (2016).
43 Lawrence, Jermalavičius & Bulakh, (2016) pp. III-IV.
44 Ibid, p. III.
45 B. Ki-Moon, "Secretary-General's Iveagh Lecture at Dublin Castle", United Nations, 25 May 2015, https://www.un.org/sg/en/content/sg/statement/2015-05-25/secretary-generals-iveagh-lecture-dublin-castle accessed 02 March 2017 where he stated "You were in the Congo during the throes of decolonization. You were there in warlord-dominated Somalia in the 1990s."

procedures could be served in far less complex ways than deploying peacekeepers to volatile regions where the risks are real and present.

Reputation

One of the key benefits that Ireland derives from its contribution to international peacekeeping is improving its standing within the international community and amongst its near neighbours in Western Europe and America.

Ireland gains a great deal of positive comment from world leaders as a direct result of its comparatively large contribution to peacekeeping operations. Whist Ireland does not necessarily have infinite personnel/equipment resources or a bumper treasury, it does have what could be described as a strategic culture of humanitarian, consent based peace support operations. Its most valuable resource as a security actor is the men and women of its Defence Forces, whether they are deployed to the Mediterranean to rescue migrants attempting the crossing from Libya to Italy or patrolling a negotiated frontier in the Middle East, Irish soldiers, sailors and airmen/airwomen are respected for their years of continued service to the cause of peace and for their quiet and considered professionalism. This tangible and visible commitment to international peace and security is often recognised and this paper began with quotes outlining this recognition.

There are some methodological issues with using public speeches as sources for an academic study. Quite often the speaker is 'playing to the crowd' and likely, in the interest of good relations and diplomacy, to shower their hosts/guests with praise and positivity whilst possibly glossing over other less laudable aspects. Bearing this in mind, these sources are important as the very fact that they even mention peacekeeping, during a relatively short speech or press remarks speaks to the importance of Ireland's contribution to peacekeeping operations.

On his visit to Ireland to mark the 60th anniversary of Ireland's entry to the UN, a period he described as "60 years of dynamic leadership", the UN Secretary-General, Ban Ki-Moon spoke to a packed audience in Dublin Castle about Ireland's role as a UN member state. He acknowledged the "huge and historic" contribution of Ireland to the UN, noting that it was well beyond what one would expect from a country of such small size and population. Whilst he mentioned several areas; climate change, migration, LGBT rights, poverty and development, it is perhaps significant that he began with Ireland's commitment to peacekeeping operations.[46] Whilst making major normative reforms such as the marriage equality referendum or been one of the top, percentage of GDP development contributors is no doubt important, sending Ireland's military forces into harm's way under the UN flag is greatly appreciated and praised, as much for its exceptionally high level as for that act of contributing in and of itself.

It is not just international leaders that recognise the value and importance of peacekeeping, Joseph Nye coined the phrase "soft power" to explain the more subtle and convincing aspects of political influence as opposed to military or economic might that can rest on coercion or inducement, the carrot or the stick.[47] Nye argues that the three resources of soft power are culture, political values and foreign policies.[48]

---

46 B. Ki-Moon (2015).
47 J. S. Nye Jr., Soft Power: The Means to Success in World Politics (New York: PublicAffairs, 2004).
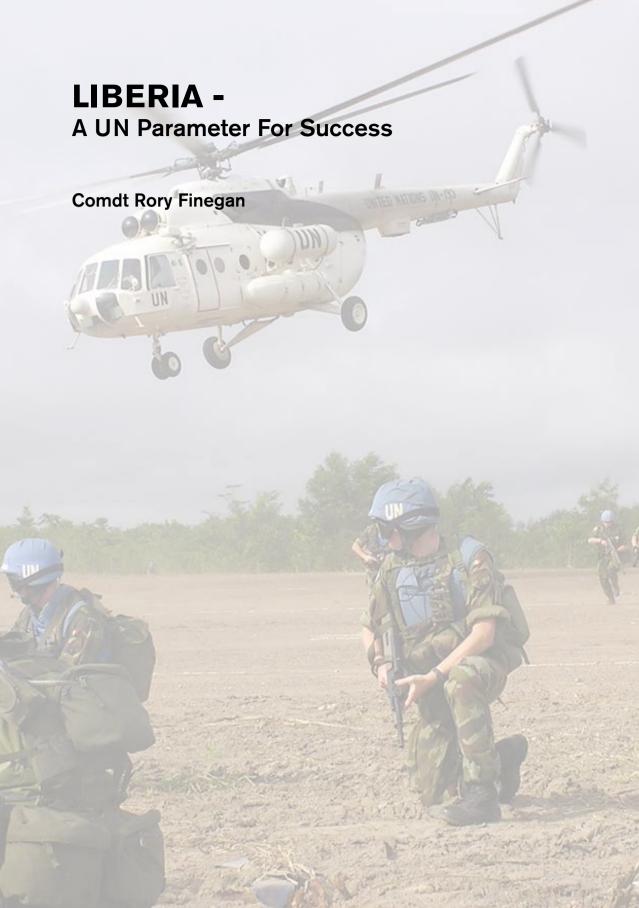48 Nye (2004) p. 11.

Conclusion

Without cabinet papers (that are released after 30 years) one may never truly know the mind of the Irish government when they decide to send Irish troops overseas. Policy makers are reluctant to discuss such matters and probably rightly so, considering the public interests at stake. The current White Paper is deliberately ambiguous on the considerations used to decide on deployments but it reaffirms Ireland's commitment to multilateralism and the peaceful settlement of disputes through the UN system. It is likely, based on this White Paper that Ireland will continue to contribute Irish Defence Forces personnel, into the future.

This paper will hopefully foster further engagement between members of the Defence Forces and the academic community and go some way towards highlighting the our unique perspective on security and defence in Ireland. As stated before it is intended to pose more questions than answers and encourage further discussion and engagement between military practitioners and their colleagues in academia. The motivations and effectiveness of Ireland's peacekeepers are worthy of further examination, particularly considering the criticism of multilateralism and cooperation coming from former champions of international norms and values.

Finally, it is worth pointing out that none of this stuff is easy and despite Ireland's experience in Northern Ireland and numerous UN peacekeeping missions around the world peace is an extremely fragile commodity, which takes time and commitment to achieve. When one considers how much Ireland has achieved with limited resources and relatively modest commitments, to date, it gives great scope for optimism for the future. Imagine what could be achieved by the Irish Defence Forces given the following circumstances? An increase in Defence spending coupled with a sophisticated peacekeeping doctrine widely regarded as an EU leader (both in terms of commitment and theory). Continued positive reputation throughout the world for peacekeeping operations grounded in the DF values and leadership doctrine. Ireland exporting its unique brand of multilateral engagement and commitment to peacekeeping providing a starkly opposite approach to others seeking to destroy multilateral institutions (or simply mould them to a certain world view). Ireland playing an ethical leadership role into the future and demanding similar policies from its neighbours and friends could do a great deal to promote international peace and security. Ireland strives to demonstrate its credentials by doing good in the world, effectively "punching above its weight", difficult though it may be. To quote the Irish writer Colum McCann:

It takes time and struggle to maintain even the remotest sense of calm. Peace is indeed harder than war, and its constant fragility is part of its beauty. A bullet need happen only once, but for peace to work we need to be reminded of its existence again and again and again.[49]

---

49 C. McCann, "Remembering an Easter Miracle in Northern Ireland", The New York Times, 30 Mar 2013, p. SR6, http://www.nytimes.com/2013/03/31/sunday-review/remembering-an-easter-miracle-in-northern-ireland.html accessed 04 Mar 2017.

LIBERIA -
A UN Parameter For Success

Comdt Rory Finegan

ABSTRACT

This article explores the success of the United Nations Mission in Liberia (UNMIL).[1] United Nations Peacekeeping has developed over the past sixty years into a complex, global undertaking; therefore, assessing the impact and effectiveness of a Peacekeeping mission remains as difficult as it is important. The ending of the Cold War plunged the African continent into a number of Intrastate Wars, one of which was the Liberian conflict. The internecine Liberian war brought to the fore arguments about the legitimacy of interfering in the affairs of another state and debates about the changing nature of Peacekeeping. Liberia encapsulated fundamental challenges for the implementation of peace agreements in a divided society. That is why it represents such a valuable model for evaluating what represents success or failure in a Peacekeeping Operation (PKO).

This paper will briefly examine the background of the Liberian conflict and also the reasons as to why it developed into such a protracted and brutal affair. This will allow an analysis of what constitutes a successful UN mission and the claimed successes of UNMIL in implementing its mandate and achieving its objectives. A framework as to how success can be measured for such missions, is also examined here.

A broad corpus of literature already exists in relation to why certain PKOs are deemed a success in comparison to others and these 'parameters' are scrutinized in relation to Liberia. In doing so, this study will explore the different elements of the UN peace building strategies which are crucial to the stabilization of war-torn countries, thereby contextualizing how UNMIL performed within Liberia. It is argued that UNMIL, while acknowledging justifiable concerns and criticisms directed towards it, contributed significantly to the successful restoration of a secure and stable environment (SASE) in the country. Therefore, on balance UNMIL can be considered a UN success story. Moreover, UNMIL offers some lessons as to how intervention by international bodies such as the United Nations can contribute in terms of building peace and stability in other conflict zones.

INTRODUCTION

The ending of the Cold War and the "withdrawal of support from Western developed states" plunged the African continent into a number of internal civil wars, one of which was the Liberian conflict.[2] Equally as Erco and Temin (2004) have pointed out this region of Western Africa is arguably "one of the world's most unstable regions"; and they qualify this by alluding to the fact that out of a total of "seventy two successful military coups occurring in Africa between the years 1960-1990...[some] thirty seven took place in West Africa.[3] The central core question of this essay is has UNMIL been successful and in effect how to measure such claimed success or indeed lack of. Before answering this question, it is essential to underline the fact that each individual UN Peacekeeping mission is unique and therefore various standards need

---

2 K. Coleman, International Organisations and Peace Enforcement: The Politics of International Legitimacy (Cambridge University Press, 2007), p. 73.
3 C. Erco & J. Termin, Sources of Conflict in West Africa. In C. Sriram & Z. Nielsen, Exploring Subregional Conflict. (Boulder, Colorado: Lynne Rienner Inc. 2004), p. 93.

to be assessed to consider the effectiveness or otherwise of PKOs. As Druckman and Diehl (2013) argue;

"the challenges of evaluating the effectiveness of peace operations are considerable. They include providing a clear definition of what is meant by success or failure, establishing standards that guide evaluation, developing indicators that correspond to the standards, assembling information to access the indicators, performing analysis that tracks changes in the indicators over time, and interpreting the trends to render judgments[4]

Therefore, this essay seeks to assess the local impacts of UNMIL's deployment and to garner an estimation of the success of mandated activities conducted under the tutelage of the UN. In the forthcoming It will be argued that the presence of United Nations Peacekeepers in Liberia has contributed significantly to the restoration of peace and security in the country. To achieve this, a brief historical background and outline of the evolution of the Liberian Civil war will foreground the reader into the causes of the conflict and how in turn this led to direct UN intervention. Encapsulated within this, the UNMIL mission will be put in context within the spectrum of the historical development of UN peacekeeping operations and how UNMIL in turn is nested within this evolution. Following this, the mission itself will be analyzed within the context of a number of parameters to gauge its success, including the establishment and deployment of UNMIL, its stated objectives; which in turn will guide the reader through the actual operations conducted by UNMIL. This will then inform an analysis of the success of the mission in achieving key goals, based on data collected by UN official bodies and a cross spectrum of critiques by various authors to go beyond the scope of the immediate resolution of the Liberian conflict.

Having signposted the reader as to the structure of the essay the following is designed to give an entry point into the background of the conflict prior to UN deployment, where an understanding of the history of Liberia is essential to explain its subsequent descent into anarchy.

Historical Background

The modern Liberian state was founded by 'American-Liberians', descendants of former Slaves from America who settled in Liberia from 1821 onwards.[5] Liberia declared its independence in July 1847; subsequently 'Americo' Liberians in effect exercised both political and economic control. This era of Americo-Liberian domination witnessed little or no political reform whereby political power pivoted around a privileged few which reached its apex during the 1971-1980 presidency of William Torbert[6], a period characterized by endemic corruption. A military coup d'etat was initiated by Samuel Kenyan Doe in 1980, with the support of the majority of the population. While a new constitution was initiated, its ideals and associated reform were never implemented in any real or tangible way. In effect, Doe merely replaced one elite with another in the guise of his own henchmen.[7] According to Bekoe (2008) the situation deteriorated further with the advent of Charles Taylor, who led a group called the

4 D. Druckman & P.F. Diehl, Peace Operations Success. (Boston: Martinus Nijhoff Publishers, 2013), p. 1.
5 N. Cook, Liberia: 1987-1997 Civil War, Post War Development and US Relations. (Washington: Library of Congress, Congressional Research Service, 2003). P. 1
6 C. Ero, ECOMAS and the Sub Regional peacekeepers in Africa. (Boston: Tufts University, Journal of Humanitarian Assistance, 1995), p. 45.
7 Cook (see note 5), p. 2.

National Patriotic Front of Liberia (NPFL), actively assisted by other regional powers.[8] Beyond the brutality of the Doe regime, Taylor's ranks were in turn swelled by those who had suffered under the Doe regime. This saw the country slide into a bloody civil war when in 1989 Taylor led his group into Liberia from Cote d'Ivoire.[9]

Cook[10] describes the confused evolution of the conflict with armed militias morphing into sub-groups, and with increasing violence being perpetrated on innocent victims.[11] Indeed Cochrane (2008) has noted that "this different way of doing war has important implications for bringing such violence to an end". He also noted how "...in these intra-state conflicts, decision making, and political power are often more fractured than in the case in inter-state warfare, civilian populations are normally more involved...and humanitarian abuses are often more extreme."[12]

Kofi Annan in a 1998 report entitled "Sources of Conflict in Africa" in effect presaged this type of interstate conflict developing in Africa that was now being witnessed in Liberia;

"...in which the main aim, to an alarming degree, is the destruction not of armies but of civilians and entire ethnic groups. Preventing such wars is no longer a question of defending states or protecting allies. It is a question of defending humanity itself."[13]

It was these multi-faceted issues that were to subsequently inform the UNMIL mission when deployed. By the mid-1990s Taylor controlled the majority of the country with the exception of the capital Monrovia. It is also notable that perhaps no other 21st century Conflict made more use of Child Soldiers than the Liberian Civil War, their use by all sides being both prolific and endemic.[14] It was onto this confused and bloody stage that the UN began to make tentative efforts to try and bring a resolution to the conflict.

First Step – UNOMIL

Regionally, peace attempts brokered by the Economic Community of West African States (ECOWAS) had little effect, despite later assistance from a nascent UN Observer Mission, UNOMIL.[15] The conflict was fuelled and exacerbated by all the parties to the conflict engaging in systematic exploitation of natural resources including diamonds, rubber and timber. Consequently as Sisk (2009) noted an 'incessant ambition' of rival militias and warlords to profit from war, meant that any hopes of a peaceful solution were greatly reduced.[16] Although a Peace Agreement was signed in 1995 with elections held in 1997, in fact no peace was possible with the election of Charles Taylor. As a result, fighting continued until 2003 when Taylor was

8 D. Bekoe, Implementing Peace Agreements': Lessons from Mozambique, Angola and Liberia. (New York: Palgrave McMillan, 2008).
9 This group later split and the Independent National People's Front Liberia (INPLF) under Prince Johnson. In 1990 Prince Johnson's INPLF forces captured Doe in Monrovia, and after a per functionary show trial executed him by firing squad.
10 Cook (see note 5).
11 Other disparate groupings were in addition to Taylor's NPLF; NPFL Central Revolutionary Council (NPFL-CRC); Lofa Defence Force (LDF); ULIMO-K; ULIMO-J; Armed Forces of Liberia (AFL); Liberian Peace Council (LPC). Available from; www.unmil.org/1content.asp?ccat=history [Accessed on 01 September 2015]
12 F. Cochrane, Ending Wars. (Cambridge: Polity Press, 2008). P. 31.
13 W. Shawcross, Deliver us from Evil: Warlords & Peacekeepers in a World of Endless conflict. (London: Bloombury, 2000), p. 252.
14 A. Kelly, Agony without end for Liberia's Child Soldiers. Available from; www.theguardian.com/2009/jul/12/liberia-child-soldiers [Accessed on 22 September 2015].
15 The UN Observer Mission in Liberia (UNOMIL) established by the SC on September 22, 1993, deployed some 368 UN Military Observers (UNMOs) and associated civilian personnel to monitor implementation of the abortive Cotonou Peace Agreement prior to 1994 elections (Adibe, 1997: 471).
16 T. Sisk, International Mediation in Civil Affairs. (London: Routledge, 2009), p. 116.

granted asylum in Nigeria and left the country.[17] The way was now clear for a multidimensional UN mission to enter the country. In the following the evolution and deployment of UNMIL will be examined and how the UN envisaged it to be a multidimensional integrated mission.

The Spectrum of Peace Operations

The aftermath of the Cold War in terms of PKOs, had witnessed significant changes in the posture of UN deployments. Missions carried out during the era of the Cold war are classified by many UN academics as 'first generation' and those post Cold war usually referred to as 'second generation.'[18] What were the fundamental differences between these two so-called 'generations' of Peacekeeping?

The traditional method of peacekeeping during the first generation of missions usually witnessed UN intervention with the deployment of UN peacekeeping forces acting as buffer zones between the conflict parties, such as the UNIFIL mission in Lebanon or the UNPROFOR mission in the Balkans.[19] Cold War peacekeeping missions were predicated on three core pillars: consent, impartiality and non-use of force except in self-defence.[20] Jett (1999) also emphasises that irrespective of the development and evolution of PKOs it remains the case that the mandate which is created by the UNSC is vitally important in both how it is framed and how strong its terms are in impinging on how successful a mission will be.[21]

Sesay (1996) contends that another key factor that came to the fore following the end of the Cold War was the legitimacy of interfering in the affairs of another state, as the UN Charter prohibited states to violate another's sovereignty and also prohibited the use of force.[22] Yet in the aftermath of the Cold War intervention was possible, for example on humanitarian grounds, where conflict could pose 'international instability' and thirdly where a state had failed.[23] This reflects arguably a paradigm shift in international law, whereby a growing sense of global responsibilities for atrocities is increasingly encroaching upon the formerly sanctified concept of state sovereignty. This is the much anticipated and debated new doctrine, called the Responsibility to Protect (R2P). Another related issue that emerged during this period was by what criteria UN missions can be deemed to have been a success or not. In the following a brief synopsis will be addressed on the debate in this sphere.

Measuring Success?

Howard (2007) has noted how "measurements of success in Peacekeeping vary significantly."[24] To decide on the success of any given UN mission, it is important what parameters are used to judge the success. While Diehl (2008) accepts that defining the success or otherwise of a UN mission is difficult, there is nonetheless agreement amongst academics as to a set of criteria,

---

17 Taylor was subsequently handed over to the UN in 2006 and indicted on charges of crimes against Humanity: firstly, in Sierra Leone and then at The Hague. He was found guilty in April 2012 of all eleven charges levied by the Special Court, including terror, murder and rape (The Economist, 21 May 2007).
18 O. Ramsbotham, Woodhouse, T., & H. Miall, Contemporary Conflict Resolution. (Cambridge: Polity Press, 2012), p. 149.
19 D. Coakley, UNMIL: A UN Success Story. In B. O'Shea (Ed.) Irish Defence Forces Review. (Dublin: Defence Forces Printing Press, 2008), p. 115.
20 M. Doyle, & N. Sambanis, Making War and Building Peace. (New Jersey: Princeton University Press, 2006), p. 348.
21 D. Jett, Why Peacekeeping Fails. (New York: St. Martin's Press, 1999), p. 39.
22 M. Sesay, Politics and Society in Post-War Liberia. (Journal of Modern African Studies), p. 35.
23 Ibid, p. 36.
24 L. Howard, UN Peacekeeping in Cold Wars. (Cambridge: Cambridge University Press, 2007), p. 201.

however, he asserts that success can mean different things to different people.[25] Equally a recurring theme within the literature is what exactly peacekeeping is for and who decides what peacekeeping is. This in turn impacts on whether it is enough to realize short, or long-term, goals. Johansen (1994) notes that Diehl (1994) lists two criteria for judging if a peacekeeping mission is a success; if the operation limits 'armed conflict' and secondly if it promotes conflict resolution.[26] It was these arguments and themes that were to inform the deployment and posture of the forthcoming UNMIL mission

Objectives of UNMIL – Integrated Mission Concept

Prior to UNMIL the UN had received much criticism for failures to successfully achieve their objectives, particular in light of failed peacekeeping missions in Rwanda, Somalia and Srebrenica (UNPROFOR). On foot of such criticism, the Panel on United Nations Peacekeeping (the Brahimi Report) is perhaps the most significant review of peace and security activities undertaken as a result of a number of failed UN peace operations. Brahimi was tasked in accessing the shortcomings of the existing system in situ for PKOs and to make frank, specific and realistic recommendations for change. These recommendations focused not only on politics and strategy but also, and perhaps even more so, on operational and organizational areas of need.[27]

The UNMIL deployment embraced several key components of the Brahimi Report. Some of the recommendations made by the report that were taken on board included rapid deployment teams, pre-mandate commitment authority and an integrated mission task force.[28] These developments were accordingly built into the fabric of the UNMIL deployment.[29] At this juncture, as UNMIL was poised to be deployed, Liberia's brutal conflict had resulted in over 250,000 deaths and the displacement of one third of the population.[30]

It has been seen how the fallout from Brahimi was the development of a more complex and planned approach to peacekeeping operations. Lessons learned would result in more efficient systems being employed during mission planning at both operational and strategic levels. UNMIL was the first major and most complex UN deployment since the Brahimi report. UNMIL United Nations Security Council Resolution (UNSCR) 1509 was adopted on 19 September 2003 and required the transfer of authority to UNMIL from ECOWAS to take immediate effect. The mission deployed on Liberian soil on 01 October 2003 and began operations immediately.[31] Because of these developments, UNMIL was in the peacekeeping

---

25 P.F. Diehl, Peace Operations. (Cambridge: Polity Press, 2008)
26 R. Johansen, Reviewed Work(s): International Peacekeeping In F. Diehl (Ed) International Studies Review (London: Routledge, 1994), p. 307.
27 The Brahimi Report was commissioned by the UN Secretary General and carried out by a high-level Panel. It constituted a thorough review of the UN peace and security activities, addressing several issues related to the need for more urgent policy development standards and support for realistic mandates, a capacity for information management and strategic analysis; improved mission guidance and leadership, rapid deployment standards and 'on-call' expertise. It also called for the enhancement of Headquarters capacity. It was presented to the GA and SC in August 2000. However, as emphasised in the Report, without the willingness of member states to commit troops and financial support, the performance of the UN in PKOs would not improve.
28 A. Bellamy & P. Williams, Thinking Anew About Peace Operations. (London, Routledge, International Peacekeeping, 2004), p. 1.
29 T. Tardy, The Brahimi Report Four Years On. (Geneva: Proceedings of a Workshop held at the Geneva Centre for Security Policy, 20-21 June 2004).
30 P. James-Allen, A. Weah, & L. Goodfriend, Beyond the Truth and Reconciliation Commission: Transformational Justice Options in Liberia. (New York: International Centre for Transitional Justice, 2010), p. 3.
31 ECOMIL (ECOWAS Mission in Liberia) troops, serving in Liberia were 'rehatted' as blue helmeted UN troops. ECOMIL came from ECOWAS (Economic Community of West African States), the mission was designated UNIMIL.

sphere one of the first missions which was conceived to implement the Integrated Mission Concept which sought to increase coordination between military and civilian actors.[32]

As the primary aim of this article is to assess the UN peacekeeping mission in Liberia, in this section it is opportune to discuss the major objectives that UNMIL was entrusted and expected to accomplish that in turn will serve as benchmarks for that assessment. These objectives emanated directly from UNMIL's mandate and as we have seen the associated goals of which the Integrated Mission Concept was a key and defining pillar,[33] termed as the Integrated Mandate Implementation Plan (IMIP) in the Liberian context. It was the aim of UNMIL to create an environment free from further violence which would enable Liberia to get back on track in relation to its own political, economic and social development. It was not sufficient to simply prevent the fighting and then for UNMIL forces to depart the country. Moreover, such operations are undertaken on the theory that military means alone cannot lead to a self-sustaining peace unless accompanied by robust efforts to address the structural factors responsible for the outbreak of Civil war in the first instance, as well as the economic and political consequences of war that left societies vulnerable to further renewed conflict.[34]

The Brahimi Report also highlighted three principles seen as essential for future PKOs; conflict prevention and peacemaking, peacekeeping and peace building. The latter is defined as;

"Peace building is action undertaken at the end of a civil conflict to consolidate peace and prevent a recurring of fighting. A peace building mission involves the deployment of military and civilian personnel from several international agencies, with a mandate to conduct peace-building in a country that is just emerging from a civil war."[35]

The UNMIL mission represented 'Multidimensional Peacekeeping' i.e., "missions with extensive civilian functions, including economic reconstruction, institutional reform and election oversight" whose express purpose was to significantly improve the chances of peacebuilding success.[36] The UNMIL IMIP identified eight core goals that were built into the fabric of the deployment,[37] both the mandates and implementation goals of UNMIL are more or less interrelated, interdependent and reinforcing where the success or achievement of one is reliant on another, particularly from the viewpoint of negating the possibility of igniting another Civil War and building a sustainable peace.[38] UNMIL was therefore the first UN attempt to establish an Integrated Mission (Multi Functional Mission with Civil-Military Relations) with the UN system in Liberia under the single leadership of the SRSG. Hull (2008) argues that in the Liberian case, the implementation of this concept has been a great success,[39] to the extent that the concept is now the structure of choice among UN missions,

---

32 C. Hull, Integrated Missions: A Liberia case Study. (Stockholm: Swedish Defence Research Division of Defence analysis, 2008), p. 6.
33 Ibid, p. 11.
34 An Agenda for Peace, Available from; www.un-documents.net/a47-277.htm Accessed on 02 September 2018.
35 R. Paris, At Wars End. (Cambridge: Cambridge University Press, 2004), p. 116-117.
36 V.P. Fortna, Does Peacekeeping Keep Peace? International Intervention and the Duration of Peace after Civil War. (Oxford: International Studies Quarterly, 2004), p. 270.
37 Peace and Security; Disarmament and Demobilisation; Rehabilitation and Reintegration of Ex Combatants, Establishment of the Rule of Law, including judiciary and corrections; Establishment of safeguards for human rights; Restoration of state authority; Provision of factual information through public media campaigns; Coordination of UN agencies for Humanitarian Assistance. See B.F. Aboagye & S.M. Bah, Liberia at a Crossroads: A Preliminary Look at the United Nations Mission in Liberia (UNMIL) and the Protection of Civilians. (ISS Paper 95, 2004), Available from: www.issafrica.org/uploads/PAPER95.PDF Accessed on 21 August 2015.
38 G. Cleaver & S. Massey, Liberia: A Durable Peace at Last? In O. Furley, & R. May, (Eds) Ending Africa's Wars: Progressing to Peace. (Hampshire, UK: Ashgate Publishing, 2006), p. 189.
39 Hull (see note 32), p. 10

further contending that this success is based on the fact that UN Humanitarian Agencies felt integrated and better coordinated at field level.[40]

Measuring the Parameters of Success

The UN mandate for UNMIL was a multi-dimensional one, but it was also quite specific in key areas and objectives which facilitate an analysis of each of its main constituent parts to be measured. For the mission to achieve its mandate, it set several goals in the areas of Peace and Security, the DDDR (see below) process, Human Rights, the Rule of Law, Information and Humanitarian assistance. These areas were all interrelated, and if peace and security were to be achieved, then all the other goals would have to be achieved to a broadly similar level of satisfaction.

DDDR

One of the key implied elements for building a sustainable peace was implementing a program of disarmament, demobilization, rehabilitation and reintegration (DDDR) and several authors contend that this was critical to achieving a successful outcome for the mission.[41] Similarly, Krause (2010) posits that DDDR was the key to an effective transition from war to peace.[42]

The DDDR program proved to be relatively successful. Kovacs and Nilsson (2006) describe the results as 'mixed' on the basis that, while 100,000 fighters had been disarmed, the amount of weapons seized did not correlate to these numbers,[43] equally Agoabye and Bah (2004) noted that relatively little heavy weaponry was handed in.[44]

Paes (2005) has also cited how NGOs highlighted the fact that many civilians were buying weapons for cash in order to be able to get the pay-off from registering as an ex combatant.[45] Call (2011) argues that while over 100,000 combatants were demobilized by UNMIL, it was slow in achieving this and in trying to generate employment for ex combatants.[46]

Yet under the command of "the very experienced and well respected, General Daniel Opande from Kenya,"[47] it remained the case that the three principal groups involved in the conflict GOL, LURD and MODEL were all effectively disarmed.[48] UNMIL thereby achieved what Casas and Guzman (2010) believe is the core function of DDDR in contributing to achieving a lasting peace process where those involved directly in the conflict can break with the past.[49] On a further positive note, Pugel (2006) asserts that the empirical evidence of his survey

---

40 Ibid, p. 50
41 W. Paes, The Challenges of Disarmament, Demobilization and Reintegration in Liberia. (London: Routledger, International Peacekeeping, 2005); M.K. Jennings, The Struggle to Satisfy: DDR through the eyes of ex-combatants in Liberia. (London: Routledge, International Peacekeeping, 2007); N. Lamp & D. Triff United Nations Peacekeeping Forces and the Protection of Civilians in Armed Conflict. Available from: www.edoc.vifapol.de/opus/volltexte Accessed on 21 July 2015.
42 K. Krause, Governmentality without Governance: Re-establishing the Monopoly of Violence in Post-Conflict Contexts. Available from: www. graduateinstitute.ch/files Accessed on 13 July 2015.
43 M. Kovacs & D. Nilsson, Breaking the Cycles of Violence? Promises and Pitfalls of the Liberian Process. (London: Routledge, Civil Wars Vol. 7, 2005), p. 5.
44 Aboagye & Bah (see note 38).
45 Paes (see note 41), p. 257.
46 C. Call, Liberia's War Recurrence: Grievance over Greed. (London: Routledge, Civil Wars Vol. 12, 2011), p. 363.
47 O. Furley & R. May, African Interventionist States. (Aldershot, UK: Ashgate Publishing, 2006), p. 187.
48 C. Robinson, UNMIL's Hard Won Succes. Available from: www.findarticles.com/p/parties Accessed on 15 June 2015.
49 A. Casas & G. Guzman, The Eternal yesterday? The Colombian Reintegration Process as Social Dilemma. Available from: www.redalyc.org/ articulo.oq?id Accessed on 15 July 2015.

suggests that "the DDDR program in Liberia has indeed enabled a much better life for those ex- combatants who have completed their program of training when compared to those former fighters who chose not to register and to reintegrate on their own."[50]

Peace and Security

Krasno (2006) conducted a public survey that looked at the impact of UNMIL three years after the initial force deployment. This survey is of significance because it gathered opinion from a wide cross spectrum of Liberian society. On the fundamental issue of Peace and Security it was notable that some 91% of respondents to Krasno's survey believed that the security situation had markedly improved.[51] However, while the overall security situation had improved, Baker (2010) noted that crime and effective policing were still a major cause of concern for the populace.[52]

Ford and Tienhaara (2010) posit that while a relative peace has been reestablished in a country that was so heavily traumatized by Civil War, there is much to be done to give Liberia a stable economic base from which to solidify peace and security.[53] Liberian society is war weary, but issues of poverty, unemployment and illiteracy are all in themselves factors than can lead to potential future instability. Nyepon, (2010) alludes to how this lack of education and poverty continues to be an evolving vicious cycle,[54] Call (2011) concurs that it is both grievance and exclusionary behavior that remain the root causes of a possible re-run of the Civil War.[55]

Human Rights, Elections and the Rule of Law

The signing of the Comprehensive Peace Agreement in 2003 mandated the creation of a National Truth and Reconciliation Commission, however, it was not effectively launched until 2006. Its goals were to investigate human rights abuses and also economic crimes occurring between 1979 and 2003.[56] One of the defining issues as it pertained to UNMIL's mandate was to protect civilians, this issue of Human Rights Violations remains a major concern, where for example "...during 2013 there was an increase of 25% of reported cases of sexual violence from 2012."[57] There is evidence that there is much psychopathology among combatants and civilians and a recent study in Liberia found that 40% of the population had symptoms deemed to be consistent with Post Traumatic Stress Disorder.[58]

Sisk (2009) notes that 'post-war electoral process matters significantly for state building over the long term."[59] In this regard UNMIL was successful in establishing a safe and secure

50 J. Pugel, Key Findings from the Nation Wide Survey of Ex Combatants in Liberia: Reintegration and Reconciliation. Available from: www. mirror.undp.org/liberia_new/Ex-combatants Accessed on 16 June 2015.
51 J. Krasno, Public Opinion Survey of UNMIL's Work in Liberia. (Yale University: University Press, 2006), p. 5.
52 B. Baker, Resource Constraint and Policy in Liberia's Post Conflict Policing. (London: Routledge, Policing Practice and Research, 2010), p. 186.
53 J. Ford & K. Tienhaara, Too Little, Too Late? International Oversight of Contract Negotiations in Post-Conflict Liberia. (London: Routledger, International Peacekeeping, Vol. 17, 2010). P. 362.
54 F.W. Nyepon, Liberia Education and the Poverty Reduction Strategy. (Atlanta, Georgia: The Perspective Magazine, 2010).
55 Call (see note 46).
56 R. Bannor-Addae, Resource Constraint and policy in Liberia's Post-Conflict Policing. (London:Routledge, Police Practice and Research, 2008), p. 2.
57 See www.betterworldcampaign.org Accessed on 21 June 2015.
58 S. Galea, Persistent Psychopathology in the Wake of Civil War: Long Term Post-Traumatic Stress Disorder in Nimba Country. (Washington D.C.: American Public Health Association, Issues in Global, Public and Institutional Health, 2010), p. 1.
59 Sisk (see note 16), p. 196.

environment whereby the 2005 election was made possible in an environment conducive to free and fair elections. Lamp and Trif (2009) also contend that UNMIL was able to bring about the progressive implementation of the rule of law. Allied to this, UNMIL has been effective in winning cooperation from major political figures, improving the overall security situation and the protection of civilians.[60] Mvukiyeche and Samii (2010) who undertook a quantitative impact evaluation of UNMIL, observe that it had a remarkably small, direct, local impact on the de-escalation and security at the local level. Nevertheless, the same report suggests that UNMIL played a major role in helping to end the war.[61]

On the Rule of Law front a successful feature of the UNMIL deployment has been that the National Government of Liberia, made up of civil society and former belligerents' groups, has been operating under the protection of UNMIL. Kovacs and Nilsson (2005) have noted that a key lesson for the future is that "the establishment of a legitimate state monopoly over the use of force in society is imperative in the aftermath of Civil Wars.[62] Brule (2012) also believes that in addition to its role in helping train and mentor the civilian police and national army, that "UNMIL has contributed to the re-establishment of the government and to the rebuilding of the country's infrastructure [thereby] significantly improving humanitarian conditions [and] supervision of elections."[63]

Conclusion

It is not always easy to export the claimed successes of a particular mission to another conflict zone, as many conflicts often have their own unique characteristics where local factors play a highly significant role. UNMIL at this juncture in time appears to have been a success because of the dedication which it received from the UN, allied to the mission been so heavily funded, so that both these factors combined were central to its success. The paradox remains that the success of UNMIL is not necessarily the success of Liberia. Until the police and army are autonomous and the justice system fully reformed and available to all Liberian citizens, the country will remain vulnerable to potential future anarchy.

What therefore are the lessons of UNMIL that may be translated to other ongoing conflicts particularly in the African sub-continent? The demand for peacekeeping will continue while the international community continues under the aegis of the UN to expend huge resources on the management and consequences of particular conflicts. However, the underlying political issues that drive such conflicts cannot be ignored. UNMIL has demonstrated the need for an integrated approach to peace operations combining interrelated civilian and military activities. Where possible, regional approaches to conflicts should be encouraged, but it is notable in the Liberian case that regional intervention was ineffective.

In 2005, Ellen Johnson Sirlaf, became the first female president of Liberia and indeed in Africa. Her tenure, despite severe challenges, including an Ebola outbreak, is generally considered as laying the groundwork, of a nascent stable democracy. In December 2017, George Weah,

60 N. Lamp & D. Trif, United Nations Peacekeeping Forces and the Protection of Civilians in Armed Conflict. Available from: www.graduateinstitute.ch/files Accessed on 13 July 2015.
61 E. Mvukiyehe & C. Samii, Quantitative Impact Evaluation of the United Nations Mission in Liberia: Final Report. (New York: IED-OIOS Report incorporated in UN GA report A/64/712), p. 2.
62 Kovacs & Nilsson (see note 43), p. 403.
63 M. Brule, Assessing Peace Operations Mitigated Outcomes. (London: Routledge, International Peacekeeping, Vol. 19, 2012), p. 241.

a former footballer achieved a stunning electoral victory and became President in the first peaceful transfer of power that the country had seen in decades.[64] His rival Vice President Joseph Boakai conceded defeat.

Arguably, at the heart of this article and Liberia's experience are successes and failures in peace-keeping. In judging success, various scholars offer parameters as to what constitutes success for any UN mission. Although Liberia remains fragile, with numerous challenges across a wide spectrum of issues, on balance UNMIL can be judged using such criteria to have been a clear success in peace-keeping generating lessons which remain today relevant.

---

64 Country Profile Liberia (BBC World News, 2 January 2018) Available from; https://www.bbc.com/news/world-africa-13729504 Accessed on 02 September 2018.

IS THERE A FUTURE FOR UNITED NATIONS PEACEKEEPING AS PRESENTLY CONSTITUTED?

Capt (Retd) John Minihan

Abstract

After 70 years of United Nations Peacekeeping operations it is now timely and appropriate to examine the history, evolution and prospects of the process in its entirety.

Ireland has had a continuous presence on peace support operations since 1958. Learning from that experience we have developed, an internationally acclaimed, expertise in peacekeeping operations. We are now in a position to look back at the role we have played and question our political and military evaluation of the missions undertaken and our decision to participate.

Was our participation in the Congo mission an error of judgment and premature in it's timing, is the Mandate for UNIFIL fit for purpose? Do we need to do more to ensure that the peacekeeping missions we participate in support both our political requirements and our actual military competencies?

It is proposed to examine the role of the General Assembly and evaluate the effectiveness and relevance of the Security Council as currently constituted, the quality of UN Mission Mandates.

The effectiveness and relevance of the Security Council as currently constituted has been on the agenda for decades. As Ireland seeks to secure a seat on the Council in 2021, coinciding with the centenary of our national independence, we are well placed to drive this debate setting out the key elements of a reform agenda.

The paper will also review the process for political and military assessment of Irelands participation in UN operations thereby ensuring our political strategic agenda, specific skill sets and future military capabilities are recognised.

Introduction

As the destiny of UN peacekeeping is at a crossroads[1] it's now timely to examine the history, evolution and the future prospects of the peacekeeping process as managed by the UN, the pre-eminent contributors to peacekeeping forces in the world. It all began in 1948 and now every day, more than 100,000 UN peacekeepers[2] work to stabilize some of the world's most volatile conflict zones, spending more than half a trillion dollars[3] on its operations in the last seventy years. Ireland became a member of the United Nations in 1955 and since then the Defence Forces have had an almost continuous presence on peace support operations, mainly in the Middle East.

In July 2018, Taoiseach Leo Varadkar formally launched our bid for a seat on the United Nations Security Council[4]. He said that Ireland would bring hard won insights and practical lessons to the table[5]. Ireland now has an opportunity to seek reform of the Council itself and influence a thorough reorganisation and redefining of peacekeeping operations. China's recent ascendancy in UN peacekeeping engagement is contrasted by the United States' cutbacks in

---

1 Can we make UN Peacekeeping Great Again. Alexandra Novosseloff: Global Peace Operations Review 9th May 2017
2 www.un.org/en/events/peacekeepersday: 29th May 2018
3 The Guardian Chris McGreal 11th Sep 2015
4 https://www.rte.ie/news/politics/2018/0702/974672-taoiseach-new-york/
5 Speech by An Taoiseach Leo Varadkar T.D., Launch of Ireland's Campaign for Election to the UN Security Council United Nations, New York 2 July 2018

both financial and in personnel contributions and is a matter that could impact on our military doctrine and strategic planning.

The background to any appraisal of Irish Defence policy is the fact that our Defence spending is the lowest in Europe, even lower than Luxembourg and we do not have a senior Minister for Defence.

It is timely to question our peacekeeping role bearing in mind that it's not the primary role of the Defence Forces. Questions here could include;

Was our participation in the Congo mission an error of judgement because it lacked a clearly defined mission[6]?

As presently constituted is the UNIFIL mandate fit for purpose in an ever-changing security environment?

If the blue helmet is to continue as a symbol of hope, security and protection, do we need to do much more to improve peacekeeping missions and our participation in them?

Have the demands on peacekeeping grown so fast and complex, that the operational role of the U.N. is ahead of its capabilities[7]?

Should we acknowledge that peacekeeping may not be a feasible response in some conflict zones, nor always the best answer? In some cases, a more robust peace enforcement response, by those willing states of the international community, may be required to stop aggression?

Are we cognisant of the growing influence of China in UN affairs and how that may influence the future direction and shape of Peacekeeping Missions?

This paper will negotiate a hard-headed, but not hard-hearted, analysis of the above and attempt to chart a realistic future path for Irish peacekeeping participation. The objective of the exercise will be to grapple with the complex challenges facing peace operations in a thoughtful and honest fashion. As Ireland campaigns for a position on the UN Security Council 2021/22 we should confidently champion our commitment to reform of the Council and influence policy makers by presenting some new concepts and proposals.

Overview of Ireland's Participation in Peacekeeping Missions

Irish peacekeepers have left few stones unturned in their pursuit of building peace and bringing stability across many regions under the banner of the United Nations. That said and acknowledged, there is no lofty ideal easier to pay homage to in principle, or harder to make work in practice, than the noble peacekeeping role of the United Nations. Traditional Peacekeeping incorporates three basic ground rules that are inter-related and mutually reinforcing:

1. Consent of parties to the dispute

2. Impartiality (impartiality in the dispute and non-intervention in the fighting)

---

6 Ireland, The United Nations and the Congo. Michael Kennedy and Art Magennis. Four Courts Press Issue 2 March / April 2105
7 The Fog of Peace A Memoir of International Peacekeeping in the 21st Century. Robert S McNamara Inter Press Service News Agency on May 21, 2015.

3. Non-use of force except in self-defence and defence of the Mandate

Traditional Irish Peacekeeping incorporates protocols that are inter-related and easily understood by soldiers: be Firm, Fair and Friendly.

First Steps

The United Nations Peacekeeping Force in Cyprus first arrived on the island in March 1964[8] and classically ticked all the above boxes. This force was drawn from what was then known as the 'usual suspects' of peacekeeping operations, Canada, Denmark, Finland, Ireland and Sweden. It was the first and only UN peace operation on European soil, a distinction it held for many years until the interventions in the former Yugoslavia in the 1990s. In a conventional sense, UNFICYP was a success. The UN force in Cyprus managed to keep the peace, but was largely unsuccessful in reconciling the combatants. It was, at that time, a mission and location ideally suited to the competences of our Defence Forces[9]

On the other hand, the Congo operation saw these three fundamental principles of peacekeeping tested to the ultimate limit. The central requirement of consent came to mean little in a fragmented, confused and disintegrating state.[10] The operation's impartiality was challenged at every turn by the then superpowers, particularly by the Soviet Union, which accused the UN of serving western economic and political interests in the Congo. Finally, the notion of force only in self-defence was clearly abandoned as UN units took to the offensive, even conducting aerial bombing with Swedish jet fighters[11] to defeat western mercenaries and regional secessionists. From the beginning, at UN level, it was an over ambitious and naive mission and in retrospect our participation was problematic.[12] Some saw its role as keeping communism out of Africa, others as ending Belgian colonial/ imperial influence in Africa[13]. Both concepts were compatible and sat easily with our geo political psyche of that time[14]. It should be noted that UN Forces are still deployed in the Congo with the very complex, demanding and controversial MONUC mission[15].

The extraordinary cultural and intellectual isolationism of Ireland in the early 1960's[16], unusual in Western Europe at the time, was reflected in the fact that none of the Cadets who participated at the 1963 funeral of JFK in Arlington were in possession of a passport, and the first troops sent to the Congo suffered from deficiencies in logistics and mobility. It seems that in our undue haste and eagerness to get a foothold on the world stage, little consideration was given to command and control, cultural diversity, linguistic limitations or the complexity of de-colonialization, intelligence and the expedient use of force. Accustomed to hardship and to operating with limited resources, our troops stoically accepted conditions and assignments that other contributing nations would probably not undertake.[17] The unsuitability for heavy fighting of UN troops equipped and trained for purely police operations, and the fact that the then

8   Michael Theodowlow: Cyprus Mail 29th Dec 2016
9   Legacy of Strife: Simon & Schuster 1963. Charles Foley Penguin 1964
10 To Katanga and Back – January 15, 2015. Conor Cruise O'Brien Faber and Faber
11 Ireland, The United Nations and the Congo. Michael Kennedy and Art Magennis. Four Courts Press Issue 2 March / April 2105
12 Ireland 1912-1985 Joseph J. Lee, Joseph L. Lee Cambridge University Press, 1989.
13 Memoir. Conor Cruise O Brien Poolbeg Press 1998. Congo.
14 Ireland 1912-1985 Joseph J. Lee, Joseph L. Lee Cambridge University Press, 1989.
15 Berdal, Mats. "The state of UN peacekeeping: Lessons from Congo." Journal of Strategic Studies 41, no. 5 (2018): 721-750.
16 The Transformation of Ireland 1900-2000 Diarmaid Ferriter. Profile Books. 2004.
17 Veterans Remember. As published in An Cosantóir in October 2011. By Sgt Wayne Fitzgerald.

Department of External Affairs provided a monthly analysis of events in the Congo for senior politicians but not for senior military personnel, were but some of the interesting snippets to emerge from the Congo episode. The Government's concern about irritating Britain, France and Belgium as it anticipated membership of the European Economic Community influenced their judgment of the operational role /capability of our troops in the Congo at that time.

The Middle East

UNIFIL has a mandate to ensure that no armed groups other than U.N. peacekeepers and the Lebanese army operate in southern Lebanon. UNIFIL patrol nearly 1,000 square miles of land south of the Litani River in that volatile border region between Israel and Lebanon, which is possibly one of the world's most rapidly changing, intricate and explosive conflict zones.[18] One analyst, reflecting an Israeli perspective, noted that UNIFIL has definitely not fulfilled the key element of its mandate "to prevent the deployment of unauthorized armed elements to southern Lebanon". Instead, "UNIFIL" is a type of observer group that monitors the existing ceasefire, but is very limited in the way it operates and is unwilling to confront Hezbollah."[19]

Every single UNIFIL commander has noted what in theory the mandate demands but to give effect to it would require waging war against well-armed actors, of which Hezbollah is one and only the latest. In the past the South Lebanese Army or Shia Amal were just as much an obstacle to peace on the ground. There appears to be simply no capability nor seemingly a political willingness to confront armed elements in a robust 'peace enforcing' manner. Indeed, to do so could risk a Congo like operation, and would lead to bloodshed. So, compromise has ruled the day and mandates have been 'interpreted'.

UNIFIL itself says it is mainly focused on stability and that they provide free medical, dental, veterinary and other such services. UNIFIL likewise supports various training programs for communities in the fields of computers, languages, cooking, etc. Significantly they have created communications and dialogue mechanisms between Israel and Lebanon via their respective militaries. It is probable that the relative calm in the area in the recent past is due to Hezbollah involvement in Syria and therefore they are unable or unwilling to open a second front. It is not unreasonable to forecast that the situation in Lebanon will deteriorate rapidly when these battle-hardened troops return to their bases and concentrate again on their primary objective. Having said that, the presence on the ground of a neutral 'tripwire' force between Israel and Hezbollah has been successful in providing stability and a peaceful environment within the region.

It is never easy to differentiate between success and failure when assessing various peacekeeping missions. The UNDOF mission, one of the longest running in the history of the UN, is no exception. It is a critical one in an area of strategic importance[20] and while the number of UN participants is low, it is traditional in its ethos and only uses force in self-defence. This doctrine fits easily with our approach to UN service and while lately not fashionable, China are now advocates of this approach. The area of operations is probably one of the most dangerous in the

---

18 Pity the Nation: Lebanon at War. Robert Fisk Oxford University Press 1990
19 INSS. At a crossroads: Israeli Policy on UNIFIL Assaf Orion. July 13 2017.
20 Prof Ray Murphy RTE Radio 5th Sept 2018

world today and in my opinion our presence there may not be based on a considered, coherent and well thought-out strategy.

A clear mandate is critical to the effectiveness of any peacekeeping mission. Thereafter the quality of enforcement depends on the commitment and intensity of the sides' interests and their willingness to take risks. This however, is always a very difficult political adjudication. Peacekeeping missions are essentially aimed at facilitating a political process, which means that the military components sometimes suffer as a result of primeval power struggles among the major players on the Security Council. Should consideration be given to outsourcing some peace operations to competent regional organisations, like the EU and NATO?

General Assembly

All of us can take a quiet, surrogate pride in the "golden age" of Irish diplomacy at the UN which began with the appointment of Frank Aiken as Minister for External Affairs in 1957, C.C. O'Brien being one of his senior advisors. His most important and lasting contribution to world diplomacy lay in his advocacy, begun in 1958, of a treaty to prevent the proliferation of nuclear weapons. This was crowned with eventual success by the signature of the Nuclear Non-Proliferation Treaty in July 1968. Despite a great deal of opposition, both at home and abroad, he also stubbornly asserted the right of UN members to discuss the representation of communist China at the General Assembly.[21]

Aiken also ensured that Ireland vigorously defended the rights of small nations such as Tibet and Hungary,[22] nations whose problems it was felt Ireland could identify with and had a moral obligation to help. Since that period, in my opinion, our influence has been somewhat less than distinguished. Is it time for a new golden age of Irish diplomacy?

Security Council

Of all the international institutions created in the aftermath of World War II none matches the United Nations Security Council in power and global influence. It is regarded by many as the "most powerful international institution in the history of the nation-state system."[23] A seat on the Security Council is viewed as the pinnacle of diplomatic achievement, as it gives countries a strong voice in matters concerning international peace and security.

The Security Council's rotating members are drawn from blocs. Ireland sits in the Western European and Other States' bloc. Together with Canada and Norway we are the candidates for one of two vacancies that arise in the 2021-2022 term. Speaking in general about the bid for the Security Council seat, President Higgins recently said: "Ireland's capacity as peace-maker, peace-implementer and peace understanding is our strongest card to play...Our strength is entirely in relation to the peace side." The President added that the Irish experience is "not

---

21 Cardinal Spellman, the charismatic and domineering leader of the, at the time, Irish-American-dominated Catholic Church of America, Cardinal Cushing in Boston, a confidante of the Kennedy clan. (Shades of J C McQuaid and Con Lucy) personally phoned the Irish consul general in New York and ordered, "Tell Aiken that if he votes for Red China we'll raise the Devil." The American ambassador at the UN, Henry Cabot Lodge, accused Aiken of "going nuts".
22 Frank Aiken: Nationalist and Internationalist Bryce Evans & Stephen Kelly Merrion Press 2014
23 Will the UN Security Council ever be reformed? Srinivas Mazumdaru 20th Oct 2017. D. W. Live

based on size of population, size of armies, competencies of an armaments kind. It's based on things of the mind"[24]

For a resolution to be passed, nine of the fifteen council members must vote for it, but the permanent members have a veto which essentially means that many decisions are ambiguous or compromised to the extent that they are often meaningless. As a long-time contributor to peacekeeping missions we should champion this cause so that troops on future UN missions will not be hampered by flawed, diluted mandates resulting from the realpolitik compromises of the Security Council. Ultimately, we need to reconcile the politics of the Security Council with the requirements of Peacekeepers on the ground, and this could well be a priority theme in our bid for a seat on the Council in the 2021/22 term.

Discipline

Peacekeeping has survived many crises throughout its history, but none has provoked such outrage, repugnance and disgrace as peacekeepers committing sexual violence against those they are meant to protect[25]. It may be almost two millennia since the phrase "quis custodiet ipsos custodes" (who guards the guards) appeared in the Satires of Juvenal, the Roman poet, but it is still relevant when it comes to examining the accountability of UN peacekeeping forces. A recently published report described the UN's response to sexual abuses of children as bungled, boring and bureaucratic, amounting to a "gross institutional failure."[26]

The China Factor

Recently China has significantly increased its financial and personnel contributions to UN peacekeeping missions. China currently contributes 10.25 percent of the UN peacekeeping budget. Some of the reasons for China's increased involvement in peacekeeping, particularly in Africa, (where Beijing has significant oil and mineral interests) include protecting China's assets and diaspora across that continent, giving Chinese troops active service experience and increasing Chinese soft power throughout the world. China has strategically set out to fill the political vacuum throughout the world, mainly as result of US acquiescence and their undermining of UN authority and influence. China is opposed in principle to the use of force and military intervention and broadly adheres to traditional peacekeeping principles of impartiality and neutrality. It is very possible that China may significantly influence the future direction of UN missions[27] in ways that are quite compatible with our philosophy on UN peacekeeping. It is interesting and ironic that Frank Aiken was to the fore in the battle for China gaining admittance to the UN.

24 Independent.ie 24th April 2018
25 The UN response to the Sexual Abuse and Exploitation of Women and Girls by Peacekeepers during Peacekeeping Missions. Muna Ndulo Cornell Law School 2009
26 Taking Action on Sexual Exploitation and Abuse by Peacekeepers: Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic: Marie Deschamps, Chair Hassan B. Jallow Yasmin Sooka 17 December 2
27 Richardson, Courtney J. "A responsible power? China and the UN peacekeeping regime." International Peacekeeping 18, no. 3 (2011): 286-297.

Conclusion and Recommendations

I set out below a number of areas I feel worthy of discussion. There is a need for a competent and politically astute (but not political) General Staff to strategically shape the future of the Defence Forces and their participation in forthcoming UN peacekeeping missions. The old dogma, that the military sticks to its area of competence (soldiering) and the politicians exclusively legislate within the confines of Dail Éireann on Defence strategy, without any meaningful contact between them, is unhealthy for our modern democracy and does not reflect well on either side. Defence Forces personnel should not play politics, but they should have their professional 'voice' heard in shaping Defence policy. All militaries must recognize that they need to develop future leaders that have a skill set that is much expanded to reflect this challenge, which many defence forces, such as Australia's, are also discovering[28]

The Oireachtas

Peacekeeping is rarely debated in the houses of the Oireachtas and when relevant debates occur they are, in the opinion of this author, often of a patronising, platitudinous and formulaic format rather than addressing in an informed manner realistic peacekeeping options suitable to our capabilities. There appears to be an unawareness of, and sometimes antipathy to, any peace-keeping that is not UN led and an assumption that such would be problematic. This ignores the common formula of a UN mandated but EU or NATO led mission.

The Houses of the Oireachtas should regularly debate Defence matters concerning service both at home and overseas. We should conduct both military and political assessments of where and when we might deploy uniformed personnel on UN peace operations appropriate to our military resources and in keeping with our foreign policy. Formal hearings at committee level on a bi-annual basis could allow for continuous assessment and evaluation from serving or retired Defence Forces personnel, and other national and foreign experts on military and foreign policy. In this author's opinion, the current oversight of the Defence Forces by the Department of Defence is not always adequately informed, and would benefit from being balanced through independent review.

U.N. Mandates.

The UN is, unusually, an organization where those who decide the mandate of operations are not the same as those who contribute troops or finances—except in the case of China! The UN does not have a mechanism by which political mandates are translated into operational military tasks. Every peace operation must be steered by a clear political strategy and interpretation of mandates should never be a burden on Military Commanders. But what does this mean in practice? It certainly requires unity between Security Council members and genuine political will by the host governments and parties to the conflict.

---

28 https://www.internationalaffairs.org.au/australianoutlook/military-officers-need-to-be-politically-savvy 16 Aug 2018. Professor Charles Allen

Mission Analysis

Often, a mission has a shelf life. It works well for a while and then outlives its usefulness. The lack of "basic evaluation" of UN missions is a matter of concern. In relation to the Congo and future missions, consideration should be given to the fact that studies of peacekeeping reveal that the proximity of a potential troop contributor to the peacekeeping target increases its chances of success.[29]

The UN commitment to Afghanistan is in situ for over fifteen years but has never once been reviewed.[30] UNIFIL is called an "interim" force, but it has been in Lebanon for forty years! Peacekeeping should not be a permanent operation, but a temporary endeavour focused on addressing critical problems and then departing as soon as is practical. There is also a requirement now to carefully re-evaluate all long running UN missions[31]. As Secretary-General Antonio Guterres put it, peacekeeping is a limited instrument that "creates the space for a nationally owned political solution."[32] The ideal peacekeeping mission should have clear unambiguous objectives, establish a meaningful peace, depart leaving stable institutions for ensuring that peace and most importantly, all in a timeframe of two to three years.

The UN General Assembly.

Reform proposals here may include strengthening the role of the Assembly's president, setting up more efficient committee systems, improving voting procedures and strengthening ties with the European Parliament as well as the force contributing States. There is a pressing need to strengthen the Assembly's authority, as it is the Organization's most important forum for active participation by smaller and marginalized countries.

Security Council.

Security Council membership offers very clear opportunities, especially for small countries, to take a leadership role in directing the future course of the organisation. Winning a seat on the Security Council 2021/22 can put Ireland at the heart of UN decision making on international peacekeeping and allow us to initiate a discussion on the crucial structural reforms, explicit political strategies, or the clarity on mandates, that UN peacekeeping forces will require in the face of immense and unpredictable future challenges. Spearheading a campaign for Reform of the Security Council, to make it a more democratic and effective tool for international peace should also be a key plank in our bid to regain a seat we last held in 2021.

How to reform the troubled UN Security Council has been a question challenging policymakers, diplomats and academics for decades. There is widespread agreement that reforms of the oligarchic Security Council are needed but little consensus on the best way to do so. Part, if not all of the problem, lies with the right of veto granted to the five permanent members[33] which generally results in stalemate whenever these countries disagree. Another problem is

29 Bove & Elia 2011 Perkins and Neumayer, 2008
30 United Nations University. After Afghanistan: A Return to UN Peacekeeping? Peter Nadin. 5 March 2014.
31 Peace in the Midst of Wars: Preventing and Managing International Ethnic Conflicts. Carment, David, and Patrick James Columbia, SC: University of South Carolina Press, 1998.
32 Remarks to Security Council High-Level Debate on Collective Action to Improve UN Peacekeeping Operations UN Secretary-General Antonio Guterres. 28th March 2108
33 Criticism of the UN Security Council Veto Mechanism: Ramifications for Israel Michal Hatuel-Radoshitzky INSS Insight No. 765, November 10, 2015

that the composition of the Council still reflects the politics of the 1940s, despite significant geopolitical developments since that time.

Among the proposed reforms for consideration are some or all of the following:

Create a new limited membership category that gives permanent membership of the Council, but not the right of veto

Extend the right of veto to eleven Council members, as proposed by the African Union.[34]

Re-Shape the existing regional groups, as proposed by Kofi Annan.[35]

Enlarging the Council might possibly address the perceived "democratic deficit".

The formulation of a code of conduct for veto use is a matter worthy of discussion/consideration and it has the potential to curb veto misuse in the future.
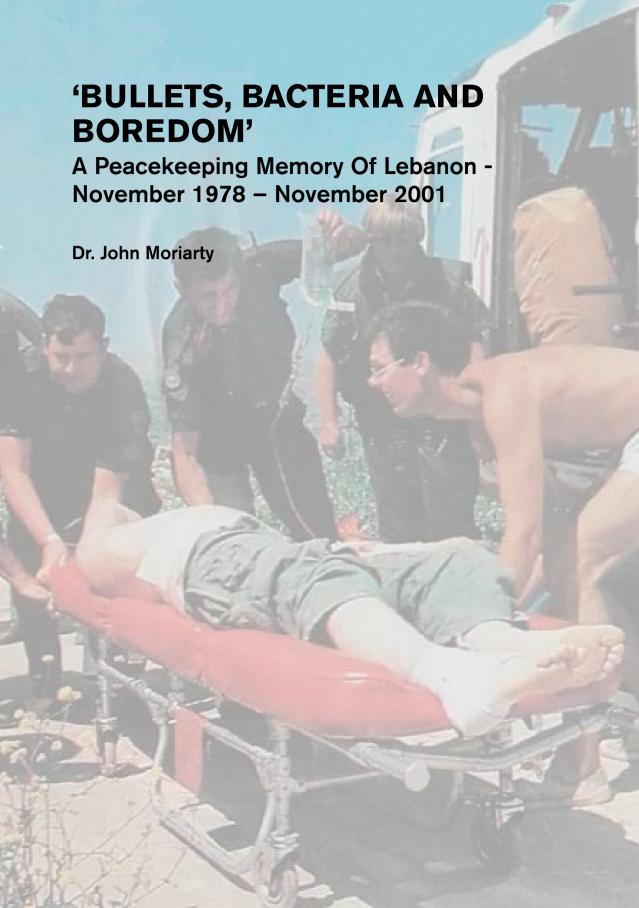
Should Peacekeeping be grouped into four categories of increasing complexity: (i) monitoring and observer missions, (ii) traditional peacekeeping, (iii) peacebuilding, and (iv) peace enforcement.

Initiate a forum, for troop contributing states. Within such a forum, we could seek out 'peacekeeping partners' and establish closer links with peacekeeping nations like Uruguay, etc., and militaries who would share values and perspectives and with whom we could develop long lasting links for shared deployments.

Create a diluted veto system in which at least two of the Permanent Five Security Council members would have to vote down a motion before a veto was constituted. The introduction of a voting threshold is probably the simplest and most effective way of solving the veto dilemma

Ireland has little to prove when it comes to our commitment to U.N. Peacekeeping, however, that does not mean we have nothing to learn. Having considered the complex challenges facing peacekeeping in an ever-changing world, the above recommendations are presented for debate and consideration in the hope that they will inform and influence both our foreign policy and military strategists under both U.N. and E.U. mandates. If we are going to seriously pursue a position on the UN Security Council 2021/22 term, then let us put reform of that council and UN peacekeeping centre stage of our bid and seek support from like-minded nations.

---

34 Africa steps up momentum in calling for UN Security Council reform Xinhuanet. 26-6-17 by Ronald Ssekandi, Samuel Egadu.
35 UN security council must be revamped or risk irrelevance, Kofi Annan warns. The Guardian Harriet Grant. 23 September 2015.

'BULLETS, BACTERIA AND BOREDOM'

A Peacekeeping Memory Of Lebanon - November 1978 – November 2001

Dr. John Moriarty

Morning's warmth was beginning to banish the winter chill. It was November 13th 2001 and I stood at the highest point in Camp Shamrock, just outside the hospital. To the west, the port city of Tyre was visible in the crisp sunlight; to the east, snow-capped Mount Herman, Northern Israel and the Occupied Territories. The Lebanese Mountains rose to the North. At 7.30 sharp, the bugle salute wafted upwards on the breeze, fluttering the tricolour as it descended the mast to be replaced by the Ghanaian national colours. Honours were rendered. The pipe band played. The final Irish battalion began to march out of Camp Shamrock and onto the waiting buses – destination Beirut International Airport and into the twilight of an odyssey that had begun 23 years previously…

As I passed through Tibnin on that last journey, I looked to my right and saw the ruins of the old Camp Shamrock, with its medical compound beside Jack's Store. All around were many landmarks that had changed little over the years – the "UN Tailor for Soldiers" sign, Caltex and Tibnin hospital right at the end of the town. There, the local people waved goodbye. A mixture of sadness and incredulity could be seen in some faces. My thoughts wandered as I recalled other trips over the 23 years. We passed through the t-junction at Tibnin Bridge, that bridge of sighs and sadness for the Irish. Right for Al Jurn and left for Bir as Sanasil. Asultanigah. Kafr Dunin. Shaebia. And finally the coast road and the Tyre/Beirut auto route.

We crossed the Litani River to Sidon and eventually arrived at the airport. There, an honour party of the Lebanese Army bade us farewell on the tarmac. We boarded the waiting Airbus with a crown on its tailfin. The sun glowed a golden orange in the western sky and electric lights began to twinkle their way up the city's heights. Our plane left the runway and banked right over the Cornice. There was joy in the air, joy tinged with sadness. We were finally going home – destination Dublin. I started to slumber and my mind entered dream mode. My sleep was disturbed by a mantra – bullets, bacteria, boredom, bullets, bacteria, boredom…these are dangers encountered by every solider on a mission away from home. But they are of particular concern to medical officers. These are what we have to be ever ready to do battle against. They were my fears, even as I slept. However, on that day, as I finally left the Lebanon, my sense of fear abated and was eventually replaced by calm. And then it was another November day, in another decade, another century and another place…

November 12th 1978 in Gormanstown Camp and the day was damp and dreary. One of our group, a fellow Kerry man, was apprehensive about travelling. I spoke to him and he decided to go. Little did he realise he was voicing fears we all shared. Our buses departed at 5.30pm and it was dark as we approached Dublin Airport. There, we were met by the General Staff. We boarded our Aer Lingus jumbo, with a shamrock as its livery, at 7.30pm. We were soon airborne, heading east into the unknown.

For many of us, it was an adventure. Most had never been outside of Ireland before. Mid-flight, we watched a film called 'Turning Point'. How fitting as this journey was to be just such a turning point in many of our lives. Five hours later, we touched down in Tel Aviv – at 4.30 local time. It was warm despite the darkness and I witnessed my first Middle Eastern dawn. I checked to make sure everyone was well and within two hours, we had started our journey north for Tibnin.

My first impression was one of war. There was the sheer level of the military presence in Israel and the memorial to the Holocaust and more recent wars, echoes of other conflicts.

As we crossed the border at Rosh Haniqra and through Naquora, we stepped from one civilisation into another, from a country of the first world into a country torn by war and poverty. The signs of conflict were everywhere. The beauty of the place was pockmarked with shellfire. We were ushered through checkpoints, first by the Christian Phalangists and then the PLO, whose football game we disrupted as we passed through. Beauty and carnage lived side by side. We drove along roads that were carved into white cliffs. Just before Tyre, as we turned for Tibnin, I saw a lone man with a donkey and three camels and in the distance some shepherds with their goats. But the sounds of gunfire and the signs of shrapnel were never far away.

Then we passed through Qana, that village of ancient miracles and modern massacres and munificence. A place where in recent wars all sects were slaughtered and yet a sense of community spirit lived on to the extent that one religious group facilitated the other to worship in their temple while theirs was being rebuilt. It didn't matter to them whether they were followers of the prophet from Nazareth or the prophet from Mecca. They worshipped the same deity. Yet neither their God, nor the UN, could shelter them from the anger of God's chosen people. Finally, after passing through Harris, we arrived in Tibnin, a town dominated by its castle built by the Crusaders. This place was to become a home from home for the Irish.

Our first day was one of simply trying to comprehend where we were and why we were there. Mundane things were done; some mild ailments dealt with. After lunch, a call from C Company informed me that a large Lebanese lady had suddenly lost consciousness in the village of Bir as Sanasil. My first humanitarian mission: as I left the ambulance, I felt once again just as I did as a newly qualified doctor; the only difference being that this time, I was on my own. The woman was surrounded by a curious crowd. Given her large girth and the lack of any other signs, I diagnosed a case of hypoglycaemic coma or low blood sugar. I injected intravenous dextrose and some other medicines. The result was dramatic. Within a minute, she shook her head, got up and walked. I heard the words 'Shukran Hakim' for the first time. I'd passed my first test. There were to be many more.

Such humanitarian duties were to be an integral part of the life and work of the medical corps over the 23 years. Looking back, I think it would be reasonable to say that during our time there, we treated in excess of 150,000 people – some 6,000 or so every year. Not all of these cases were to be as dramatic as my encounter with the unconscious lady. We ran medical and dental clinics from the medical centre in HQ three days a week and we also held twice-weekly clinics in some of the surrounding villages. Here, we encountered people of all ages with all kinds of ailments. Most were mild but some were challenging. We always did the best we could with the resources available. We would send patients to hospitals further afield if we couldn't treat them. Their fees were often paid by the Battalion's Humanitarian Fund. During the summer of 1981, a young pregnant woman from the village of Harris arrived at the medical centre well after darkness. She needed immediate specialist care so off we went into the night, with tracer fire from the "Iron Triangle" illuminating the way, we arrived in Tyre. There, she delivered a lovely baby girl.

On our return to HQ, we were again shadowed by tracer fire. But, as the tracer disappeared that evening, so too did my memory of the event. That was until the evening of my final departure from Lebanon. My company sergeant called me saying there were civilian patients to be seen. I was surprised as we had stopped our civilian clinics a few days previously. In any case, I decided to see them. It was a sick baby, his mother and grandmother. After examining the infant and diagnosing a minor ailment, I heard – in Tibnin English – "Hakim, you don't remember me". She explained that she was the woman whom I had brought to Tyre all those years ago. She introduced her now grown-up daughter, the proud mother of the baby boy. In reality, they had come to thank me. I had forgotten: she had not. I walked with them to the camp entrance where she handed me a gift – a prayer mat. It was a token of thanks that I wouldn't forget.

Stories didn't always have such happy endings. I remember the approach to Christmas that first year. I spent the evening of the 23rd with C Company, singing songs and making music into the night. As I was going to bed, word arrived of a serious crash. Two men had been badly injured. We rushed into the night and when we arrived, the more seriously injured of the two was in a bad state. His pupils were unequal and not reacting. We transported him by helicopter to Naquora but he died in transit. He was my first UN fatality. Little did we know it at the time but the pilot and doctor (both Norwegians) who assisted me on that trip would also soon die, while engaged in another medical mission of mercy at Qana, in February of the following year.

The following day's Midnight Mass was special. We were invited to hear it in the local Lebanese Maronite Church. I was asked to read from the Prophet Isaiah – a reading about God the Eternal Father, Prince of Peace, which was both hopeful and appropriate. After the mass, the Irish contingent sang 'Silent Night' and 'Adeste Fideles' and were invited to a local house for Christmas celebrations. There, we drank lemon tea, ate cakes and sang more carols. It was a true celebration of Christmas; an occasion where the entire community in this mixed village of Muslims and Christians came together and extended their welcome to us.

After Christmas, there was a lull in the fighting. Welcome as it was, it was to reveal another hazard of life in the Lebanon. At any stage during a tour, the infamous 'black dog' could bite and it could bite anyone – irrespective of rank. I discovered that this psychological marauder was especially prevalent during the middle period of a tour.

This was a time when people got lonely. This loneliness could become overwhelming, destroying a person's ability to communicate and enthusiasm for work. Everyone has a role to play at such junctures. If this malignant boredom, appearing as acute listlessness, severe anxiety and despair, is not checked, it can culminate in the ultimate tragedy. At such times, the aware friend is so important. The soldier can be gently guided towards the person who can help most. The mask of acute boredom can take on many faces from the talkative and high-spirited extrovert to the listless and sleepy introvert. I found that early intervention with often simple techniques successfully solved the majority of cases.

Early in December 1978, I had my first such case. He was a young piper and it took me eight long weeks of intensive work to bring him back to full mental health. Part of his treatment involved playing music at as many occasions as presented themselves. During the early battalions, one tried very hard not to resort to repatriation. Thankfully, I never had to. My main tools were psychotherapy allied with psychotropic drugs in various combinations. Over the years, various

commanders were a little bemused by my methods of treatment. However, I can say that not one of the 12 I had the honour to serve under interfered with my treatment or my decision. At times, I had to deal with people who should never have travelled overseas, their condition having been known at home. It is one thing to deal with an unstable personality with all the back-up available in Ireland, however it becomes a much more difficult and fraught situation to have to deal with in the isolation that can be south Lebanon.

In the same, but much less serious, vein, some people have a genuine fear of flying. During the early tours, the snifter was my recommended medicine. A shot of brandy or vodka would do the trick. For very good reasons, alcohol was eventually stopped on flights to and from the mission area. I had to resort to prescribing sedatives such as benzodiazepine. However, in October 1981, I discovered the medicinal orange. My simple recipe was some lush ripe locally-grown oranges tangentially injected with the best Russian vodka. Put in the deep freeze overnight and brought on the flight as large organic capsules of medicinal vitamin C, I handed them out to encourage slumber and dispel fear. They worked a treat. My concoctions were eventually discovered so I stopped the practice. I unfortunately never patented the idea – the original vodka in orange. It could well have been the first alcopop.

There was boredom and there were carefree times but most of the time, there was the threat of bullets. May 9th 1979 was a day of tension and fear. The camp was on the alert for shelling. The Force Reserve had been called up. Troops were gathering and Tibnin Main Street began to take on the appearance of a WWII film set. The Israeli Defence Forces (IDF) were massing at Shaqura. They decided to confront the Irish and demanded to search our area. They were refused access but the refusal angered their commander, Brigadier General Ben Gal. He stated that if he was not allowed through, he would call down 1,000 shells on various villages in South Lebanon, seemingly not caring a whit about women or children or innocent civilians – collateral damage. Our position was guarded by small arms and a single Panhard AML 90. In General Ben Gal, we were up against the might of the Israeli army. However, our officers stood their ground and told the IDF that if they advanced one step further, the UN Forces would open up and that there would be casualties on both sides. There was a standoff but the Israelis eventually retreated. It was the first time I had witnessed such a flagrant disregard for international law.

Worse was to come two days later. We were getting ready for dinner when Ground Hog was called. As everybody went to ground, I received a call for an ambulance and doctor to proceed to Brashit 6:42. Two mortar shells had landed in the village. What I saw on arrival was pathetic – three mutilated elderly Arabs tattooed with shrapnel alongside a dead lamb. They'd been dead for about 30 minutes. While transmitting back to headquarters, another mortar exploded about 30 metres from our soft-skinned ambulance. We ran for cover as another round exploded to my right. For the next 40 minutes, we struggled to shelter from the 30 or more explosives that screamed to ground around us.

After a lull, we ventured out again and proceeded to Brashit camp. There, we set up a dressing station and tended to the wounded. It was my first time under direct fire and the first time I realised how vulnerable our ambulance was. We needed an armoured one – something that would take 20 years to arrive. But the fighting wasn't all on the Israeli side. One day, in late April 1981, the Irish were to learn this to their cost. At the listening post in Dynatar, two Irish

soldiers, one from the 48th and one from the 49th battalion, were attacked by PLO elements. Private Hugh Doherty was shot and killed on the spot and Private Caomhan Seoighe was taken. He has never been found since although the UN has never given up looking for him. Throughout our 23 years there, we continued to search and hoped to find his body – sadly, to no avail.

Not only did we have to beware of bullets and boredom as doctors, we were also in constant battle with bacteria. In Camp Shamrock, it was the medical officer's task to oversee the hygiene team and to make sure that everything met the highest possible standards. If we didn't do this, the resulting fallout would be devastating. An entire formation, section, platoon or even company could be rendered useless. Despite our vigilance, the bacteria sometimes won the day. We once had a salmonella outbreak when one egg led to more than 100 personnel being sick for days on end. At such times, the medical team are under great stress, working non-stop to ensure that everyone survives and makes it back to full health as soon as possible.

There are other times when the bugs take a more insidious route. One officer came to me with what seemed to be a minor flu-like ailment. It did not respond to treatment. He eventually required evacuation to Naquora and from there to the Rambam Hospital in Haifa – one of Israel's top medical facilities. What had started as a simple sore throat turned into a serious illness that left him hospitalised for months. However, he made a full recovery – thanks in part to the help Professor Maurice Abrahamson who was my teacher at the College of Surgeons and had retired from Ireland to run his own hospital in Israel. While we were in the Lebanon, he was of invaluable help to us Irish doctors on many occasions. He gave of his time. He gave a second opinion. He used his influence to help us. He was so respected in the county that at this time, he was the personal physician to the President of Israel. Professor Abrahamson never accepted any remuneration in return for his work. He saw such actions as his contribution to his native country. I thank him for his total and selfless kindness.

As a doctor, you encounter illness and disease every day. You realise that they can hit anyone at any age and at any time. I saw much sadness during my 23 years in South Lebanon. However, fate was to keep one of its harshest experiences until the very end. There was a young solider with whom I was friends. He was one of the most cheerful people I knew. He came to me complaining of a lump in his side. It looked and felt innocent but we sent him to Naquora to be sure. They referred him to Sidon where the lump was removed. Everything indicated a simply benign lesion. However, when I visited him in hospital, I could see that he was not healing. I began to worry. I arranged to have him sent home early for further tests. What they discovered in Ireland was that he had one of the rarest and most aggressive forms of cancer. It presented itself as a simple lymphoma but it killed my friend within a year – a solider and a father in his early thirties who always smiled and never complained.

December 1988 was the start of a time of vengeance. Jiwad Kasfi was captured by Israeli Special Forces in Bayt Yuhan, which was just inside the border of the Irish-controlled area.

Kasfi was a high-profile armaments expert who made and primed anti-personnel bombs. A member of one of the leading Muslim Anti-Israeli groups, he had been held responsible for the deaths of many South Lebanese, Israelis and at least one Irish officer. His brothers in arms wanted to blame someone for his capture. And because he had been captured in our area, they

decided to blame us Irish. This led to a terrifying sequence of events which were based on the age-old doctrine of an eye for an eye.

Firstly, our camp came under attack. It was surrounded and live ammunition was fired directly into it. In fact, the dentist Fiachra McGinley and doctor Kevin Roberts were in the medical centre discussing the Geneva Convention (of all things!) when bullets passed right between them. So much for respect for international law. Later that evening, three Irish soldiers were hijacked from 6-48 at Tibnin East. They were told they were being brought to spend time with their fellow countrymen – captives Keenan and McCarthy. Thankfully, this never came about. They were freed with the help of Amal and brought back to the medical centre to recover. One of them was to go home, never again to return, but the other two chose to stay.

Honour remained to be satisfied and so to the morning of March 21st. Our battalion was preparing to go home. I was engaged in morning surgery when I heard what I thought was a sonic boom. With so many Israeli jet fighters flying overhead, this was not unusual. However, unusual it was to prove to be. The phone rang and I was asked to proceed immediately to 6-42, where there had been a suspected roadside bomb, exact details unknown. We travelled in the direction of the telltale brown mushroom cloud in the distance. Carnage awaited us and it was obvious no one could have survived. We lost three fine soldiers that day – Privates Mannix Armstrong and Thomas Walsh and Corporal Fintan Heneghan. We might have lost many more. Just before departing C Company HQ, Commandant Martin Coughlan took six off that fatal detail, six soldiers who would almost certainly have also been killed.

And, after the incident was investigated, it became apparent that the perpetrators had hoped for greater bloodshed as their revenge for Kasfi. Not alone were the truck and its personnel to be targeted, the rescue personnel were supposed to have been targeted too. Another bomb should have gone off when we came to give assistance. I well remember the Irish lament by the piper as the mortal remains left for Naquora and the memorial mass in the village officiated by the Bishop of Tyre. What a price to pay for honour to be satisfied. What a price to pay for peace.

Bullets of a different kind were shot in November 1992. It was a quiet day and had all the appearances of a quiet evening. I had just finished my evening meal and was looking for some entertainment when I was ordered to proceed to Haddatha. An event was unfolding in the enclave. On arrival at 6-38, the temporary armoured ambulance with crew was already there. What was happening was still unclear. Eventually, an armoured convoy headed up and over hill 880 and down to Attiri 6-44. We were still unsure of the situation.

With me in the ambulance were the Padre and the medical team. At the water hole, we met CS Jerry Dineen and Captain Gus McNamara. I examined Michael McCarthy who was dead. He had been shot about 300 metres away, near the cemetery, around the spot where the four waddis meet below the brown mound – one of the most beautiful spots in the south.

I was told that the medic and another wounded solider had been taken as prisoners to SLA regional HQ at Safa Al Howa. We placed Michael's body in the rear and took the other two survivors into the front of the ambulance and proceeded into the night, the sounds of mortar and shellfire exploding in the distance. I was still unclear about what had happened. Why? And how? As I proceeded up Tracer Alley lined with olive and pine trees, I could sense a great

amount of fear and also a great amount of what I might call the fog of conflict. The personnel at 6-44 were seriously shocked. The position had come under sustained fire and they were lucky to have escaped with their lives. I now had Michael's dead body and three seriously psychologically traumatised soldiers in my care. There were two others at Safa Al Howa. I did not know the extent of their injuries or even if they were still alive. What had happened that evening? I feel the full story is still shrouded in the cloud of conflict.

While we were still at 6-44, Team Victor, the UNSTO observers, made contact to tell us that our prisoners would be released to my care. In their company, I proceeded up the Snake Road and into the SLA medical complex. There I met that psychopath – Gal Both, the customs man from Byat Yuhan. He was baying for blood and wanted our lads killed. I noted what good care had been taken of our wounded. One had been shot in both knees and had a very deep bullet graze on his back. The other had less serious injuries. I thanked their doctor who told what he understood had happened. The story started to take on more clarity. It seemed the SLA attachment at the brown mound misread the situation, thinking it was a Hezbollah incursion and ambush. They opened fire, killing three of their own – Lieutenant Joseph and two others – as well as Michael and wounding many on both sides.

We left Safa Al Howa to the sounds of mortar and the rat-tat-tat of gun fire which broke the silence and darkness of that eerie night. We returned, after what seemed an inordinate time, to our own operational area and to the medical centre. There, the medics tended, with great care – as always – to the mortal remains of Michael McCarthy. The Padre and I administered to the survivors into the night. They were truly wounded people – in ways both physical and psychological. What had seemed to be a peaceful and quiet evening proved to be anything but.

September 11th 2001 was a clear day in South Lebanon. We were approaching the end of our final tour in the area. I walked to the highest point in the village where there was a monument under construction to the Irish who paid the ultimate price. I was almost back at the camp when I heard on my transistor radio that a small aircraft had crashed into one of the Twin Towers in New York. Back in the medical centre, I was just in time to see the second plane crash into the second tower. The reality of what was happening began to dawn on me. I wrote in my diary that evening – "Today I feel the world was changed at about 15.30 Middle Eastern time. God help us all."
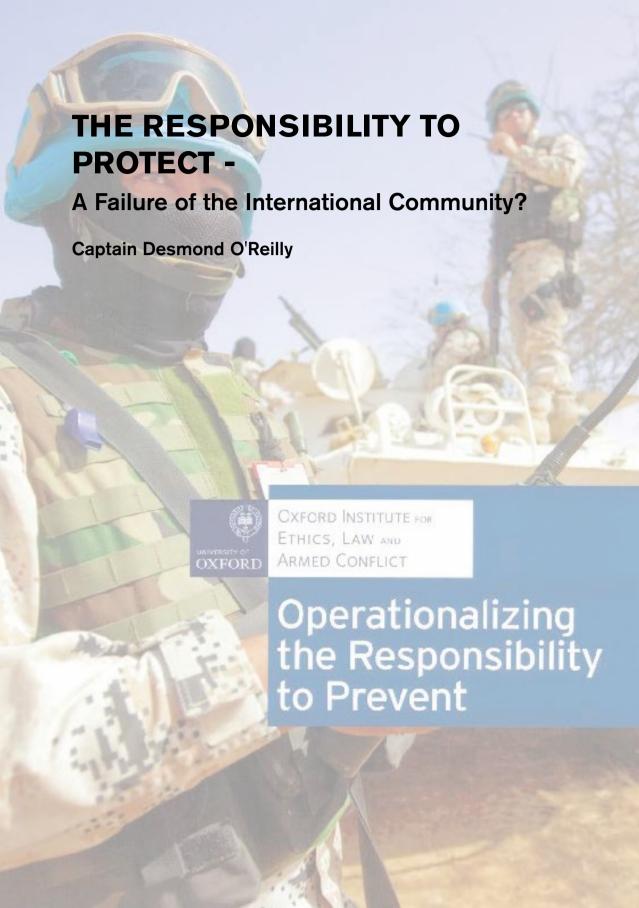
Finally, we started to say our goodbyes. On Sunday, November the 11th, the local people unveiled a plaque on the gable wall of their church in memory of the Irish. As the Bishop of Tyre said, "how could we forget the numerous sacrifices endured by your courageous army, especially your 46 martyrs who offered their lives to deliver peace to our holy land?" And eventually, our last day arrived – November the 12th. As I prepared to leave, the last thing I packed was the prayer mat I received from the woman whose baby I delivered all those years ago. The circle was closing. I was going home.

On reflection, I experienced every human emotion – joy, anger, despair, love, hate and forgiveness – at different times and, at some times, simultaneously, during my 23 years in the Lebanon. My sanity and impulse to keep going were severely tested. On occasion, I felt a sense of achievement or progress only to have it dashed by some other grotesque happening or event. This has been a land of constant and rapid change, a place of conflict through nearly all of

recorded human history. Over three millennia, it has experienced golden ages but more often it has been a place where man's inhumanity to himself has been enacted with ever-increasing viciousness. Belief against belief, nation against nation, tribe against tribe and family against family, Christian, Muslim, Jew and Heathen – all have fought here. During my brief time here, I feel it was the companionship of colleagues, helping and being helped, giving and receiving kindness that made it all worthwhile. Assuming that one has the essential skills and qualities of one's craft; everyone needs to approach life imbued with what I call 'the four hs' – humanity, humility, honesty and humour. Without wishing to sound sanctimonious, if you do your work with these 'four hs' in mind, you will do no harm.

As a doctor and medical officer, you hope to do more than that. You hope you contribute in some little way to the improvement of the place and the people you come into contact with. To leave and be able to say you left it a better place than when you arrived – even if after a short period, your contribution is once again wiped out in another political adventure motivated by hate, power, money or all three. I say, let there be change. Heraclitus of Ephesus asserted the essence of existence is change. Change in itself is inevitable and fundamentally good, provided in change there is also conceived consistency.

To end, I would ask you to reflect on one of the adages of Horace. "Quid sit Futurum cras fuge quaerere' – forbear to ask what tomorrow may bring. One must not always be preoccupied with tomorrow's storms lest one forgets to enjoy the sunshine of today. So yes, let us take comfort and pride in the Irish contribution to the Lebanon – this beautiful but shadowed land.

THE RESPONSIBILITY TO PROTECT -

A Failure of the International Community?

Captain Desmond O'Reilly

OXFORD INSTITUTE FOR ETHICS, LAW AND ARMED CONFLICT

Operationalizing the Responsibility to Prevent

Abstract:

Considering both the positive and negative implications of the application of the concept of responsibility to protect (R2P), this paper critically assesses the novelty of the policy in the domain of international politics. It evaluates the efficacy of R2P by scrutinising three cases of R2P applications in Libya, Syria, and Kenya. Acknowledging the challenge of defining the scope of R2P, the paper demonstrates the inadequacies in its implementation in the cases of Libya and Syria, where R2P undermined the sovereignty of the states. The analysis of the third case provides grounds for the statement that R2P can be successfully applied; the existence of such a precedent allows the author to speculate on the possibility of improvement in R2P mechanisms down the road.

Introduction

The responsibility to protect (R2P) refers to a political commitment of nations to end the worst forms of violence and persecution. R2P aims to secure the fulfilment of the pre-existing obligations of states under international humanitarian and human rights law and prevent genocide, wars, ethnic cleansing, and crimes against humanity. The R2P has not always existed. It originated only after the United Nations (UN) had considered its past failures. In the 1990s, the UN failed to intervene effectively in areas where it was expected to intervene, such as in the Rwandan Genocide and the Balkan wars.

Furthermore, the intervention of NATO in Kosovo in 1999 was criticised for excessive use of force against a sovereign state. This fueled the debate about how the international community should be expected to react in a future case of serious crimes occurring in a given country. Throughout its existence, the idea of R2P has enjoyed strong continuous support, including from prominent thinkers and decision-makers. The concept has become popular among powerful and effective political lobby groups. Think tanks, offices within international organisations, research institutes, and international institutions have been formed to support the R2P agenda.[1] The development of R2P is seen by many as a positive step towards protecting human populations against horrendous abuses. Considering that R2P has been in existence for over a decade, its positive and negative impacts can now be more accurately assessed. While support for the ideas behind the creation of R2P is still in place, questions arise when one considers the manner in which it has been used in reducing atrocities and the repeated abuse of the R2P concept in the interests of individual states.

The paper reviews the existing literature on R2P application and provides an evaluation of the nature of R2P and an assessment of the efficacy of R2P use. The narrative is based on scrutiny of three cases of R2P application – in Libya, Syria, and Kenya – countries that witnessed the international R2P principles deployed and the aftermath of the R2P application. While the comparison of the first two countries allows one to assess the effects of the application of R2P when enforced in an ongoing conflict, the third case provides an opportunity to analyse the conflict-prevention power of R2P. At the same time, a cross-country comparison of these three cases featuring differing political landscapes allows for the better demonstration of the processes caused directly or indirectly by R2P. The paper begins with an analysis of the

---

1 Robert Murray, "R2P: More Harm Than Good?" The National Interest, August 28, 2013, http://nationalinterest.org/commentary/r2p-more-harm-good-8970 (accessed May 10, 2018).

R2P principles and mechanisms of implementation and an overview of the theoretical and methodical groundings of the concept.

Development of R2P

Non-interference in domestic affairs has been the accepted international norm for centuries. This however has resulted in some of the worst large scale human atrocities committed, culminating with events during The Second World War. This sheer scale of human suffering resulted in world leaders wanting to ensure such events would never happen again. Despite being signatories of the 1948 Genocide Convention, states had been found guilty of "standing by" even in the face of civilians being targeted by leaders despite their declaration that "never again" would such crimes be allowed to happen. In 1999, then UN Secretary-General Kofi Annan challenged the member states to identify common ground on upholding the charter and defending humanity.[2] Two years later, the concept of R2P was developed to create a comprehensive framework in guiding states in a manner that would ensure the prevention of mass atrocities. Now a growing norm in the international community, R2P cuts to the core of the meaning of being a moral actor in the international arena. The International Commission on Intervention and State Sovereignty (ICISS), which was set up by the Canadian government in 2001, navigated around the issue of state sovereignty to come up with the concept of R2P. The commission reworked the traditionally sacrosanct concept of absolute sovereignty. Though the idea of sovereignty had been revised over time, it still contained the essential definition of the state having absolute supremacy over its citizens and its territory.[3] According to the commission's report, sovereignty does not only involve protection from external interference; instead, the commission considered that sovereignty is comprised of the real responsibility of a state to protect the welfare of its citizens and ensure that it is not responsible for the suffering of its citizens. Further, the commission considered that a "residual responsibility" existed for the broader international community which only can be fulfilled when individual states are unable or unwilling to bear their responsibility to protect or when they become active perpetrators of atrocities against their population.[4] In the 2005 high-level UN World Summit meeting, the participating states committed to upholding the principle of the responsibility to protect. In the 2005 World Summit Outcome Document, the heads of States and governments affirmed their duty to protect their populations against wars, genocide, ethnic cleansing, and crimes against humanity. Further, the signatories agreed to take responsibility for encouraging others to uphold this commitment by making a timely and decisive action. In this case, consideration would be given to relevant regional organisations to be the first actors to intervene when national authorities had failed in their duty.

In the 2009 report to the General Assembly, Secretary-General Ban Ki-Moon pointed out three critical elements of R2P. The first is that R2P should not be viewed as a challenge to sovereignty but as a supporting mechanism. In this case, by seeking to fulfil their R2P, states should realise that they are also in the process of strengthening their sovereignty. Secondly, he reminded the nations that R2P should remain a narrow concept, narrowly focused on four crimes: genocide, war crimes, crimes against humanity, and ethnic cleansing. Ki-Moon emphasised that the responsibility should not be extended to include less significant crimes

---

2 John Janzekovic and Daniel Silander. Responsibility to Protect and Prevent: Principles, Promises and Practicalities. (London: Anthem Press, 2014), 34.
3 Ibid. 36.
4 Edward C. Luck. The United Nations and the Responsibility to Protect. (New York: The Stanley Foundation, 2008), 6.

or humanitarian disasters. The third outlined element is that despite the narrow scope of responsibility, it should run deep.[5] In this case, the Secretary-General urged for a wide range of supporting activities to be available when different nations are advised to exercise R2P. Therefore, the UN Secretary-General considered the fact that when states failed to bear their responsibility to protect their citizens, the international community should be ready to take collective action in a timely and decisive manner. This allowed the possibility of the use of force by other states to protect the population of a given country for the purposes of Chapter VII of the UN Charter.

When considering the R2P, it is important to realise that it is not in itself a legal instrument. Instead, it derives its authority from other legitimate sources of international law, such as the Convention for the Prevention and Punishment of Genocide, the Rome Statute of the International Criminal Court, and the legal instruments of International Humanitarian Law (IHL) and International Human Rights Law (IHRL).[6] The Genocide Convention holds states responsible for preventing and punishing the crime of genocide. Further, IHRL holds that the state has an obligation to respect and ensure there is respect for human rights. It is important to realise that R2P was not envisioned as replacing the IHL and IHRL. Instead, it has a narrow scope and is expected to protect vulnerable populations against the crimes of genocide and ethnic cleansing, crimes against humanity, and war crimes. The creation of R2P was necessitated by the fact that despite the Rome Statute of the International Criminal Court's recognition of crimes against humanity, no convention or treaty defines the responsibilities of states for the prevention and punishment of crimes against humanity.

The implementation of R2P has been praised for its intervention mechanism and for ensuring that proper assistance is given to vulnerable populations. Rachel Gerber considers that while most of the attention has been on the concept of intervention, the "prevention pillar" is the most important part of the R2P policy. Gerber wonders why the international community would wait to halt a massacre if early action could prevent it entirely. She argues that R2P must encompass the continued development of the prevention framework to sufficiently target the unique dynamics identified across different phases.[7] Further, R2P has an essential role in peace-making. Expanding from the focus on military intervention, the purpose of R2P is to enhance local and international institutions' capacity to address the risk of atrocities at an early stage by strengthening primary prevention mechanisms and consistently taking measures to halt R2P crimes.

R2P and State Sovereignty

It has become a familiar refrain to assert that the responsibility to protect presents a challenge for the traditional concept of state sovereignty. This point was considered a significant reason for the reservations of some smaller and developing countries towards embracing the idea of R2P. Flexibility clauses, in their turn, lead to the creation of a weak global R2P regime. It is further argued that more developed nations are willing to commit to this concept because they have enough resources and strong militaries that can protect them sufficiently from any potential external intervention. However, scrutinising this position more closely, one may find

---

5 Luck, The United Nations and the Responsibility to Protect 7.
6 Ibid, 8.
7 Rachel Gerber. "Prevention: Core to R2P," e-International Relations, (2011): 23.

that this is not the case. While developing nations, especially those that suffered colonialism, may be protective against possible territorial breaches, there is evidence showing their early adoption of policies similar to those identified in the R2P.[8] The African Union, for example, had already adopted the concept of the legality of intervention against a given country to prevent war crimes, genocide, and crimes against humanity.

While R2P may be considered a new concept, it should be noted that it has deep roots not only in humanitarian and human rights laws but also in the idea of sovereignty. In Leviathan, Thomas Hobbes identifies the duty of sovereign power to protect the people under its rule. Therefore, the concept of freedom has always been a two-way street where the population offers loyalty in exchange for protection. Owing to this, it is clear that the purpose of R2P is not to hinder the concept of sovereignty. Instead, it aims to reinforce an essential element of statehood and independence by protecting people from organised violence. R2P does not in any way challenge the sovereign authority of states to do what they ought to do in the first place.[9] In this regard, Secretary Ban Ki-Moon states that state responsibility remains the bedrock of R2P, as it is consistent with the core claims of sovereignty. As such, R2P has been championed by civil society across the globe.

The objection that weaker nations are the most concerned about the likelihood of intrusion into their sovereignty should also not arise. It is true that such weaker countries may be influenced negatively by the realities of the global marketplace, which exacerbate ethnic divisions and reduce the ability of the government to exercise control over its territory due to the physical lack of resources. However, based on Ban Ki-Moon's proposal of assistance and help in capacity building[10], such nations are likely to foster and strengthen military and diplomatic ties with selected prominent nations in terms of advice, mentoring, training and provision of logistics[11]. Such alliances are commonplace today and specifically to militaries, adaption is required in order to improve their capacity to operate in today's modern warfare. This is particularly the case with regard to Asymmetric Warfare. In such a case, weaker nations will be provided with a significant ability to fight against any militia that threatens vulnerable strata of their population.[12] In the end, R2P will help nations maintain their sovereignty.

The narrative over the contemporary debate between sovereignty and human rights is further highlighted by the assertion that international law also protects sovereignty. However, it should be noted that the sovereignty in question is the people's sovereignty rather than the ruler's sovereignty. The rise in human rights' norms is viewed in many quarters as a challenge or limit to state sovereignty. This is because the rule of necessity comprises limiting state sovereignty where human rights are given priority over sovereignty. This is one of the concepts that has been used by critics of the notion of R2P. However, instead of presenting a challenge to sovereignty, R2P provides a means of eliminating the tension between sovereignty and human rights.[13] It does this by introducing the notion of human rights along with the idea of state sovereignty as one of its principles within the use of existing International Law. Nevertheless, in practice, there have been tensions between the human rights provision and state sovereignty enhancement aspects of R2P, as will be demonstrated in the following R2P application case studies.

8 . Edward Luck. "Sovereignty, Choice, and the Responsibility to Protect," Global Responsibility to Protect, 1 (2009): 13.
9 (Ibid., 15)
10 http://www.responsibilitytoprotect.org/index.php/about-rtop/the-un-and-rtop
11 http://responsibilitytoprotect.org/N1446379.pdf
12 Luck, "Sovereignty, Choice, and the Responsibility to Protect," 15.
13 Stevie Martin. "Sovereignty and the Responsibility to Protect," Griffith Law Review, 20 (2011): 156.

R2P Case Studies

Failure of R2P in Libya

The delivery of the 2009 Secretary General's report on R2P and annual reports thereafter caused significant tensions in the international community concerning implementation. How exactly such implementation was to be enforced was the most contentious issue as the guidance required could be, and would be, interpreted in different ways. These tensions became clear after March 17, 2011 with Resolution 1973 of the UN Security Council in response to the escalation of civil war in Libya. The UNSC authorised member states to take any action necessary to protect civilians and safeguard areas populated by civilians against the attack of the Libyan Arab Jamhariya. The attack that was led by the USA, UK, and France, and later taken over by NATO brought to the forefront debate over the manner in which the international community should intervene to prevent imminent mass atrocities.[14] Aidan Hehir criticised the Libyan intervention based on the fact that R2P is predicated on the consent of the UNSC. He points to the fact that this body is comprised of five permanent members with each having a veto right, which makes it politically biased and creates a structural barrier to ensuring effective action. For Hehir, the R2P lacks inherent moral meaning or influence when it is applied inconsistently based on the whims of the five permanent members of the UNSC.[15] He calls for substantial legal, political, and institutional reforms of the UNSC to ensure a better decision-making structure, which would support the adequate manner in which the nations are expected to respond in the future concerning such atrocities.

Alex Bellamy adds to the issue that was raised by Hehir on the lack of proper decision-making structures, arguing for the need to distinguish between regime change and application of R2P, given the events of the Libya intervention. Bellamy notes that owing to institutional deficiencies, many developing nations, including major players such as China, South Africa, and Brazil, criticise the R2P as a ruse for western powers to change undesired regimes.[16] Bellamy notes that measures must be implemented in the UN that will assist in distinguishing between regime change and intervention on humanitarian grounds. Failure to consistently create these distinctions will lead to more resistance to the application of R2P. The commitment to returning territory to its sovereign owner at the end of hostilities should be clear at the onset of a war. In the Libyan case, the Western nations made it clear that they did not imagine Libya as being independent with Qaddafi at the helm.

Analysing the manner in which the Libya intervention was carried out, David Chandler argues that it was not a humanitarian endeavour. During the emergence of the norm of humanitarian intervention, the UN, NATO, and the EU were considered global sovereigns in a world where a new liberal global order of international human rights law was emerging. However, this was not the case after the intervention in Kosovo. The instance of intervention in Kosovo by NATO demonstrated the need to dispense with ad hoc interventions that do not involve responsibility or transformative promises taken and done by the Western states.[17] While this is one of the issues that R2P wished to address, the intervention in Libya showed a continuation of ad hoc decision making in the face of interventions. It seems that the creation of R2P only legitimised

14 David Hillstrom. "The Libyan No Fly Zone: Responsibility to Protect and International Law," Foreign Policy, March 11, 2011, https://www.foreignpolicyjournal.com/2011/03/21/the-libyan-no-fly-zone-responsibility-to-protect-and-international-law/ (accessed May 10, 2018).
15 Aiden Hehir. "The Illusion of Progress: Libya and the Future of R2P," e-international relations (2011): 19.
16 Alex J Bellamy. "The responsibility to protect and the problem of regime change," e-International Relations (2011): 22.
17 Ibid, 21.

the behaviour of NATO while the actions taken before in Kosovo had been deemed illegitimate and severely criticised by many.

The handling of the Libyan case has already made international norms vulnerable to criticism by countries that consider it to be another excuse for the western nations to interfere with the internal political affairs of the developing nations. Its selective application has increased the need for scrutiny to identify its "true intentions". Owing to this R2P will be more closely monitored and judged in future events concerning the four key major humanitarian crimes. When the original ICISS concept or the 2005 World Summit Version is used, two main challenges remain in the R2P.[18] First, R2P should not replicate or replace the actions of the United Nations. The United Nations Security Council has used the language and frameworks of R2P in several of its Security Council Resolutions in the past but should be cognisant that it is the Secretary General's Annual Report that allows for the correct tone to be set for debate and co-operation at UN level. Other than reacting and protecting civilians at risk, R2P needs to enhance the capacity for conflict prevention and peace-building. In this case, R2P must contribute to the prevention of mass atrocities that are on the brink of occurrence. Secondly, R2P should not become a framework whereby Western Nations are only perceived as "imperialist interventionists" who engage in proxy wars for their own gain be it geo-political or otherwise.

The Syrian Total Failure

The case of Syria presents another failure of the Security Council to fulfil one of its primary functions of maintaining international peace and security. Its greatest failure was for it to develop into such a mass atrocity in large part through the overt and covert interventions of numerous nations. The Syrian crisis emerged in 2011. By this time, the situation in Libya had escalated, and the UNSC had voted for intervention in the country. Non-permanent Council members at that time (India, Brazil, and South Africa) seemed to be convinced that an "external interference" would push Syria towards sectarian civil war. For this reason, they abstained from the October 2011 draft Security Council resolution that was aimed at holding the Assad government accountable for atrocities. The Assad government, by this time, had killed up to 2000 people.[19] The members of the council felt that intervening would lead to a scenario similar to that of Libya.

By February 2012, when Russia and China vetoed a second draft resolution, the other 13 members were now in favour of international action against Assad's government. At this point, they felt that in an era when the principles of R2P were being questioned, they were not ashamed of affirming it and intervening. The lack of a clear signal by the UNSC made Assad's government bolder in its commission of atrocities. From a thousand deaths a month, the number escalated to 5000 deaths a month starting in February of 2012.[20]

Further, under the R2P, Kofi Annan, acting as a UN-Arab League Special Envoy, proposing a six-point plan which included implementing a ceasefire and withdrawal of government tanks and troops from the cities, release of journalists, providing a guarantee for the freedom of movement, and provision of humanitarian assistance. Unfortunately, despite this, the pro-government forces continued to intensify attacks on areas that were considered opposition

18 . Bellamy, "The responsibility to protect and the problem of regime change," 21.
19 . Simon Adams. Failure to protect: Syria and the UN Security Council (Canberra: Global Centre for the Responsibility to Protect, 2015), 13.
20 . Adams, Failure to protect: Syria and the UN Security Council, 14.

strongholds.[21] Thus, the Annan plan failed due to numerous violations of ceasefires by both government and armed rebels. Further, the UN was unable to deploy a proper army throughout Syria.

The Syrian case highlights how the opposite of the intervention in Libya is also problematic. The ideology that led to the concept of R2P was that, despite their sovereignty, states should intervene when a country is unwilling or unable to protect its population. However, fear of the international community arose due to the way in which the Libyan case had been handled, with its sovereignty ending up compromised. When part of the UNSC decided that intervention would be necessary, it did not take decisive steps towards ensuring that this intervention was organised correctly.[22] The complexity of the intervention increased when Russia decided to side with President Assad against the U.S., which was fighting alongside the armed rebels. The international community did not succeed in finding an adequate solution.

Success story: The Case of Kenya

The initial association that arises when R2P is mentioned is military intervention. However, the 2008 negotiations in the Kenyan case are representative of the success of R2P in preventing atrocities without military intervention. The successful 41-day mediation process in Kenya was the result of the understanding that the crisis could not be ignored. At the start of the negotiations, there was fear that this East African nation that had been viewed as a hub of political and economic development would allow its 2007 general election crisis to deteriorate into a catastrophic civil war along ethnic lines.[23] The echoes of Rwanda and Cote D'Ivoire made this danger a reality, with radio waves delivering hate messages and churches packed with fleeing women and children going up in flames. The mediation process began on 22 January 2008, three weeks after the eruption of the post-election violence across Kenya. It involved former President Benjamin Mkapa of Tanzania, Former Mozambique and South African First Lady Graca Machel, and Former UN Secretary-General Kofi Annan as the chairperson . This team mandated by the African Union had worldwide diplomatic support and got technical support from the United Nations, including the Geneva-based Centre for Humanitarian Dialogue (HD Centre), Department of Political Affairs (DPA), United Nations Development Program (UNDP), and the United Nations Office in Nairobi (UNON).[24]

On 28 February 2008, after six weeks of intense negotiations between the opposition Orange Democratic Movement (ODM) and the ruling Party of National Unity (PNU), an agreement between President Kibaki and opposition leader Raila Odinga was reached.[25] The two sides agreed to form a coalition government. The negotiations set the ground for far-reaching reforms within the country that would support the negotiated terms. The Kenyan case is considered the first important case of the successful realisation of the potential of the R2P[26]. The international community had actively intervened to stop a crisis that threatened to break the nation.

21 Minerva, Nasser-Eddine. "How R2P failed Syria." Flinders Journal of History and Politics, 28 (2012): 18.
22 Esslemont, Tom. "As Syrian deaths mount, world's 'responsibility to protect' takes a hit: experts," Reuters, October 25, 2015, https://www.reuters.com/article/us-mideast-crisis-syria-law/as-syrian-deaths-mount-worlds-responsibility-to-protect-takes-a-hit-experts-idUSKCN12O2S3 (accessed May 20, 2018).
23 Elisabeth Lindenmayer and Josie Lianna Kaye. A Choice for Peace? The Story of Forty-One Days of Mediation in Kenya (New York: International Peace Institute, 2009), 21.
24 Lindenmayer, Kaye. "A Choice for Peace? The Story of Forty-One Days of Mediation in Kenya," 5.
25 Roger Cohen. "How Kofi Annan Rescued Kenya," The New York Review of Books, 55, no. 13 (2008).
26 http://www.globalr2p.org/media/files/the-responsibility-to-protect-and-kenya-past-successes-and-current-challenges.pdf

Consideration of Proper Enactment of R2P

Throughout the paper, two recurring conceptions of the R2P and its application are discussed. Both concern the level of broadness that should be allowed in the implementation of the R2P. The first factor considered is ensuring that the R2P is not too ambitious. As such, it should not be used to address too many problems. Not everything should be placed on the table of the R2P agenda. While it is emotionally tempting to state that there is a responsibility to protect people from HIV/AIDS or small arms, using R2P to cover everything might mean preventing nothing. Fortunately, this has not been the case. The international community has understood the restraints placed on R2P, which was designed for the prevention of genocide, ethnic cleansing, wars, and crimes against humanity.
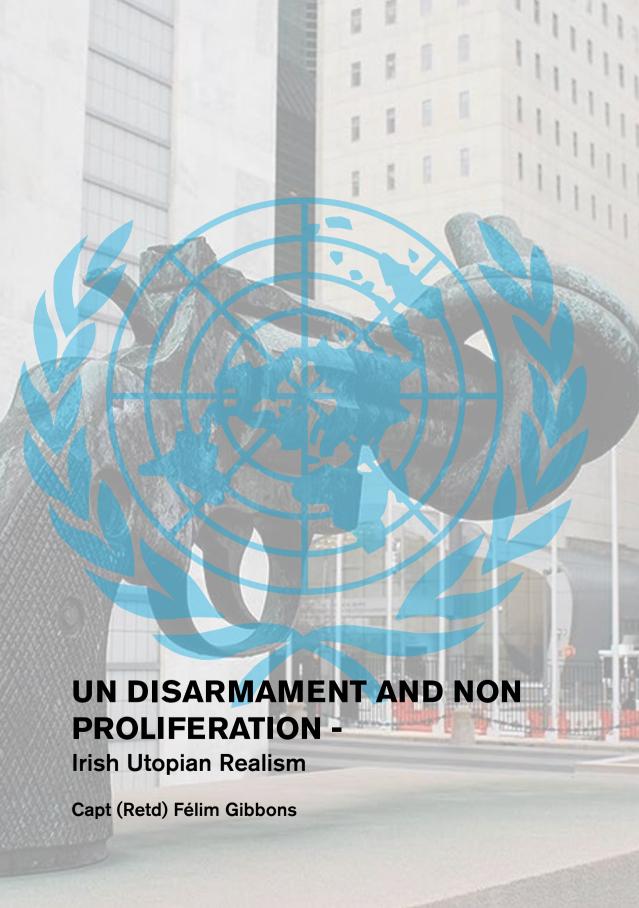
The second issue is ensuring that the concept is not defined too narrowly. The R2P seems to have been misconstrued by some as only comprising military intervention. The 2003 cooperation of the USA and Britain in attacking Iraq on a "humanitarian" justification to weed out weapons of mass destruction and links with Al-Qaeda (proved non-existent afterwards) temporarily halted the discussion of R2P. Critics felt that R2P would be used for humanitarian justification of the use of military force. Owing to this, there is a need for the international community to remember that prevention and peace-making are essential pillars of R2P. When the two are applied, instead of the overemphasised importance of the application of military force, R2P is likely to acquire more support from the third world nations that are currently sceptical about its potential for undermining their sovereignty.

Conclusion

Overall, the paper demonstrated that while there has been much goodwill in the enactment of the R2P, there are still issues, especially concerning the manner in which it is deployed. A major concern of the developing nations was the likelihood of R2P being used in undermining the sovereignty of a nation. This was evident in the case of Libya, where western nations seemed intent on effecting regime change. This represents one of the main failures of R2P. However, the necessity of intervention is highlighted in the case of Syria, where the international community seems to have been afraid of intervening owing to the manner in which the intervention in Libya had failed. The paper showed that despite these failures, there is a path to recovery of the legitimacy of R2P. First, there must be a commitment by the UN to reform its existing structures and create new ones to ensure that countries do not use the R2P provisions as an instrument for their own agenda setting; foreign policy or otherwise. Secondly, the emphasis on military intervention has been shown to be a significant problem. The Kenyan case has been discussed as one of the scenarios in which R2P provisions can be used effectively to avert an impending civil war. In the Kenyan case, forty-one days of intensive negotiations led to an amicable decision to create a coalition government. The case studies discussed in this paper include two high-profile failures that have led many to question the value of R2P. However R2P has a path to recovery if comprehensive yet realistic ambitions for the policy can be established. For R2P to be regarded as simply a gateway for military intervention is to be discouraged and such intervention should only be implemented as a last resort with strong consensus amongst the international community. R2P should still be seen as a model for global commitment against the major Human Rights Crimes and insisting on the responsibility of sovereign States

for protection of innocent civilians. Seeking that balance of consistency and moral integrity when considering R2P will allow the International Community to continue to implement it as the foremost global political commitment when addressing the four major humanitarian crimes of Genocide, War Crimes, Crimes Against Humanity and Ethnic Cleansing[27].

---

27 http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf 2005 World Summit Outcome Document Para 139.

UN DISARMAMENT AND NON PROLIFERATION -

Irish Utopian Realism

Capt (Retd) Félim Gibbons

Abstract

Ireland has been engaged in the disarmament and nuclear non-proliferation debate for sixty years. Over this period, the country has argued that these processes and endstates are best addressed under the aegis of the United Nations through a continuous strengthening of multi-lateral treaty-based institutions that address the challenges. This paper argues that Ireland's long commitment to UN policy (often generated by Ireland diplomatically) with regard to disarmament and non-proliferation can be understood as a form of realism. Irish foreign policy enunciates a small country's ethical desires to achieve UN disarmament and non-proliferation objectives while simultaneously developing persuasive norms within and outside of the UN that recognise the reality of proliferation within larger dominant state actors but also seeks practical measures through treaties to convince such states of the desirability of non-proliferation and disarmament. The paper proceeds via a summary of UN policy development and an analysis of the realist liberal divide that informs the disarmament and non-proliferation debate. This interrogative summary and analysis reveals an Irish disarmament and non-proliferation policy that can be deemed a "utopian realism". A form of realism, unlike classical realism, that broadly speaking stresses opportunities rather than constraints regarding disarmament and non–proliferation, opportunities realisable through multilateral engagement rather than state-centric self-interest.

Introduction

As a disarmament and non-proliferation forum, the UN system has played an important role and proved itself adaptable in terms of assuming responsibilities and facilitating action beyond what the original framers of the Charter would have envisioned. Progress has been made but it's clear that the UN remains conditioned and constrained by the central fact of great power security governance. Since joining the UN Ireland has been politically and diplomatically committed to the elimination of nuclear weapons and its policies have reflected efforts made by the UN to facilitate and achieve global non-proliferation and disarmament of both conventional and nuclear weapons systems. This is evident from institutional and practical accomplishments instanced by normative developments and a deep engagement with the process of treaty construction. Ireland's disarmament and non-proliferation policy has largely been conducted within the multi-national diplomatic apparatus of the UN and is often considered as a typical representation of liberal institutionalism and interdependence. Liberals optimistic view of human nature puts faith in institution building, regional cooperation and the strengthening of the UN. However, this paper suggests Ireland's approach is more realist than is usually thought and asks whether small countries of limited military capability such as Ireland, can usefully adopt realist approaches in trying to achieve disarmament and non-proliferation. It addresses the question, through an analysis of UN policy, a survey of non proliferation and disarmament discourse and an assessment of Ireland's associated policies within and outside of the UN. It argues that a small, significant contributor to the UN diplomatically and militarily has achieved important successes in disarmament and non proliferation both in practical and norm setting terms. The successes that Ireland has managed to achieve are not necessarily as a result of a commitment to liberalism but may also be understood as a subtler adherence to and

acceptance of a less pessimistic form of realism, a utopian realism.[1] This can be understood as realism that classically recognises that conflicts are inevitable but that increasing or accepting arms development and proliferation is not of necessity the appropriate or ethical means of preventing or resolving them.

The paper first summarises the non proliferation and disarmament efforts undertaken by the UN, classically considered liberal in its intentions. Ireland's foreign policy visions would appear ostensibly to reside in the liberal camp but when the nuclear debate is considered within the framework of international relations theory, Irish foreign policy is in reality more nuanced. The Irish position represents practical compromises between realist and liberal philosophical positions with regard to the utility of disarmament and non-proliferation. It's therefore important secondly, to survey and summarise this long standing debate and thirdly by doing so present Ireland's position within this debate from a theoretical and practical perspective. The evolution of Ireland's foreign policy with regard to disarmament and non-proliferation is set out and subsequently interrogated within the framework of this debate. The international and national policy implications generated by this debate positions Ireland as a norm setter within a disarmament and non proliferation discourse dominated and informed by UN agency but in part, subverted by realist visions of politics internationally. It is not inevitable that small countries must only embrace the liberal paradigm in international relations. Realism is not the sole province of large powerful states and is being adopted diplomatically in subtler forms by Ireland. Disarmament is a process and end-state, as well as a technical and political exercise that seeks ultimately to deprive nations, including our own, of anything to fight with. Philosophically and practically, this presents Irish Foreign policy makers with a distinction between the so called "real world" and the world as we might prefer it to be. An analysis of Irish foreign policy over 60 years indicates that this distinction is not clear cut. The "real world" and the world as we might prefer it to be can be harmonised through the enunciation of practical ethical policy and the promotion and generation of norms that straddle realist and liberal paradigms within and outside of the UN.

The UN, Disarmament and Non-Proliferation Policy

Krauss [2] sees the UN's role as part of a broad tapestry of efforts to control arms as a means to achieve international peace and security. He asserts that the UN, while not being the most significant actor in six decades of disarmament nor wholly constrained by realist political considerations, has played an important role as a forum for negotiation, a crystalliser of emerging norms such as the chemical weapons taboo and a controlling check on the major powers in terms of the legitimacy of their action. Gloomily however, Krause suggests that in spite of progress all these roles of the UN remain conditioned and constrained by the central fact of great power security governance.

Nuclear weapons have not been used offensively since Nagasaki in 1945. The International Atomic Energy Association (IAEA) was established in 1957 whose function was nuclear verification and security, nuclear safety and nuclear technology transfer. But throughout the

---

1 Ken Booth, "Security in Anarchy: Utopian Realism in Theory and Practice", International Affairs 63:3 (1991), 527-54
2 Keith Krause, "Disarmament." In The Oxford Handbook of the United Nations, ed. TG Weiss & S Daws (Oxford: Oxford University Press, 2008), 287.

cold war the IAEA was largely impotent, beholden to the whims of the great powers. The efforts at nuclear arms control were essentially the result of old fashioned power politics rather than the moral pressure of the international community under the auspices of the UN. IAEA was powerless during various arms races since the 1950s. With the Cold War shadow lifted and amidst concerns about the arsenal of the former Soviet Union and developing arsenals from Iraq and Korea, the IAEA's role has been strengthened, becoming in effect, a global nuclear watchdog, a UN verification agency working to ensure that nuclear energy is developed for peaceful purposes. However:

> the IAEA remains hostage to the national interests of select countries. It still lacks the ability to satisfy those who demand assurances against the further proliferation against nuclear weapons.[3]

It inspects, delivers verdicts and makes recommendations but it is ultimately up to the UN Security Council to act upon such findings and recommendations.

Although the proliferation of nuclear weapons has been the highest profile issue, non-proliferation, arms control, abolition, prohibition and disarmament have also been directed at biological and chemical weapons, small arms and land mines by the UN. The reality however is that

> the most fruitful negotiations on most issues have taken place outside the UN among the relevant major powers.[4]

Recent agreements and conventions on landmines and cluster munitions demonstrably convey the ability of NGOs and smaller countries such as Ireland to lead and pursue disarmament, non-proliferation and arms control initiatives in the absence of major power participation which is also indicative of a

> widespread sense that the UN has become dysfunctional and moribund as a forum for negotiating arms control and disarmament treaties.[5]

Disarmament and non-proliferation were central to the establishment of the United Nations. The Charter refers to the regulation of armaments, specifying roles for the General Assembly, Security Council and the Military Staff Committee, while articles 11 and 17 allude to disarmament.

Key components of the UN's machinery are the General Assembly, the Disarmament Commission and the permanent Conference on Disarmament, which is an autonomous forum that reports to the assembly and is linked to the Secretariat. The UN, however, has not been a major player, although it has been crucial in the development of norms. Its main contribution has been facilitating the negotiation of international treaties, the most important being the Non-Proliferation Treaty (NPT), the Chemical Weapons Convention (CWC) and the Biological Toxins and Weapons Convention (BWC).[6] In 1996, the General assembly adopted the Comprehensive Test Ban Treaty (CTBT), but as of yet it has not entered into force. The 1990s saw the organisation increase its non-proliferation efforts with regard to small arms but it has not achieved a successful negotiation of a legally binding treaty. In contrast, parallel

3 Jussi M. Hanhimäki, The United Nations: A Very Short Introduction (Oxford: Oxford University Press, 2008), 68.
4 Karen A. Mingst, Margaret P. Kearns and Alynna J. Lyons, The United Nations in the 21st Century: Dilemas in World Politics (Boulder: Westview Press, 2017), 167.
5 Ramesh Thakur, The United Nations, Peace and Security (Cambridge: Cambridge University Press, 2006), 165.
6 T.G Weiss & D.A Zach, "The United Nations", In Security Studies: An Introduction, ed. Paul D. Williams and Matt McDonald (New York: Routledge, 2018), 315.

advancements occurred outside the UN to ban anti-personnel mines and cluster munitions which culminated in the Ottawa and Dublin Conventions in 1996 and 2008. At the forefront of these initiatives were small states such as Ireland and NGOs outside the UN auspices of the Conference on Disarmament.   Smaller states have developed policies that have had, and continue to have the potential to convince larger states that disarmament and non-proliferation through normative development and treaties is desirable, practical and achievable. Powerful states can be convinced of the utility of non-proliferation and disarmament when subtler conceptions of realism are adopted. Such a subtle conception of Irish realism is further elucidated in the next section.

International Relations Theory and the Nuclear Debate

An argument for nuclear proliferation is the fact that the Cold War remained so because of the nuclear arsenals possessed by the USA and The Soviet Union. Relations were stabilised between the two superpowers because of proliferation. Those who reject nuclear proliferation can argue that it cannot be assumed that because we had nuclear weapons and peace therefore we had peace because of nuclear weapons – a good example of causation being unproved by correlation. This question is a difficult one to answer and despite the compelling argument of "Cold War Peace",

> the proposition that nuclear deterrence kept the peace is not a matter of knowledge, it is a matter of belief and often rather dogmatic belief.[7]

Realist logic at its simplest asserts that it is the fear of losing that generally deters states from going to war and the argument of nuclear proliferation's inherent stability is an extension of this basic logic. In other words, convincing both sides that they have much more to lose than to gain prevents conflict escalation to war, not the elimination of the underlying causes of the dispute itself. Liberal antagonism to proliferation derives from a deep disquiet with nuclear deterrence itself whose case is essentially an argument for peace based on fear. Peace is not achieved by accommodation, reconciliation or resolving of the issues that created the conflict in the first place. Peace prevails because nuclear weapons make war too horrific to contemplate. For realists, who see some measure of international conflict as unavoidable, the logic of peace through deterrence or fear is a sensible approach. But liberals have always been uneasy and distrustful of the perception that peace is preserved by making the costs of war ever more horrific. Nuclear strategists maintain that the mere existence of nuclear weapons is sufficient for their protective purpose and that in actuality they will never be used in spite of a logic entailing actual utility in extremis.[8] Liberals would rather achieve peace by discovering ways to resolve the issues that create hostility. Basing peace on the mutual threat of total destruction merely serves to perpetuate and exacerbate conflict without providing sustainable long term solutions. Thakur stridently attacks the deterrence proliferation position.

> Nuclear weapons could not proliferate if they did not exist. Because they do, they will. The policy implication of this logic is that the best guarantee of nuclear non-proliferation is nuclear disarmament.[9]

The implication here is that a focus placed on non-proliferation to the neglect of disarmament ensures that neither is achieved. Counter arguments would suggest that nuclear weapons

7 Robert W. Malcolmson, Beyond Nuclear Thinking (Montreal: McGill-Queens University Press, 1990), 89.
8 John Borrie and Tim Caughley, "Viewing Weapons Through a Humanitarian Lens: From Cluster Munitions to Nukes", Irish Studies in International Affairs 25 (2014), 23-43.
9   Ramesh Thakur, "If You Want Non-Proliferation, Prepare for Disarmament", Economic and Political Weekly 42, no. 47 (2007), 26.

cannot be uninvented and if an opponent possesses one then you must have one. The threat of nuclear blackmail prevents disarmament with possession locking hosts into a vicious circle. While the ability to create the weapons exists, the weapons cannot be laid down. The logic tends towards control, not utopian disarmament.[10]

For liberals, the proliferation debate raises issues that go well beyond uncertainties about crisis stability.[11] As Jonathan Schell questions,

> The principle strategic question is whether the doctrine of deterrence, having been framed during the cold war, will now be discredited as logically absurd and morally bankrupt or, on the contrary, recommended to nations all over the world.[12]

For Schell, the constricted focus on the outcomes and consequences of proliferation obscures a more vital question. The most serious concern is not whether any more countries should acquire nuclear weapons, but whether any country should possess them in the first place. Ireland within the UN has grappled with this question for over sixty years and continues to enunciate policy that largely considers the latter concern as fundamental to its non-proliferation and disarmament policy. A policy of mutually reinforcing processes – the total elimination of nuclear weapons through incremental practical measures.

A division emerges between those who believe that general disarmament is unfeasible in the current international system, that deterrence's implicit acceptance of arms control can be harnessed positively to contribute to international security and those such as Ireland who are supportive of comprehensive disarmament. The difference between disarmament and arms control according to Bayliss is the reduction or abolition of arms versus an internationally exercised restraint upon armament's policy – not only in terms of the quantity of ordnance but also its character, deployment or use.[13] Arms control bases itself on realist relevance and practicability whereas disarmament is considered as irrelevant failed utopianism. According to Cooper, mainstream strategic and security studies consider disarmament to be distinct from arms control and a utopian project characterised by failure. The effect is a sceptical condemnation of disarmaments enduring futility and a project suitable only for naive idealists.[14] But in spite of philosophical divergence there is unanimity between arms controllers and disarmers, realist and liberals in

> the conviction that an uncontrolled arms race in this age of weapons of mass destruction would lead to disaster for the whole community. [15]

Irish foreign policy is not naively idealistic but is rather, an enunciation of practical and ethical measures to ultimately achieve the goals of preventing an uncontrolled arms race, goals that are shared by arms controllers and disarmers, realists and liberals alike. Utopian realism and liberalism may be semantically considered the same thing. They are not. Utopian realism extracts practical essentials from the realist paradigm, dominated by state centric power, but presents realists with alternative means to achieve a classical liberal objective, multilateral non-proliferation and disarmament under the aegis of collective security exemplified by the UN and Ireland's long commitment to that organisation.

10 Helen Caldicott, ed. Sleepwalking to Armageddon (New York: The New Press, 2017).
11 Keith L. Shimko, International Relations: Perspectives & Controversies (Boston: Wadsworth Cengage Learning, 2010), 269-295
12 Jonathan Schell, "The Gift of Time: The Case for Abolishing Nuclear Weapons," The Nation February (1998), 21.
13 John Bayliss, "Arms Control and Disarmament", in Strategy in the Contemporary World: An Introduction to Strategic Studies, ed. John Bayliss, James Wirtz, Eliot Cohen and Colin S. Gray (Oxford: Oxford University Press, 2008), 184.
14 Neil Cooper, "Putting Disarmament back in the Frame," Review of International Studies 32, no. 2 (2006), 356.
15 Paul Wilkinson, International Relations: A Very Short Introduction (Oxford: Oxford University Press, 2007), 116.

Ireland. Non-Proliferation and Disarmament

The treaty designed to prevent the spread of nuclear weapons - the Non-Proliferation Treaty (NPT)[16], the capstone of multilateral disarmament efforts, was first put forward by Ireland's Minister for External Affairs, Frank Aiken, at the United Nations in 1958, and a further series of Irish-sponsored resolutions eventually came to fruition with the signing of the NPT in 1968. Ireland was the first country to sign and ratify the treaty, which entered into force in 1970, having been ratified, as required by its terms, by the United States, the USSR, the United Kingdom, and forty other countries. The treaty rests on three interlinking pillars: non-proliferation, disarmament, and the right to the peaceful use of nuclear energy.

As part of the New Agenda Coalition (NAC), Ireland was instrumental in achieving agreement on "Thirteen Practical Steps" towards nuclear disarmament at the 2000 NPT Review Conference. At the 2010 NPT Review Conference, Ireland again played an important role, with the Irish delegation chief chairing the sub-committee which, against considerable odds, reached agreement on positive proposals to advance a Nuclear-Weapons-Free Zone in the Middle East.[17]

The Irish Department of Foreign Affairs and Trade's ongoing commitment was expressed last year with Ireland playing

> a leading role in the process that led to the adoption of the Treaty on the Prohibition of Nuclear Weapons (TPNW). Ireland views the TPNW as complementing the NPT, which always envisaged further effective measures on nuclear disarmament. The TPNW includes a comprehensive set of prohibitions on participating in any nuclear weapon activities and represents the successful outcome of the first multilateral nuclear disarmament negotiations in over 20 years... This Resolution came about following several conferences which moved the discourse away from its traditional security dimension and focused on the humanitarian consequences of nuclear weapons, giving new impetus for progress on nuclear disarmament.[18]

Minister Simon Coveney asserted in September 2017 that the

> content of the new Treaty is ground-breaking, due to its core provisions which effectively prohibit nuclear weapons, and also due to its deep commitment to humanitarianism, to disarmament education, and its recognition of survivors of the Hiroshima and Nagasaki atomic bombings.[19]

This treaty has effectively put the concept of deterrence by nuclear weapons on notice. According to Sidhu however, the TPTN is unlikely to disarm a single nuclear weapon.[20] It's unsurprising that all nuclear weapon states boycotted the conference and this included an additional number of countries living under a nuclear umbrella. The absence of up to 40 UN members from the conference was justified thus by the soon-to-depart United States ambassador, Nikki Haley

16 The text of the Treaty on the Non-Proliferation of Nuclear Weapons is available at http://www.un.org/disarmament/WMD/Nuclear/pdf/NPTEnglish_Text.pdf.
17 Alison Kelly, "NPT: Back on Track," Arms Control Today 40, no.6 (2010): 21-24. Alison Kelly, at the time, was Director of Disarmament and Non-Proliferation in the Department of Foreign Affairs, and was head of the Irish delegation at the Review Conference.
18 Dept of Foreign Affairs and Trade Non -Proliferation and Disarmament Section What We Do , accessed April 30th 2018 https://www.dfa.ie/our-role-policies/international-priorities/peace-and-security/disarmament/
19 Dept of Foreign Affairs and Trade, accessed May 1st 2018 https://www.dfa.ie/news-and-media/press-releases/press-release-archive/2017/september/ireland-signs-treaty-prohibiting-nuclear-weapons/
20 W. P S. Sidhu. "Nuclear Disarmament and Non-Proliferation" In Security Studies: An Introduction, ed. Paul D. Williams and Matt McDonald (New York: Routledge, 2018), 345.

in this day and time we can't honestly say that we can protect our people by allowing the bad actors to have them [nuclear weapons] and those of us that are good, trying to keep peace and safety, not to have them [nuclear weapons].[21]

A pithy retort was provided by the Austrian delegate to the conference, Alexander Marschik:

If nuclear weapons are truly indispensable in providing security, then why should not all states benefit from this advantage? [22]

But however laudable this new treaty is, it is also highly problematic. There are no enforcement provisions and without them it is highly unlikely that nuclear armed states will agree on a prohibition treaty. Proponents of the treaty such as Ireland need to be cognisant of this essential dilemma bedevilling the enforcement of international norms and rules that

go to the heart of the security concerns that make dozens of countries in Asia, Europe and the Middle East wary that major threats can be deterred or defeated without, in extremis, nuclear weapons. If ways can be found to reassure these and other nations that the international community will predictably and effectively defend them in time to prevent the illegal infliction of grave – even existential – damage, then the case for prohibiting and eliminating nuclear weapons will become much greater.[23]

At a Royal Irish Academy conference in Dublin in 2014 on Disarmament and Non Proliferation, Patricia Lewis hoped that what would be of consequence with a new prohibition treaty would be its content,

not the process and not, at first, the inclusion of all of the weapon producing and weapon using (and in the case of nuclear, nuclear armed) states, that matter.[24]

This hope has been met to a degree but what are the real effects in the absence of nuclear armed states? It can be argued though, that the new treaty is an example of process trumping outcomes, contrary to Dr Lewis' wishes.

Some principles become norms simply by the weight of their own inherent moral standing. The nuclear taboo is an example of a regulative norm[25], a principle that so obviously improves the welfare of humanity that almost everyone is accepting of it. Once norms are adopted, supporters of those norms then hold their governments accountable to acceptable standards of international behaviour. Norm entrepreneurs may be defined as individuals and groups who seek to advance principled standards of behaviour for states and other actors.[26] Reflecting on Irish policy within the UN system over 60 years summarised here, it's clear that the Department of Foreign Affairs is a norm entrepreneur which has brought influence to bear in its attempt to tame state power with an ideological one, a liberal approach. Utopian realism highlights acceptability concerns regarding the utility of nuclear weapons for instance.

21 "U.S., Britain, France, others skip nuclear weapons ban treaty talks" Reuters, accessed May 15th 2018, https://www.reuters.com/article/us-nuclear-un-idUSKBN16Y1QI

22 W.P.S. Sidhu. "Can Unarmed States Prohibit Nuclear Weapons", Mint 10th April (2017), accessed May 31st 2018, https://www.livemint.com/Opinion/Ab4nn5vLyiQ3ku2d0XuuFO/Can-unarmed-states-prohibit-nuclear-weapons.html

23 George Perkovich. "The Nuclear Ban Treaty: What Would Follow?" Carnegie Endowment for International Peace May 2017, accessed April 29th 2018, https://carnegieendowment.org/2017/05/31/nuclear-ban-treaty-what-would-follow-pub-70136

24 Patricia M. Lewis, "The Purpose and Prescience of Disarmament and Non-Proliferation", Irish Studies in International Affairs, Vol 25 (2014), 20.

25 Nina Tannenwald, "The Nuclear Taboo: The United States and the Normative Basis of Nuclear Non-Use," International Organisations 53, no. 3 (2003), 433-68.

26 Jeffry A. Frieden, David A. Lake and Kenneth A. Schultz, eds, World Politics: Interests, Interactions, Institutions (London: Norton, 2016), 474.

Ireland has demonstrated, within and outside the UN, that there are credible and practical means of pursuing these concerns (treaties) that belie what some might consider a self-satisfied liberalist emotive refuge. Given our size, military posture and commitment to UN ideals such a pragmatic initiative exemplified by a utopian realism, is the country's most significant diplomatic resource.

Conclusion

The preceding analysis has summarised the non-proliferation and disarmament efforts undertaken by the UN in which Ireland has played a significant role. It has analysed the longstanding, unresolved disarmament and non-proliferation debate between the realist and liberal schools and presented Ireland's position within this debate from a theoretical and practical perspective. The evolution of Ireland's foreign policy with regard to disarmament and non-proliferation was set out and subsequently interrogated within the framework of this debate. The debate and its analysis was essential to understanding Ireland's policy position which was revealed as that of utopian realism, a pragmatic reconstruction of realism in liberal form that has had success within and outside of the UN.

For liberals, realism's recurring refrain, the unreality of abolishing and prohibiting nuclear weapons is irksome when one considers how champions of realpolitik have managed in recent times to produce such lamentable and monumental follies as the wars in Afghanistan and Iraq for instance, follies that many liberals warned against. The so called "real" world of international politics should not to be understood as an inclusivist province of realist interpretation. The nobility of seeking comprehensive disarmament and non-proliferation may well be idealistic utopianism, a liberal pipe dream but it can also be comprehended as utopian realism, a pragmatic reconstitution of realism acceptable to two of the dominant paradigms in international relations, realism and liberalism. This form of realism does not require or even accept apathy towards political ideals or moral principles. What it in fact requires are clear distinctions between what is politically desirable and what is achievable. Ireland's utopian realism allows for moral and ethical considerations.

This paper through its summary of UN agency and IR theory, has revealed that Ireland's main foreign policy strengths are within processes that seek to convince others wielding greater military strength of outcomes that can yield tangible, humanitarian and practical results in terms of disarmament and non-proliferation. Irish foreign policy has placed great value on multilateral process and in consideration of an evolving policy of 60 years, it is clear that such evaluation has manifested itself in the production of positive normative progress that can over time maintain a potential to claim wider ascent at the international level. The creation of prohibitive and yet enforceable provisions is a very difficult task. Ireland's historical foreign policy reasoning has been humanitarian in terms of weapons prohibition as evinced by the survey provided of its policy evolution. Such a survey is essential in terms of exploring where Ireland locates itself within a longstanding and unresolved debate in international relations. Liberals would prefer reinforcing multilateral treaty-based institutions to address disarmament and non-proliferation challenges. Contrastingly, realists would emphasise, sometimes aggressively, unilateral approaches to ensure state security against other state and non-state actors. In the short or long term however, unilateralism is unlikely to be effective unless intrinsic links are

constructed with universally applicable treaty based regimes. For this to happen, realists and liberals need to compromise and build bridges. Utopian realism is a framewrok for this goal. Ireland's historical and current foreign policy approach is a case in point.

UNITED NATIONS ETHICS OFFICE
BUREAU DE LA DÉONTOLOGIE DE L'ONU

SAFE REPORTING CHANNELS IN HUMANITARIAN SPACE AND UN PEACEKEEPING -

A Core Protection Challenge

Caroline Hunt-Matthes

SPEAK OUT AGAINST MISCONDUCT!

IT'S THE RIGHT THING TO DO.

SIFFLEZ LA FAUTE !

C'EST LA RÈGLE DU JEU.

...u are concerned about retaliation at work, cont...

Abstract

Military and civilian personnel working in humanitarian space constitute the primary source of critical information when it comes to identifying misconduct including sexual exploitation and abuse. Reporting misconduct is a mandatory requirement for military and civilian peacekeeping personnel and humanitarian actors yet many are reluctant to report misconduct by peers or misconduct witnessed in host communities in humanitarian space.

Safe reporting channels are a prerequisite for the delivery of optimal protection and assistance to host communities. This paper reviews evidence from recent studies to support this hypothesis.The underlying premise of the paper is that the safety and rights of the host communities to relief and protection can be directly correlated to the safety of reporting channels.

This paper examines the reasons for flawed reporting mechanisms including lack of knowledge of and mistrust of formal reporting channels, power disparities, cultural imperatives, poor design of reporting mechanisms rooted in lack of independence. the underlying culture of retaliation in military and civilian contexts as well as the UN's failure to protect whistleblowers. More research is needed to correlate the consequences of unreported misconduct due to unsafe reporting channels to protection failure, ie the guarantees of basic human rights and security in humanitarian space.

Introduction

As UN Peacekeeping marks the 70th anniversary of its operations, the environment in humanitarian space has never been more complex, challenging or dangerous. According to the Santos Cruz Report a record number of 56 peacekeepers lost their lives in service across the 14 global UN peacekeeping missions in 2017.[1]

The modus operandi of early traditional peacekeeping led by the military such as monitoring ceasefires and borders has evolved into todays 'multidimensional' peacekeeping characterized by additional civilian components which enable political processes including, 'good offices', protection of civilians, human rights monitoring, demobilization, elections units and rule of law units. Coherence between security and political solutions in civil and military components hinge on optimal reporting channels without which information about corruption is suppressed.

There are 90,000 military 'blue helmets' world wide and 14,000 civilians operating in fourteen UN peacekeeping missions globally.[2] In 2016, 157 major attacks against aid operations operating in humanitarian space occurred.[3]

There are however operational constraints which hinder reporting of misconduct. Field-based staff often work in remote locations in difficult and shared living conditions without family support, some with limited access to email, information and resources. Local staff in particular may be hindered by language constraints in which information about reporting misconduct is written and disseminated in the language of the humanitarian operation. The majority of

1 Santos Cruz Report: Improving the security of the United Nations Peacekeepers - General dos Santos Cruz, United Nations, December 2017
2   United Nations Peacekeeping Fact Sheet, April 2018
3 Behind the attacks : A look a perpetrators of violence against aid workers.Aid worker security report. Stoddard A. Harmer A. and Czwarno C. 2017

peacekeeping operates in countries with low literacy levels which in and of itself acts as a barrier to reporting in the host communities. Access to information, particularly in crisis contexts, is a security issue and the ability to access the requisite information in order to report misconduct is a caveat to ensure the protection rights of staff or host communities. Lack of access to a computer, email for example in a remote work station, deters reporting. According to data collected in the 2017 United Nations Global Staff Survey, 52 per cent of civilian UN staff who responded to a questionnaire claimed to have witnessed misconduct/wrongdoing, the majority of which experienced retaliation for doing so.[4]

This paper will consider the effectiveness of the mechanisms available for reporting misconduct in the humanitarian space and weigh the consequences for the safety of operations in the humanitarian space and the protection implications for the local communities.

The responsibilities of military and civilian actors in humanitarian space

The concept of Humanitarian space has evolved since it was originally coined by Rony Brauman at Medecins-sans Frontieres (MSF). The Humanitarian Policy Group, Overseas Development Institute summarized it in 2010 as physical access to the operating environment including security and adherence to the core humanitarian principles (international humanitarian law - IHL) as well as access by host communities to lifesaving assistance and protection.[5]

The Sphere Project[6] set the parameters for the responsibility of civil and military actors in a global standard for accountability in humanitarian space. The Sphere Core Protection Principles include: desistence from harm as a result of humanitarian actions; access to impartial assistance in proportion to need and without discrimination, protection from physical and psychological harm arising from violence and coercion and assistance to people to claim their rights, access available remedies, and recover from the effects of abuse.

A prerequisite for the exercise of these important protection principles are safe reporting channels for humanitarian actors and host communities. Without safe reporting channels host communities cannot identify or flag protection violations or misconduct in relation to the provision of assistance. Corruption and misconduct foreseeably therefore remain unaddressed.

The duty to report misconduct

The duty to report misconduct is mandatory for all personnel serving in humanitarian space. United Nations personnel, civilian peacekeepers and actors in UN humanitarian space are international civil servants, and are expected to comply with the UN Charter and the Standards of Conduct of the International Civil Service drawn from article 101 of the UN Charter 1945. A direct-line of accountability exists to their own UN organization, as well as accountability to the Resident Coordinator and rest of the UN country team (UNCT) for producing results under the UN Development Assistance Framework.

---

4 Review of Whistleblower Policies and Practices in United Nations System Organisations Joint inspection Unit, Cronin E. Afifi A. 2018
5 Humanitarian Policy Group, 2010
6 The Sphere Handbook: Humanitarian Charter and Minimum Standards in humanitarian response, 2004.

The Military deployed in humanitarian space report misconduct through their own national command structures and are accountable via their national military court jurisdictions. The UN troop-contributing countries agree in a memorandum of understanding with the United Nations to "ensure that all members of the national contingent are required to comply with the United Nations standards of conduct."[7]

The current complex UN reporting and whistleblower protection mechanisms in place since 2006 are influenced and further complicated by the continuing evolution of new policies, institutions and processes.

The complexity and lack of independent reporting channels in humanitarian space

UN Peacekeeping missions exist in 14 countries but United Nations Country teams (UNCT)[8] exist in the majority of the 165 countries where there are United Nations programmes. The UNCT encompasses all the entities of the UN system that carry out operational activities in humanitarian space. The UNCT uses inter-agency coordination and planning at the country level as part of the Resident Coordinator system, to ensure the delivery of assistance and protection within the strategic development framework of the host Government. The UNCT is led by the UN Resident Coordinator, who is the designated representative of the UN Secretary-General. The Resident Coordinator reports to the UN Secretary-General through the Chair of the UN Development Group.

In 2005, the 7th UN Secretary General Kofi Annan delegated authority from the UN Office of Internal Oversight Services (OIOS) Investigations Division, responsible for UN system-wide investigation of misconduct since 1994, to a newly created Conduct and Discipline Unit (CDU) established at UN headquarters. Its mandate was to provide 'overall direction for conduct and discipline issues in peacekeeping operations and special political missions, including incidents of sexual exploitation and abuse.

The OIOS has reported its statistics transparently to the UN General Assembly (GA) since its establishment in 1994. The recording of complaints by the Conduct and Discipline Unit lacks clarity, is difficult to disaggregate and is reported to the GA in a convoluted manner detracting from transparency of reporting. This newly created layer of bureaucracy has caused further confusion in practice for those seeking to report complaints and those seeking to monitor its success.

In 2007, the 8th United Nations Secretary-General, Ban Ki Moon, diluted the coherence, independence and impartiality of the UN Ethics function by authorizing the UN Funds and Programs to set up their own Ethics Offices. This delegation of the Ethics function included responsibility for protection against retaliation for reporting misconduct moved from a system in which one umbrella UN Ethics Office based in HQ oversaw reports of retaliation to one that allowed each fund and program of the UN to have its own Ethics Office. This foreseeably

---

7 Status of Forces Agreement (Model SOFA), MOU between the UN and Troop Contributing Countries (2007). Originally promulgated in 1990
8 The concept of the UNCT originated in 1977, when the General Assembly established the concept of a single official (i.e. the Resident Coordinator) to coordinate operational activities within the UN system. Over the years the concept has evolved, and the key role of the UNCT for the effective and efficient functioning of the UN system at the country level has been noted in all General Assembly Resolutions on the Comprehensive Policy Review since 1992 (GA Resolutions 47/199, 50/120, 56/201, 59/201 and 62/208). "the UNCT is composed of representatives of the UN funds and programmes, specialized agencies and other UN entities accredited to a given country.

put the day-to-day management of the whistleblower protection from retaliation into the very hands of the management of those bodies or individuals who authorized the retaliation.[9]

For those outside the UN system, mechanisms to notify local communities of the reporting channels available lack uniformity and are adapted to local circumstances such as poster campaigns in public locations, websites, telephone and on line hotlines, and adhoc mechanisms. A specific focal point either a person or body is usually appointed in each UN field mission with explicit responsibility for dealing with allegations of sexual exploitation and abuse (the SEA focal point). In some peacekeeping operations, the head of mission 'appoint[s] an official, at a sufficiently high level, to serve as a focal point for receiving reports on cases. In other missions, there is a conduct and discipline team to which allegations should be reported.[10]

This however can create conflicts in a small mission as occurred in the UNFICYP peacekeeping mission in Cyprus in 2008 when the focal point supported the survivor in a harassment case. The subject of the harassment complaint was the supervisor of the gender adviser who subsequently retaliated against the gender advisor for her role in supporting the survivor, ultimately costing her her job. The case was settled out of court.[11]

The United Nations Joint Inspection Unit (JIU) in their 2018 review of whistleblowing in the UN system confirmed the lack of clarity around the modus operandi of the multiple entities which exist to receive reports of misconduct: "In cases where non UN entities are tasked with receiving and handling reports of certain forms of misconduct, such as harassment or sexual exploitation and abuse, the UN inspectors were unable to establish if a preliminary assessment (prima facie review) takes place followed by an investigation."

Criticism of diminishing transparency as to how the UN report data has been the subject of analysis by the Government Accountability Project as well as a number of academics.

"The consequence of the UN's presentation of the data is to diminish the space available for evaluation and critique of UN policy and implicitly assign the power to 'solve' the 'problem' to UN 'experts'. This also shifts attention away from the structural legal challenges relevant to sexual exploitation and abuse and accountability for it."[12]

The Government Accountability Project in Washington DC summarizes the UN reporting mechanisms as "a closed loop of elaborate and arcane accountability structures, none of which are truly accountable because they are all functionally internal to the UN system."[13]

Reporting mechanisms therefore appear to be tainted by a structural conflict of interest, lacking in independence, hence affecting the trust placed in them by the majority of actors witnessing misconduct. This arguably increases the risk in humanitarian space of misconduct remaining unreported and unsanctioned, hindering the protection obligation of humanitarian actors.

9 The United Nations Whistleblower Protection Gap, Implications for Governance, Human Rights and Risk Management. Hunt-Matthes C and Gallo P, IWRN, 2017
10 Grady, 2010
11 Unpublished Interview: Hunt-Matthes 2018
12 Ibid
13 Edwards B. 2018

The Magnitude of underreporting estimated at 50%

The landmark UNHCR West Africa Report and Save the Children Report of 2008[14] as well as analysis of the annual UN data reported to the General Assembly provided evidence that under-reporting of misconduct and sexual exploitation and abuse against children in particular was widespread. The reports identified three overarching reasons for not reporting through formal channels: First, lack of knowledge of where to report. Second, a lack of trust in the mechanics of the reporting system and finally, and arguably the biggest deterrent to reporting, is fear of retaliation.

The United Nations 2017 global staff survey on 'whistle-blower policies: reporting of misconduct/wrongdoing' conducted by the Joint Inspection Unit, a survey conducted across the United Nations system, indicated that 45% of staff surveyed actually witnessed misconduct but fewer than half reported it. Inspectors confirmed that field staff rarely received the same information or level of communication about reporting misconduct as headquarters. They therefore do not know what to report, to whom to report or what resources may be available to them for protection against retaliation for reporting misconduct.

An unpublished interview[15] with a whistleblower reporting a UN Resident Coordinator for harassment was still under investigation 6 months after reporting through official channels to UNDP Investigators and no one had advised the survivor how to access protection 6 months after the fact. Conversely, the JIU Inspectors found "There are no formal procedures or protocols in place for resident coordinators to access agency-specific accountability mechanisms for reporting misconduct/wrongdoing by personnel of other United Nations system agencies." (JIU, 2018)

Figure II Proportion of global staff survey respondents witnessing and reporting misconduct/wrongdoing Source: JIU 2017 global staff survey on whistle-blower policies.

Figure II
Proportion of global staff survey respondents witnessing and reporting misconduct/wrongdoing

45.0 per cent witnessed misconduct/wrongdoing between 2012 and 2016 → Of those who experienced misconduct/wrongdoing → 47.0 per cent reported it

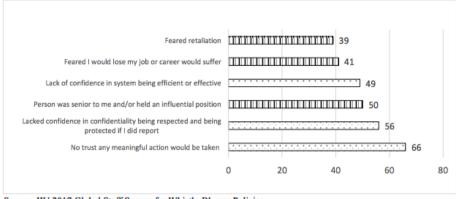*Source*: JIU 2017 global staff survey on whistle-blower policies.

The institutional violence which individual whistleblowers experience in the form of retaliation for reporting misconduct does not happen in a vacuum, but in a wider socio-political and socio-psychological context. An understanding of the underlying specific context of the UN peacekeeping culture and power dynamics of aid operations is necessary to address the challenge of unreported corruption, misconduct and incidences of sexual assault. Although data in this field is limited some government agencies, specifically the Department for International Development (DIFID) in the UK, are however scrutinizing the issue in relation to improving safeguarding in the aid sector. (2018)[16] The Chart below indicates the reasons for not reporting misconduct.

14 UNHCR West Africa Report (2002) & Save the Children Report (2008) Insert title.
15 Unpublished Interview Hunt-Matthes, 2018
16 DIFID Safeguarding Conference, London. 18 October 2018 Speech Penny Maudant, Minister for International Aid.

Top Reasons for not reporting cited by respondants witnessing misconduct/wrongdoing (Precentages)

Source: JIU 2017 Global Staff Survey for Whistle-Blower Policies.
Note: Vertical striped bars represent personal fears/risks. Dotted pattern bars represent lack of confidence in system.

Figure VI
Proportion of global staff survey respondents experiencing and reporting retaliation

Source: JIU 2017 global staff survey on whistle-blower policies.

Survivor and victims' fear of backlash or retaliation from perpetrators, who have access to resources/people in power, is a major obstacle to reporting.

The Chart below is extrapolated from the Joint Inspection Unit and isolates by agency the numbers of retaliation cases reported by agencies operating in humanitarian space in the last 5 years – the number that found in favour of the complainant is zero in the case of UNHCR, one in the case of UNICEF, three in the case of WFP. The DPKO figure could not be disaggregated from the UN Secretariat. These low numbers arguably act as a disincentive for complainants to report given the negligible results after filing a complaint.

MISCONDUCT & RETALIATION CASES 2012-2016

UN Agency Country Team	Cases of Misconduct deemed receiveable	Cases Investigated	Retaliation Cases Reported	Retaliation Cases forwarded for investigation	Founded in favour of the complainant
UN Secretariat	2593	No data	83	16	6
UNDP	1534	1036	28	5	3
UNHCR	2014	401	33	3	0
UNICEF	430	No data	31	1	1
WFP	243	No data	16	4	3

Source Extrapolation from JIU data of selected organisations active in humanitarian space (Annex V JIU Review of WB practices in UN system Organisations 2018)

It highlighted that personnel involved in the cases from the field reported a breach in confidentiality that had exposed them to further retaliation.

Evidence of reporting practice in military operations

"UN peacekeepers are often under-equipped, under-prepared and unready [and] there are gaps in command and control, in culture, in equipment and in training," (Guterres UN SG 2017).
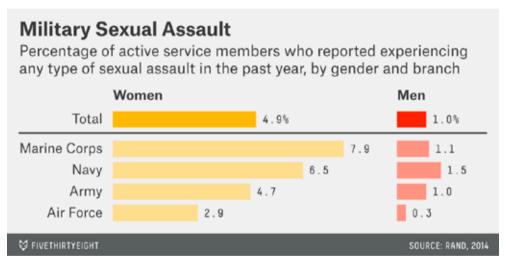
It is in these gaps in command control, culture, equipment and training that the culture of reporting misconduct is either reinforced, ignored or punished. There is little research available on this issue across the military component of UN peacekeeping troop contributors. It is possible however to extrapolate from other studies.

A recent 2018 Swedish study on the implementation of United Nations Security Council Resolution (UNSCR) 1325 and related resolutions in the context of peacekeeping in Mali (MINUSMA) used an analytical framework to assess the implementation of UNSCR by the military in humanitarian space. The study probed the 3 pillars (known as the 3 P's) of the Security Council resolution namely Prevention of conflict, Protection of women, and Participation of women including the incorporation of a gender perspective. It confirmed that cases of sexual exploitation and abuse by military components are reported to the field HQ conduct and disciplinary team, however reports are low in number. In 2016 and 2017, three cases of SEA were reported. Specific to the MINUSMA Protection of Civilians mandate of the study found that there is a need to be more specific about how the military component should contribute to the protection of civilians, including the prevention of, and response to, conflict-related sexual violence.

"Women's protection needs are rarely – or never – analysed, nor otherwise addressed, in operational planning. Nor is the impact of the peacekeepers' presence on the security of women and girls assessed. Given the deteriorating security situation in Mali, such an analysis is pivotal in order to avoid unintended consequences for civilian women."

The authors of the study proposed the military component proactively use existing early warning indicators to detect threats against civilians and conflict including related sexual violence such as patrols into areas where women feel insecure and to engage regularly in dialogue with local interlocutors and the Malian defence and security forces regarding the protection of local communities. It appears the lack of proximity of the military to the local population may have deterred some reporting. What is clear however from this study is that reports of misconduct are few and the design of the reporting system is poor especially for the most vulnerable women and children. Access to reporting channels is difficult given the security situation in Mali and that the local population are foreseeably hindered by language constraints.

A related study by the US think tank RAND Corporation gives insights into the military reporting culture in the United States from which it is possible to extrapolate due to the homogenous character of military structures. It was commissioned by the US Department of Defence (DOD) Sexual Assault Prevention and Response Office in 2014 after a 2012 internal survey found the magnitude of "unwanted sexual contact" in the military unacceptably high. It had a a 30 percent response rate from half a million military personnel. The final data was based on the responses of 145,300 people. The percentages of reports are indicated in the table below.

Military Sexual Assault

Percentage of active service members who reported experiencing any type of sexual assault in the past year, by gender and branch

	Women	Men
Total	4.9%	1.0%
Marine Corps	7.9	1.1
Navy	6.5	1.5
Army	4.7	1.0
Air Force	2.9	0.3

FIVETHIRTYEIGHT   SOURCE: RAND, 2014

The RAND research highlighted the difficulties encountered by those who report sexual assault. Overall, the researchers found that 62 percent of women who had reported "unwanted sexual contact" to military authorities perceived at least one form of retaliation in response. The breakdown of types of retaliation experienced included: one third (32%) said they perceived professional retaliation (such as being denied promotion or training and adverse administrative actions) with over half (53%) saying they perceived social retaliation such as exclusion.[end booklet]

According to the Rand study, women in the military who had been sexually harassed were 14 times more likely to also have been sexually assaulted in the same period compared with women who had not been sexually harassed. For men, that probability was 49 times higher. (Morral

for RAND 2014). Moreover, men who are assaulted are more likely than women to experience multiple assaults and to describe an event as hazing or intended to abuse or humiliate them.

Sexual harassment is a common experience, especially for women in the US military. An estimated 116,600 members were sexually harassed: 22 percent of active-component women and 7 percent of active-component men. 52% of active-component women perceived that they experienced professional or social retaliation after reporting a sexual assault. The assaults occurred mainly on a military installation such as an armory, or military unit site in the majority of cases. Notwithstanding penetrating the complexity of military reporting mechanisms, lack of trust in the system and fear of retaliation, and actual retaliation for reporting were experienced by the subjects of the study. Accountability for perpetrators was weak. The US Army Special Victim Counsel responsible for interventions on behalf of a victim/survivor to stop or mitigate retaliation, confirmed that no retaliators were disciplined or held accountable for their actions. Although the US Army Criminal Investigation Division reported in the Rand study had opened an investigation into retaliation in a couple of cases.

One civilian sexual assault survivor interviewed for this paper reported she was raped by a soldier in African humanitarian space in 2018, had reported the misconduct through UN civilian channels and the military command leadership had proceeded with accountability through the national military courts.[17]

Conclusions

The underlying premise of this paper is that the safety and rights of the host communities to relief and protection can be indirectly correlated to the safety of reporting channels by military and civilian actors in humanitarian and peacekeeping space. The evidence presented considered the overarching reasons hindering reporting to be lack of knowledge about where to report, a belief that no action will be taken rooted in the lack of independence and impartiality of those receiving the complaints as well as fear of retaliation.

Heightened awareness in the public domain of unreported misconduct in humanitarian space[18] has placed pressure on governments to demand optimal safety in humanitarian space. This requires an organisational culture that prioritises protection of host communites. This organisational cultural change will require effective leadership at every level. The tone at the top affects organisational culture. The evidence considered above points to the fact that the climate set by military and civilian leadership in humanitarian space has an effect on how survivors report and are treated. Equally important is the wider process of tackling the underlying gender inequality and other types of power imbalances.

Leadership failure to implement accountability for perpetrators in peacekeeping and humanitarian space despite the duty of care to protect individuals reporting in good faith from retaliation is a major shortcoming. Implementation of accountability of those perpetrating retaliation has been zero to date for civilian retaliators by UN leadership although military contingents are pursing the matter more seriously following pressure from the media, pressure groups and the UN General Assembly. On a positive note the UN Department of Peacekeeping

17 Unpublished Interview Hunt-Matthes 2018
18 Times report of the Oxfam scandal (March 2018)

operations DPKO is reportedly planning to develop a new two-strand policy on accountability for protection of civilians by monitoring and assessment in tandem with Mission leadership and introduce disciplinary action and even criminal investigation for cases of a failure to protect.[19]

Consideration should be given to a newly created cost sharing mechanism for the independent reporting of misconduct across all agencies working in humanitarian space with a survivor-centred approach including resources for proper whistleblower protection. This will require a shift in power and culture change across the aid sector.

"Only when survivors feel comfortable to report violations without fear that "their lives and their careers will be deeply, even irreparably, harmed by retaliation" will humanitarian space be truly safe for all actors and communities in humanitarian space. (Human Rights Watch, 2015)

---

19 Ibid

ABSTRACTS

74 Senior Command and Staff Course

MA In Leadership, Management And Defence Studies.

Physical Readiness Training: Is the Army's Strategy too Much for Unit Level Leaders
By Major Glenn Burkey

Readiness has become the number one priority for the United States Army Chief of Staff and fitness is a major component in determining readiness. History has repeatedly proven success on the battlefield hinges on the fitness of the warriors engaged in the fray. However, the Army's current levels of physical readiness are challenged with obesity, injury and Soldiers who are unable to meet the minimum fitness standards. The focus of this research is to determine if the link between researchers, senior policy makers, and company level leaders is broken. The study uncovered three main themes; 1) Programs, policies, and training are ineffective are insufficient within the PRT Strategy 2) PRT is not being internalized or prioritized within the Army 3) Units lack the appropriate resourcing to effectively conduct PRT. The themes and findings demonstrate the current strategy is not being internalized and is lacking in key areas which prevents the optimal fitness level within the Army.

Talent Management – A Pathway to Success? Are the Talent Pathways in The Defence Forces Aligned to Deliver Excellence?
By Comdt Damian Carroll

Talent management has burst into the lexicon of organisational human resource management without a shared understanding of what 'talent' is. Equally, the White Paper on Defence, 2015, has launched the term talent into the Defence Forces without creating a supporting evidence-based framework. The drive for this thesis was to uncover if the term 'talent' was understood in the Defence Forces and if the human resource management architecture was ready for yet another management innovation. Simply put; is talent management a pathway to success? If so, are the talent pathways in the Defence Forces aligned to deliver success?

This research adopted a post-positivist theoretical stance. A qualitative methodology was employed, and data collection involved semi-structured interviews with a purposeful sample (N=6). Trustworthiness of the data collection and analysis phases was ensured through bracketing and member checking. Microanalysis of the accumulated data revealed the key findings.

The results suggest that there is no shared definition of military talent in the Defence Forces, mirroring the academic literature. The findings reveal that the strands of what would be proposed as a talent pathway operate functionally in isolation due to fractured strategic-level organisational arrangements. Finally, the research uncovered that favouritism and personal relationships are the most important factors in talent management in the Defence Forces. The consequences of these findings may be manifested in a perception of unfairness in Defence Forces talent management systems.

Notwithstanding the undesirable viewpoint as espoused above, the research also accentuated positives for the Defence Forces. Despite the non-alignment of the talent pathway and the presence of perceived favouritism, the organisation appears to function, albeit somewhat disjointedly, due to the 'talent' of the individual members of the organisation. Further research is necessary to create a shared definition of military 'talent' and validate the individual strands of the talent management architecture so that the Defence Forces talent pathway can be aligned to deliver excellence.

A Review of the Current Service Support Contract Mechanisms in The Air Corps

By Comdt Mark Caulfield

Within the Defence Forces the Air Corps is a unique service with a very specific operational and logistical requirement. The operational output to the Defence Forces in maritime patrolling, aid to the civil power and supporting the army all require different platforms with different maintenance and support requirements.

The focus of this research was to address the topic of the current support contract mechanisms in the Air Corps.

The study is important to ensure the Air Corps continues to provide operational availability of the fleet with a view to doing this with value for money to the public purse in mind. The literature found that the model currently employed by the Air Corps is in line with best international practice but requires constant monitoring and development of the relationship with the suppliers.

The methodology took a post-positivist, qualitative research approach in order to capture a wider perspective from interviewees and to explore their perspectives on the topic. Semi structured interviews from subject matter experts gave a balanced view.

The findings indicate that the current support mechanism is providing the required levels to the Air Corps fleet. There are some legacy issues that have been identified and will be addressed by the Air Corps through the White Paper on Defence 2015. On the basis of the findings a number of recommendations are made that may assist the Air Corps in providing support to the Defence Forces.

No Country for Old Men…and Women
Does the Current Schedule of Mandatory Retirement Ages (Mra) for Defence Force Officers Remain Fit for Purpose?

By Comdt Eugene Cooke

According to the World Economic Forum (2017), if retirement ages do not change, the global economy will not be able to bear the burden. Increasing life expectancy has created a financial imperative for Irish policy makers which the last number of Governments have begun to address by amongst other measures, extending the MRA (mandatory retirement age) for public servants. Within the general debate on mandatory retirement, the aim of this thesis is to draw a narrow focus and explore: whether the current schedule of MRA for DF officers remains fit for purpose?

The research adopted a qualitative phenomenological research methodology, utilising a combination of focus groups and semi-structured interviews. The focus groups established individual officers' perception of MRA while the semi-structured interviews contrasted this with the organisational requirements of it.

The research results indicate that changing societal factors such as establishing households later in life, is resulting in financial commitments generally incurred during working life now persisting into retirement. This is leading to serving officers considering their engagement with the DF and has been cited by officers who have left as influencing their decision to leave. The challenge to retain personnel is compounded by the perception that DF MRA is inequitable when compared to public servant equivalents.

This thesis proposes that MRA at the ranks of Commandant and Lieutenant Colonel, should be extended by two years as a short-term measure pending the outcome of the planned review of officers' pensions. This will provide immediate if modest additional human resources during a period where retaining officers is proving challenging. The planned review of officers' pensions should be brought forward and initiated immediately. This review should strongly consider the experience of military organisations we deploy with and permanently extend MRA in line with adjustments they have implemented.

Raco and Civil-Military Management
'New Horizons or False Dawns'
An Examination of The Industrial Relations Mechanisms for Officers of The Permanent
Defence Forces
Are they Fit for Purpose?

By Comdt Enda de Bruin

With the introduction of the Financial Emergency Measures in the Public Interest (FEMPI) Act in 2009, RACO has experienced a deterioration in the strength of 'voice' which inhibited their effectivity.

The period since the Gleeson report in 1990 and the consequent enactment of DFR S6 has seen cyclical reviews, restructuring and reorganisation of the Defence Forces. There have been significant changes in the geographical spread, demography of forces and most importantly, societal change which is reflected in the personnel of the Defence Forces. The introduction of RACO was seen as a significant progression in representing the officers of the Defence Forces and giving them a 'voice' and a means of negotiating and resolving issues of pay, allowances and remuneration.

This research question, examines the interaction of RACO in the civil-military management nexus. The thesis is based on a conceptual framework incorporating three main themes namely: cultural change, industrial-relations dynamics and the theory of relationship contract. The research adopted a post-positivist, qualitative research methodology, utilising semi-structured interviews with document analysis employed as additional sources of information and triangulation of data. The use of both a phenomenological and structured interview approach best suited the research where the object was to examine if the current Industrial Relations framework for the Defence Forces was fit for purpose.

The emergent findings from the thesis indicate the failure to identify and implement timely reviews of the IR framework. The significant change in the Defence Forces in recent years coupled with the societal change of the members have not been paralleled by an adaptive IR framework.

On the basis of the findings, several recommendations are made that may assist in providing guidance as to a progressive way forward whilst identifying the inherent threats to any outcome of review.

Tactical Leadership and Emotional Intelligence; An Investigation into the Relevance of Emotional Intelligence and Senior Non-Commissioned Officer Military Leadership

By Comdt Brian Donagh

This research focussed on the component of tactical (Senior NCO) level leadership as set out in the Defence Forces Leadership Doctrine (2016) and the potential benefits Emotional Intelligence (EI) can bring to their leadership development within the Defence Forces.

The objectives of this study are to understand the importance of EI in military leadership, to understand the benefits the organisation and the Senior NCO leaders get from EI to manage the organisation and to recommend how EI could help the Irish Military Senior Non Commissioned Officers to develop better leadership skills.

To develop a conceptual model, interviews and focus groups were conducted. The research highlighted the links between EI and Military Leadership. When examining how EI is currently taught to the Defence Forces, a gap was identified between the DFLD and the training afforded to Senior NCOs in the Defence Forces.

There is an emphasis in modern business leadership towards the "softer side" of management and reference to Emotional Intelligence while the Irish Defence Forces military framework offers a "harder edge" to command. Modern leadership theories and comparison to practice internationally evidence the importance and value of Emotional Intelligence.

The main conclusions drawn from this research are that the EI introduced to the Defence Forces has been embraced and welcomed by those who have been involved. There is an eagerness from our Senior NCOs to engage in areas that develop and enhance their leadership skills.

This research recommends that firstly, the value of the development and expansion of EI to our Senior NCO training should be recognised and; secondly, that it should be explored a as a positive enabler for leadership development.

Examining How the Military Component of a Stabilisation Operation can Support the Conduct of Post-Conflict Elections. Case Study: ISAF Support to the 2014 Afghan Presidential Elections

By Comdt David Fitzpatrick

Democratic elections are a signal of a state's legitimacy both internally to its population and externally to the international community. In the case of post-conflict states they both symbolise and help facilitate a transition from violence to stable governance. They have also become key milestones to satisfy the requirements for continued assistance from international donors, aid agencies, neighbouring states and intra-state organisations. For these reasons the support to and conduct of elections, as part of a wider democratisation process, have become a key part of the stabilisation operations of military forces. This thesis considers the complexity and challenges faced by the military component of a stabilisation mission in supporting host-nation and international civilian actors in the delivery of a national electoral process through the utilisation of the International Security Assistance Force's (ISAF's) support to the 2014 Afghanistan Presidential elections as a case study.

The review of the literature demonstrated a wide body of work on civilian-military relationships across many areas of humanitarian, security and developmental activities. However, a gap in the literature was identified regarding the role of the military component in supporting post-conflict elections within the governance sphere. Building on the perceived successes and failures of NATO's Comprehensive Approach towards humanitarian and developmental activities in Afghanistan, a number of key themes were identified for research. These themes were: the impact of organisational culture on civil-military relationships in stabilisation operations; the importance of empowered formal and informal networks at the operational level in-theatre; avoidance of military dominance of the electoral process and the importance of developing, not substituting, host-nation capacity.

Research grounded in a post-positive philosophy with an overarching qualitative approach was utilised to draw upon the reflection and experiences of a number of key military and civilian actors who played a pivotal role in the support of the 2014 Afghan elections. The utilisation of a shared understanding model of data collection in semi-structured interviews with participants of this study allowed for the exploration of themes and the generation of findings. These findings begin to address the gap in the literature regarding the role of the military component in a Comprehensive Approach towards electoral support. Findings and recommendations emanating from the research include some unique to the support of post-conflict elections and those with wider applicability for military elements attempting to pursue a Comprehensive Approach towards post-conflict stabilisation operations

Ireland's National Security Infrastructure – Is it Time for a Change?

By Comdt Laurence Heffernan

The Irish national security apparatus has always been something of a unique model in its construct. It has never formally prescribed a definitive overarching mechanism to maximise the outputs of the various elements of government with the ability to input. This research aims to examine the existing infrastructure and question whether it is time for a review of it.

The literature on the subject is somewhat sparse relating to the Irish context which necessitated the consideration of international theory and a comparative study of New Zealand's National Security System. The study was carried out as a qualitative phenomenological research project using the medium of semi-structured informal interviews with a carefully selected group of participants. The experience and professional knowledge of those interviewed helped produce rich data and some interesting findings.

It is apparent from the research that national security is not a high priority within government and there is a limited understanding of it within the body politic. The Irish public engages with the subject occasionally in the aftermath of security related incidents in other jurisdictions. It seems few Irish people see national security as an important issue. There appears to be a need to initiate a mature debate on the issue both at a public and political level.

The global security environment is dynamic and evolving rapidly, it is difficult to see how the island of Ireland can continue to evade the threats which have so tragically effected our European neighbours. The middle levels of leadership in the state's front-line security instruments now have a responsibility. They must create an infrastructure which prevents threats from materialising instead of responding to them after they take place.

"Does The Defence Forces Require a Specialist Reserve in Order to Address Capability Gaps?"

By Comdt Seán Holly

The Defence Forces (DF) is responsible for the national defence and security of the State. It faces these growing and evolving challenges at a time when it is undergoing a continued high level of personnel turnover and is struggling to recruit people to match the numbers of experienced personnel leaving the organisation. Traditional models of recruitment and on-boarding of personnel are struggling to maintain DF capabilities. The White Paper on Defence 2015 referred to the development of a specialist reserve in order to augment DF capabilities. This research is aimed at looking at the possibility of developing a specialist reserve to support DF capabilities.

The research was conducted from a post-positivist position using a phenomenological approach to the collection and analysis of data. In-depth interviews were conducted with senior Human Resource (HR) managers in the DF and from the Irish Coast Guard (ICG) which is predominantly composed of highly skilled volunteers.

The study indicates that the development of a specialist reserve in order to augment and support DF capabilities has broad support across the organisation. The specialist reserve has the potential to be a successful vehicle in increasing and supporting DF capabilities now and into the future. The research has identified issues that need to be managed in relation to the successful 'roll-out' of a specialist reserve. Strategies for recruitment of a specialist reserve were also identified.

In light of continued human resource challenges for the DF and the growth in instability and conflict worldwide, these findings indicate that the creation of a specialist reserve could be a successful approach to resourcing the DF to meet the challenges that lie ahead. This is predicated on being adequately resourced and that care is taken in managing the process to ensure the 'buy-in' from the Permanent Defence Forces (PDF).

Why did European Countries Support a Concurrent Maritime Operation off The Horn of Africa

By Comdt Neil Kelly

Piracy was recognised as a major problem to international shipping off the Horn of Africa for many years prior to the commencement of the European Union (EU) Atalanta anti-piracy operation in December 2008. The threat posed by armed and dangerous pirates seeking cargo and ransom caused severe difficulties to the movement of essential goods defined for the global market. In an era of capitalism and global market demands, any disruption to the flow of essential products including petroleum based product was deemed non-acceptable and action was required by the Western World. Acts of Piracy also disrupted critical food shipments to the African Mainland by the World Food Program (WFP) and assistance to WFP ships would constitute assistance from the new naval force for the region.

The purpose of this thesis is to examine the reasons why European countries chose to deploy naval assets in the form of ships to the EU Atalanta mission despite the North Atlantic Treaty Organisation (NATO) having a similar anti-piracy mission in the same region. There are a number of themes that have emerged from the analysis of the subject and the political and strategic reasons for countries adopting the EU mission instead of the concurrent anti-piracy operation, conducted by NATO Ocean Shield are examined.

An analysis of the themes were explored by means of semi-structured interviews, with both military and civilian Subject Matter Experts (SME).

The thesis also examines further sub-themes that were uncovered and explored during the conduct of the interviews and how decisions at the political and strategic level resulted in two anti-piracy operations. Both missions were United Nations (UN) mandated but with different objectives in terms of building security, regional stability and ultimately, implications for future strategic goals, especially for some NATO members including Turkey.

This thesis also makes recommendations for further study as a result of the analysis of the research themes and a number of areas regarding strategic goals, commitment of countries to regional stability and is there a future for an unemployed pirate.

Oral History: Utilising the Experience of Others

By Comdt Padraic Kennedy

The Irish Defence Forces Leadership Doctrine emphasises the need for lifelong study and experiential learning utilising '100 years of experience and learning by Óglaigh na hÉireann, both at home and overseas'. The Defence Forces Leadership Doctrine does not outline any formal method to capture these experiences as a leadership development tool or to enhance organisational memory. The Defence Forces has considerably experience in managing oral history projects including the Bureau of Military History and the recently launched Military Archives Oral History Project. The focus of this research is to ascertain the value of utilising oral history for leadership development and organisational memory.

The question was approached from a post-positivist, qualitative and subjectivist stance given the human input of testimony as part of an oral history project. Current oral history projects were examined alongside international military and civilian projects. Semi- structured interviews were conducted with serving Officers familiar with managing an oral history project, researchers who have utilised oral history and the School Commandant of the United Nations Training School Ireland. A case study from the 36 Infantry Battalion, Congo was utilised to examine the 'Battle of the Tunnel' through examination of the unit history and with an interview with a 36 Infantry Battalion veteran.

The research identified a risk to organisational memory for the Defence Forces unless a formal methodology is in place to capture the experiences of Defence Forces members and connected personnel. The use of tacit knowledge which has facilitated the handover of information is not sufficient nor is the written record alone. The combination of multiple primary sources including the written record and oral history provides an opportunity to enhance leadership development through the use of tangible examples of the values espoused by the Defence Forces. The use of oral history also provides an opportunity to capture the social and human aspect of Defence Forces activities to not only enhance organisational memory but to understand the context of why decisions were made.

Mentoring: Today's Critical Success Factor - Tomorrow's Organisational Effectiveness

By Comdt Liam Kiely

It has been suggested that the success or failure of an organisation can be traced to how seriously those in charge develop emergent leaders within the organisation. The objective of this research is to investigate whether and how a structured mentoring intervention may act as an effective tool to enhance leadership development in the Irish Defence Forces. Such a study is important to investigate and identify a process of linking together the sources of leadership development, particularly in the early stages of an officer's career. This study seeks to understand whether a formal mentoring intervention would be an effective tool to leverage the leadership experience and professionalism that currently exists in the Defence Forces, to maintain and safeguard the operational effectiveness of the organisation now and into the future.

This research consisted of a review of relevant literature on mentoring and leadership development, coupled with collection and analysis of empirical / experiential data. The approach was designed using a qualitative interpretivist framework, using semi-structured interviews to extract sample participants' views and experiences of mentoring and leadership development in the Infantry Corps in the Defence Forces.

The study revealed a number of themes for consideration; firstly, that while mentoring is firmly positioned historically in the culture of the Defence Forces, a gap has become evident in recent times. Formal mentoring focused on leadership development could have positive outcomes for all members of the relationship, including mentors, mentees and the organisation. A structured mentoring intervention may be a timely and effective tool to further develop the organisation's leadership capability and help bridge the mentoring gap that reportedly exists.

In conclusion, this research supports a recommendation that the Defence Forces should develop and implement an organisationally structured and sponsored mentoring intervention to enhance leadership development throughout the organisation. A framework for implementation of such an intervention is proposed.

Keywords: Irish Defence Forces, mentoring, formal mentoring intervention, leadership, leadership development, mentoring gap, leadership frustration.

Exploring Levels of Understanding in The Defence Forces Around Emerging Perspectives on Sexual Exploitation and Abuse

Comdt Jayne Lawlor

Acts of Sexual Exploitation and Abuse are insidious in nature and at the worst end of the scale constitute hideous violations of human rights. Military peacekeepers are deployed to many of the most hostile regions in the world to keep or enforce peace and to protect local populations. Unfortunately, the United Nations have been accused of not only failing to protect the vulnerable in society but indeed, of abusing them.

Through a combination of focus group interviews and semi-structured individual interviews, this study explored the levels of understanding among Defence Forces personnel and acquired an insight into how personnel perceive the phenomenon of Sexual Exploitation and Abuse as it pertains to them. The study considered, and was influenced by, a range of policy documents from the United Nations and Non-Governmental Organisations in addition to academic and field research.

Participants in this study whole-heartedly agreed that Sexual Exploitation and Abuse is a phenomenon that has previously, and is currently, affecting Irish soldiers and that could have disastrous and far-reaching consequences if tolerated at any level. Various parties that suffer harm as a result of Sexual Exploitation and Abuse are identified and discussed. Furthermore, attitudinal variances that emerged during interviews and focus groups are discussed as are the possible impacts of these variances on Irish peacekeeping missions.

Participants agreed that the United Nations zero tolerance approach should at all times be adhered to and emphasised a range of mechanisms which could strengthen the implementation of same. These mechanisms and other recommendations to confront Sexual Exploitation and Abuse are explored further in the study.

"Strengthen The Nation" – Exploring the Motivating Factors Leading to Irish Defence Forces Recruitment

By Comdt Mark Lennon

A dearth of research exists into why personnel join the Irish Defence Forces, particularly at general service recruit level. As an organisation with a requirement for young, motivated and enthusiastic personnel, recruitment of the best, most suitable personnel is significantly important. At the foundation of this recruitment process, is an understanding of why people join and what the motivating factors are. This thesis explores and examines these factors in order to further determine why people join. An additional aim of the research is to examine the overarching recruitment strategy and policy within the Defence Forces.

The literature highlights the difficulties and challenges that military forces currently face, in attracting, enlisting, and retaining the required numbers of new recruits. Recruitment and retention have become a major concern, not just within the Irish Defence Forces. Particularly evident within the literature, is the complexity of motivational theory. This is reflected in the multitude of factors motivating and influencing young people to join the military.

The research adopted a qualitative research design with a post-positivist, phenomenological approach. Utilising a mixed methods methodology, data was collected through the use of focus groups, questionnaires and semi-structured interviews, ensuring triangulation of data. The use of a phenomenological approach best suited the research aim of understanding the motivating factors leading to Defence Forces recruitment.

The findings from this research, indicate that themes such as pride, challenge and self-improvement appear to be strong motivating factors for recruitment. A number of influencing factors to recruitment were also identified. Key among these were; the role of 'gatekeepers', the influence of current Defence Forces' members, and the importance of 'word of mouth' in terms of perception. Although all aspects of the Defence Forces human resource management process, are highly functioning and aligned, no definitive policy on recruitment exists. This, in tandem with limited resources, and a lack of comparable data and specialised analysis to examine the validity of the process, inhibits the overall success of recruitment.

On the basis of the findings, a number of recommendations are suggested that will assist the Defence Forces in addressing both the challenges of military recruitment both now and in the future.

Is Ireland's 'One Size Fits All' Approach to CBRNe Justified?
By Lt Cdr Clodagh McConnell

An Irish Defence Forces Explosive Ordnance Disposal (EOD) Team may be tasked to respond to a Chemical, Biological, Radiological and Nuclear explosive (CBRNe) incident under the remit of 'Aid To the Civil Power' to An Garda Síochana. This research incorporates the emergency management systems relating to an emergency response procedure for a CBRNe incident and reviews how Ireland's current capabilities measure our preparedness for such an event.

Recent European and international terrorist related incidents were examined and insights on how these could potentially affect Ireland into the future were explored.

Lead Government Departments are encouraged to develop a shared understanding of these broad level strategic implications as they make critical decisions in building their future capacity and capabilities. The multi-agency response to emergency management in Ireland is dependent on many factors, the fragility and strength of these existing relationships were also evaluated.

The review of the literature analysed the comprehensive and evolving policy and doctrine in this field. A (Lloyds) Chatham House Report (2016) gave a modern perspective on the key factors driving the global threat of a CBRNe attack, and the relative ease with which malicious actors could obtain many of the necessary materials and know-how required to build a CBRNe weapon. This collated with the experiences of a previous interagency Defence Forces exercise enabled the author to re-examine the current response for relevance some years later.

A qualitative methodological design founded on a post positivist approach was employed that draws upon the reflections and experiences of a select group of experts from key Government Departments and Principal Response Agencies. Semi-structured interviews were conducted with strategic management who had direct involvement in the formulation of the SEM (2017) framework. This enabled the perspectives of the contributing departments and agencies to be further investigated. Key themes identified in the literature review included; preparedness of first responders as regards equipment and adequate training; prevention in taking suitable measures within our capabilities to prevent an imminent act of terrorism; response which incorporates joint priorities but also of limitations, and recovery which demoralizes the perpetrators and is symbolic of resilience and resoluteness of a community. These themes provide findings that further contribute to the understanding of implementing a strategy in the complex environment of CBRNe.

Recommendations emanating from the research include; the requisite need to mitigate the lack of trust between departments and agencies through a more collaborative training regime and more cohesive planning processes, the requirement to review existing policy and protocols to ensure its relevancy as regards the current global threats; the establishment of a national technical laboratory and establishment of a formal senior scientific advisory group for a technical 'reach-back' facility; and consideration of the lack of statutory legislation, considering the Office of Emergency Planning as an inter-department legal entity with a clear mandate, to co-ordinate the multi-agency interactions and proficiency.

"What is the Level of Readiness of The Defence Forces to Utilise Distance Learning in the Instruction of Career Courses."

By Comdt Edward McDonagh

Career training and education have been highlighted by the Defence Forces in its recent 2015 White Paper as being key to the provision of its leaders and commanders at all levels. In order to ensure that the Defence Forces meets the requirement of the developing educational needs of its personnel it is necessary to maintain international best practice in the delivery of its training and education.

In the White Paper the Defence Forces has identified itself as a learning organisation and as such it is committed to the concept of adult education and lifelong learning. As an organisation committed to lifelong learning the Defence Forces should aspire to identify ends, ways and means to assist its personnel to embrace adult learning and maximise their work life balance whilst continuing their military education in order to further advance their military careers. The research conducted in this thesis set about examining the readiness of the Defence Forces to utilise distance learning in the instruction of career courses in the Irish Defence Forces as a means to lessen the disruption to the worklife balance of personnel undergoing career courses in the Defence Forces.

The research conducted was from a qualitative perspective and utilised a phemonological approach to both the collection and analysis of the data. Semi structured interviews were conducted with individuals who were identified as highly knowledgeable in training and education from within the Defence Forces, third level institutions and other state organisations.

The thesis examined the readiness and capability of the Defence Forces to integrate distance learning into its career courses in order to benefit from the advantages of a positive work life balance in retaining experienced personnel as well as maintaining higher levels of motivation.

The study indicates that there are identifiable advantages and disadvantages to distance learning. The advantages included that distance learning can offer the learner access to large amounts of learning data irrespective of time or location. The disadvantages included issues of isolation and a perceived lack of tutor support for the student.

The overall conclusion is that greater strategic discussion on the delivery of the future learning needs of personnel within the Defence Forces is required in order to better identify and meet the potential gaps in professional military education in the organisation.

How Ready is The Defence Forces to Face Potential Challenges in the Emerging Threat Landscape?

By Comdt Damien Murphy

The recent wave of Islamic-based terrorism has significantly changed the threat landscape in Western Europe. The issue of how ready the Defence Forces (DF) is to face potential challenges emerging from this changing threat landscape is a challenging and complex topic. This study focused on the perceptions and opinions of DF personnel both at Defence Forces Headquarters (DFHQ) and unit level in order to make an initial contribution to broadening the discussion on how ready the DF is to respond to a potential terrorist attack in Ireland. The 2015 White Paper on Defence clearly outlines the DF's role to be in aid to the civil power, however I believe there is a gap in defining what this means to the DF in the 21st century. The literature review confirmed that the threat of a terrorist attack in Ireland is a possibility that needs to be properly prepared for even if it is considered to be unlikely.

The research was undertaken from a post-positivist qualitative perspective using a phenomenological approach to the collection and analysis of data. A focus group consisting of DF personnel from all ranks who participated in the 2017 readiness exercise 'Ullamh' was conducted as a starting off point. This was complemented by a series of semi-structured interviews conducted with senior officers from both DFHQ and unit level to assess the perception of readiness within the DF. A leading Irish security analyst provided his perspective from outside the DF.

The findings indicate that DF personnel consider that there is a threat of a terrorist attack occurring in Ireland. The findings also show that our ability to respond is a concern that the DF must act on within the current threat landscape. The research also confirms that there is a perception that there is a lack of focus on preparing for the possibility of a terrorist attack, particularly at the lower rank levels, as well as the issue of skill fade in relation to the performance of aid to the civil power duties.

A number of recommendations emanating from the findings include: the re-defining of what aid to the civil power means to the DF and confirming the likely roles that the DF would be asked to provide in the event of a terrorist attack; further development of contingency plans such as Plan X and incorporating counter terrorist training exercises into unit and brigade training plans; enhancing cooperation between An Garda Síochána and the DF particularly at unit / regional level.

Mission Command – An Exploration of its Issues in Multinational Units

By Lieutenant Colonel René Ochs

Since its foundation the North Atlantic Treaty Organization (NATO) has been striving to work together. A necessary prerequisite for such cooperation and interoperability is a common command and control (C2) concept. The end of the Cold War, thereafter increasing out-of-area deployments of NATO forces and the contemporary complex, hybrid and volatile threats and challenges have increased the relevance of a common C2 concept down to the lowest tactical level.

NATO and the vast majority of its member states have adopted and implemented mission command as such an interoperable C2 concept. This thesis examines, based on the German tenets of mission command, the current application of this C2 philosophy in binational and multinational units. It focuses on the contemporary and potential issues in such an environment.

This paper explores five contemporary or potential issues, derived from the literature review about the application of mission command in such units which have effects on mission accomplishment. Although similar definitions and tenets exists throughout the doctrine, the understanding and application differs amongst NATO members. These differences express themselves in the different behaviours of tactical leaders. Both have a negative influence on its application in a multinational environment which correspondingly impacts on mission accomplishment. Language barriers, modern technology and political influences are also recognised as issues.

Research examining the effects of these issues on the successful application of mission command requires a qualitative approach. To gain a deeper understanding and to analyse the experiences of soldiers, the primary research is led by a post-positivist approach utilising a questionnaire.

The following key findings, related to the five researched issues, emerged from the primary research: (1) The understanding and therefore the application of mission command differs between the NATO members; (2) This influences the leadership style of superiors and their willingness to transfer trust and responsibility, and to assume risk; (3) Differences in language in terms of English, understanding and meaning of terms, and different contents of intents result in a negative influence. (4) All of these are exacerbated by political influence. All these contemporary issues lead to a more or less turning away from mission command. (5) However, modern technology in binational or multinational units supports and promotes the application of mission command, but is seen as a potential issue.

This research work confirms the deduced issues with mission command and its application within NATO. It also highlights a comprehensive potential for improvements to create the condition where mission command could occur and will be promoted.

The Suitability of Project Management as a Policy Implementation Framework. A Match Made In Heaven?

By Comdt Peadar O Cathain

In the foreword to the White Paper on Defence 2015, the Minister for Defence outlined Ireland's vulnerability to a broadening range of interconnected, increasingly diverse and unpredictable security threats. The publication of this second White Paper on Defence outlined Ireland's defence policy to meet these security threats. The White Paper on Defence 2015 is the Government's primary policy on defence. It sets out the roles of the Defence Forces nationally and internationally for the next ten years. Unlike its 2000 iteration, the 2015 White Paper on Defence was very prescriptive in how it would be implemented. A decision was made by the strategic management of the Defence Organisation, to adopt project management as a policy implementation framework.

The intent of this thesis is to examine the suitability of project management as a policy implementation framework, using the implementation of the White Paper of Defence 2015 as a case study.

In order to fully understand the research question posed, the literature reviewed looks at public policy, with a specific focus on policy implementation. Following this, project management is discussed and is related to public policy and the Defence Organisation. Finally, the literature reviewed considers possible factors that could affect the adoption of a project management as a policy implementation framework.

The research employed a post-positivist, qualitative research methodology, utilising semi-structured interviews, a project management user survey, and participant observations as additional sources of information and triangulation of data. The use of a case study approach best suited the research where the objective was to understand the suitability of project management as a policy implementation framework for the implementation of the White Paper on Defence 2015.

The significance of this thesis emerges from the findings which indicate that the vast majority of the Defence Organisation feel that project management is indeed a suitable policy implementation framework. There is however a view that the intent of senior managers in relation to some aspects of project management are not in line with the experiences of middle management and project teams.

Military Aircrraft Leasing: A New Financial Model to Enhance Irish Air Corps Capabilities?

By Comdt Patrick Ridge

Of the many challenges which the Irish Air Corps (IAC) faces, the selection and procurement of a new aircraft type is one of the most difficult. Considering the lifespan of any potential addition to the fleet, the selection process must ensure that the airframe is capable, not just of meeting the current roles and capabilities which the State requires today, but the roles and capabilities which will be required well into the future. However, as is often the case with defence expenditure, cost is one of the main driving factors in the procurement of our aircraft. This has shaped the IAC's procurement process to favour multi-role platforms that represent value for money. The difficulty with this approach however, is that although the successful aircraft will aspire to perform all of the roles for which it is intended, rarely will it be able to do so to an optimal capacity.

The research introduces the concept of aircraft leasing as a possible means to reduce the effect that cost has over capability in an IAC context. The research aims to explore this financial model, and seeks to ascertain whether it can be applied in a military context, thus limiting the impact of cost on the current IAC aircraft selection process, resulting in enhanced capabilities, and providing the State with a fit for purpose air arm.

Key individuals from Defence Forces and governmental procurement departments, as well as ex-IAC members currently working in the commercial leasing sector were interviewed. This was conducted in tandem with a review of the policy and documents which support the procurement process, to provide insight into the viability of the concept, and explore how an IAC aircraft leasing contract would work in reality, providing a potential aircraft leasing framework for consideration.

The research finds that IAC leasing of aircraft is not new, and has occurred in the past to provide a number of different capabilities. Despite this, the research highlights significant policy gaps, coupled with regulatory and cultural barriers within the organisation, which need to be addressed to enable future leasing possibilities. Furthermore, not all of the strategic flexibilities and benefits of a leasing model available to the commercial aviation sector are transferable in an IAC context, primarily due to the bespoke nature of IAC aircraft. However, of greater significance is the ability of aircraft leasing to offset substantial capital expenditure, which would allow the state to invest in other areas of defence procurement. Furthermore, the research identifies that military aircraft leasing not only has the ability to enhance IAC capabilities, but to further develop new capabilities which are under consideration in the ongoing White Paper review.

Alternative Dispute Resolution in The Defence Forces: Does Mediation Provide the Military with a Suitable Solution to Interpersonal Conflict in the Workplace?

By Comdt Shane Rockett

Conflict can occur in every organisation. This study explored whether mediation would be a suitable solution for interpersonal conflict in the Irish Defence Forces.

Mediation was first introduced into the Defence Forces in 2013 as part of a wider policy to address bullying, harassment and interpersonal disputes in the organisation. As an alternative dispute resolution tool, mediation offers Defence Force members a voluntary process of conflict resolution to address and resolve issues in a confidential and private environment.

The mediator, a trained member of the Defence Forces, acts as a neutral third party to assist the parties in conflict to come to an agreement through a collaborative process. In theory this concept should work however the unique culture of military service which promotes obedience to command and strict discipline would suggest that introducing mediation as a collaborative process is at odds with a fundamental requirement of military service; disciplined obedience to rank and orders. This led me to investigate firstly, whether mediation can work for disputes between service personnel of different ranks and secondly, to explore what barriers may exist to mediation in a disciplined, hierarchical military organisation?

The research was conducted from a post-positivist position, using a qualitative phenomenological approach to the collection and analysis of data. In depth interviews were carried out with mediators from the Defence Forces and Irish Prison Service as well as with key personnel involved in the delivery of mediation in the Defence Forces. The interviews with Irish Prison Service mediators allowed for a different perspective from a similarly structured hierarchical organisation. The research findings indicate that mediation has some limitations within a military organisation. In addition, the research highlights that the existing organisational structures supporting the delivery of mediation as an alternative dispute resolution resource for Defence Forces members are currently inadequate and in need of review.

The research also examines how military law, a hierarchical command structure and a requirement for discipline are just some of the barriers to mediation in a military organisation. In light of the findings this research is timely in that it identifies multiple areas where mediation can and needs to be improved in the organisation. These include the development of structured Defence Force mediator network and formalised certification and training of internal mediators.

The growing recognition of mediation as an effective mechanism for managing workplace conflict has yet to be supported by empirical evidence to uphold this contention and is the subject of current research on workplace mediation in Ireland being undertaken by the Kennedy Institute Workplace Mediation Research Group from Maynooth University. This study aims to bridge a research gap which exists in military mediation and examine the effectiveness of mediation as a conflict resolution tool within a hierarchical military organisation, the Irish Defence Forces.

Jack of All Trades – Masters of None? Should The Irish Naval Service Fleet Incorporate more Specialised Ships in Order to Meet Future Challenges?

By Lt Cdr Brian Sweeney

Since the foundation of the state, Ireland has taken a very unique approach towards its military and in particular to the defence of its seas. The term "sea-blindness" has been coined to reflect the general lack of understanding of the importance of Ireland's vast maritime domain. As a percentage of GDP, Ireland consistently remains one of the lowest spending countries on defence globally. Compounding this Ireland has one of the EUs largest and most environmentally hostile maritime jurisdictions to patrol and protect. Aside from defence roles, the Naval Service conducts all the roles expected of a sea-going coastguard and is now partaking in a multi-national naval mission (Operation Sophia) for the first time in its history.

The Irish foreign policy of "Military Neutrality" seems to have an almost mythical and untouchable aura associated with it however it is now being questioned in light of BREXIT and Ireland's ever closer ties to other militaries. Unlike Ireland, other EU neutral countries have a robust ability to protect their homeland. Is Irelands stated foreign policy of military neutrality simply a flag of convenience for government to continue to restrict spending on defence?

This thesis will review how the Naval Service arrived at its current fleet size and how the Irish Naval Service fleet and roles compare to two relatively similar navies – Royal Swedish Navy and Royal New Zealand Navy. Data from both these navies was analysed and used to inform interview questions which were put to a wide range of military, non-military and academic maritime experts. This allowed the thesis to build a picture of how the Irish Naval Fleet should best be structured to fulfil the roles assigned by government as well as potential future roles. The ultimate aim of the thesis is to determine whether Ireland should continue to acquire general purpose patrol vessels or whether the time has come to acquire a broader range of specialised ships

SHORT BIOGRAPHICAL STATEMENTS OF CONTRIBUTING AUTHORS

Lt Col Timothy O'Brien is the School Commandant of the United Nations Training School Ireland. Commissioned in 1990 as an Infantry Officer he has served in a variety of command, staff and training appointments throughout the Defence Forces, culminating in commanding the 7 Infantry Battalion. His overseas postings include tours of duty with the United Nations and NATO in Lebanon, East Timor, Afghanistan, DR Congo and Syria. His most recent overseas appointment was as Military Assistant to the Head of Mission and Force Commander of UNIFIL, during which he was responsible for updating the Mission's Protection of Civilians plan. A graduate of UCG, DCU, NUI Maynooth and the Institute of Public Administration, Lt Col O'Brien's academic qualifications include a Masters in International Relations and a Diploma in European Union studies.

Commander (NS) Pat Burke is a legal adviser with 32 years' service. Called to the Irish Bar in 2002 he holds honours BCL and LLM Degrees from UCC, and a first class honours MA (LMDS) Degree from NUIM. He has completed professional military and legal courses with the Royal Navy, Defence Institute US Navy War College, US Army JAG Corps, International Institute of Humanitarian Law, Italy, Institute of Migration, Geneva, UK Army Land Warfare Centre and the University of Liverpool. An experienced court-martial prosecutor he has lectured on behalf of the Defence Forces on the law of armed conflict, international human rights law and law of the sea both at home and abroad. Awarded the Lt Gen Tadhg O'Neill award for best military student on the 63rd Senior Command and Staff Course he deployed as Legad to the Force Commander for Operation Althea in Bosnia and with Irish Battalion Commanders in Chad and Lebanon. He was Legad to both Operations Seabight and Unity during the successful interdiction of cocaine at sea by the Naval Service. He is currently posted to 1 Brigade and advises the Naval Service in addition.

Sally Anne Corcoran served with the United Nations for 17 years from 1994 to 2011, in the human rights, political and gender areas. Postings included a year as the Political Assistant of the UN High Commissioner for Human Rights & stints in UNICEF, WHO & the UN Secretariat, all in Geneva, Switzerland. Field assignments included Haiti, The Dominican Republic, E Slavonia & Cyprus. All of which included a gender & human rights component.

She is currently an Irish Research Council (IRC) Doctoral Scholar at the Irish Centre for Human Rights, Faculty of Law, National University of Ireland, Galway.

Doctor of Philosophy (PhD) In International Human Rights Law expected 2018/2019. Master of Arts International Relations/Law: Johns Hopkins University, School of Advanced International Studies 1996, Wash DC, Graduate Diploma 1995; Bologna, Italy, Johns Hopkins, Post graduate work: France: L'Institute International de Droits de L'Homme, Strasbourg, 25th Study Session, 1994, & Spain: L'Universidad Pontificia ICADE, Madrid, Audited Comunidades Europeas 1991, Bachelor of Arts in International Relations, 1990, American University, School of International Service, Wash, D.C. Sally Anne is also an alumn of Kylemore Abbey Secondary School, Connemara, County Galway.

Awarded the Andrew Grene Scholarship by the Conflict Resolution Unit of the Department of Foreign Affairs and Trade of the Irish Government & the IRC for her current research that examines the women, peace and security agenda in peacekeeping.

Gnr Terence O'Reilly served most of his career with the Artillery Corps, including six tours of duty with UNIFIL. Other foreign adventures have included skydiving in Florida, scuba diving on the Great Barrier Reef and seeing the aurora borealis in Arctic Norway. Currently on the staff of the Defence Forces Library, he is the author of three books including Hitler's Irishmen, an account of the only two Irishmen known to have served with the Waffen-SS during the Second World War. He has also written for numerous journals including History Ireland and An Cosantóir.

Damien Cole is currently Director of Policy Planning at the Department of Foreign Affairs and Trade. Prior to this role, between 2015 and 2017 he was Ambassador to the Arab Republic of Egypt, as well as Non Resident Ambassador to Lebanon.

He has also served as Ambassador to Vietnam between 2011 and 2015, and has had postings at the Irish Permanent Mission to the United Nations in New York, as well as in Russia.

He is a graduate of University College Cork and has a Masters Degree in Diplomatic Studies from SOAS.

Lt Col Richard Brennan was commissioned as an officer in the Defence Forces in 1991 following extensive infantry service he was appointed as a legal officer in the Defence Forces in 2004.

He holds a BA and LLB from NUI Galway and is a graduate of the Kings Inns having being called to the Irish Bar in 2004 as a Barrister-at-Law. He holds an MA in Leadership Management Defence Studies from NUI Maynooth and is a graduate of the Military College Ireland, Command and Staff School (2007).

He has had deployments as an infantry officer with UNIFIL (Lebanon) in 1995 and 2000 and Eritrea in 2002.

He deployed as Ireland's senior legal advisor in 2008 to Commander Multi National Task Force Centre during Ireland's lead nation period with KFOR, and 2012 as legal advisor to Ireland's initial deployment with UNDOF (Golan). He has advised on Ireland's on deployments in CHAD and LIBERIA. He had recently returned from UNIFIL in 2017, where he served as the national legal advisor to the Irish Contingent.

He is a graduate of the International Institute of Humanitarian Law at Sanremo Italy. He has also completed operational law courses at the NATO operational law school Oberammagau, Germany and the UK at the Operational Law centre Warminster. He has recently completed the advanced laws of war course at the University of Liverpool under Professor Dominic McGoldrick.

He has instructed as class leader in San Remo and at the NATO/ PfP school in Ankara Turkey. He is currently an appointed prosecutor with the Director of Military Prosecutions and serves as Brigade Legal Advisor at 2 Brigade Headquarters.

Sgt Brendan Cruise enlisted in the Naval Service in 1998 and later became a member of the Air Corps in 2001. He is currently an Office Information System Instructor in the Technical Training School in Air Corps College. He has previously served in the Military Training School instructing SERE, Potential NCO courses and basic military training. He holds an honours degree in Irish Law (LLB) and has completed an MA in International Security and Conflict Studies with a thesis entitled What does it really mean to say that drones are, or are not, proportionate regarding jus in bello?. He has served overseas with 30 IRCON ISAF in Kabul.

Comdt (AR) Tommy Martin is a self employed Business/Financial Consultant, who works with Credit Unions and businesses engaged in change management, improving operational efficiencies and staff competencies. He is also a Trainer, researching designing and delivering accredited Continuing Professional Development training courses for the Financial Services sector. In addition, he also practices as a certified Mediator. A graduate of University College Cork, he completed a Masters Degree in Local History, is a Chartered Member of the Institute of Logistics and Transport, a Licentiate of the Institute of Bankers, a Qualified Financial Advisor and is a Member of the Royal Historical Society. A regular lecturer to historical societies, he wrote a book entitled; "The Kingdom in the Empire - a portrait of Kerry during World War One", published by Nonsuch. He is also a playwright, with three of his plays produced and staged in his native Kerry. He is a Commandant in the Army Reserve, and was commissioned in 1995. He served as a platoon commander with the 15th Infantry Battalion, as Operations Officer with the 32nd Infantry Battalion, and is presently Officer Commanding F Company, 12th Infantry Battalion.

Comdt John F. Quinn is an Infantry Officer with 15 years' experience. He was commissioned with the 80th Cadet Class in 2005 and began his career in an Chéad Cath, Galway. He has since served in the 28th Inf Bn and 7th Inf Bn as well as overseas deployments to the Middle East with the 104th Infantry Battalion UNIFIL in 2011 and the 46th Infantry Group UNDOF in 2014/15. Capt Quinn holds a B.A. in History and Legal Science as well as a first class honours L.L.B. from National University of Ireland, Galway. In 2017 he graduated from the University of Leicester with an MA in International Security Studies. Comdt Quinn is currently serving as a Defence Forces Headquarters staff officer in Human Resources Management Branch (J1).

Comdt Rory Finegan Is Co-Editor of the DF Review 2018 His Bio can be seen on page 7.

John Minihan, a member of the 52nd Cadet class commissioned in 1976, served 21-years in the Defence Forces retiring in 1996. He entered local politics and was elected to Cork City Council, representing the Progressive Democrats in 1999 and was a Member of the 2002 Programme for Government Negotiating Team. As a member of Seanad Éireann from 2002 to 2007 he was Elected Chairman of the Parliamentary Party and served on the Joint Oireachtas Committee on Education and Science. He regularly contributed to national debates on a variety of issues as party spokesman. After politics, he held senior management posts in the healthcare sector, and currently works as CEO of the Ditchley Group. John completed a Master's programme in Social Science at UCC in 2014 and was awarded a first class honours degree. A regular contributor to debate on social and political issues, he was appointed Chairman of White Paper Advisory Group on Defence Policy, by the Minister Defence. (November 2014 to August 2015.) John currently serves as an EU Consensus Meeting Rapporteur for the 'Science with and for Society Calls' for proposals - Horizon 2020 and is also a member of the EU Ethics-Expert Horizon 2020 Ethics appraisal scheme.

Dr. John Moriarty retired from the Defence Forces in 2002, with the rank of Lieutenant Colonel. He was educated at the Christian Brothers School in Dingle and in Rockwell College. He holds degrees in philosophy, psychology and education from University College Dublin. During this time, he also attended the School of Music, Chatham Road under the tutelage of the late Sydney Grieg. He studied medicine at the Royal College of Surgeons and did post graduate work at the Irish College of General Practitioners. John was commissioned into the army in 1977. He holds a degree in law from University College Galway and a post graduate degree from the Honourable Society of Kings Inns in Dublin. He was called to the Irish Bar in 1988. In 2000, he also completed a diploma at the International Institute of Humanitarian Law in San Remo, Italy. He still works in medicine and is particularly interested in preventative medicine. In law, his main interests are public international law, human rights and the law of evidence. He served in the Lebanon with the 44th, 49th, 64th, 65th, 68th, 70th, 74th, 80th, 84th, 87th, 88th and 89th battalions. He also served in East Timor for short periods in January and in April/May of 2002.

Félim Gibbons is a retired officer of the Army Ordnance Corps having served for 15 years. A physicist, during his service he worked mainly at the Defence Forces Training Centre on the Curragh. Specialist areas of interest were explosive ordnance disposal robotics, air defence, weapons intelligence and CBRN predictive software. He served overseas in Kosovo and Chad as Brigade and Battalion staff officer EOD/IEDD. Upon retirement from the Defence Forces, he completed an M Phil in International Peace Studies at TCD. Research areas that were examined were EU policy and Palestinian aid, assessments of the utility of UN peace enforcement and connections between religion, violence and memory in the context of Ireland, the Balkans and the Middle East. He has been recently appointed as an Inspector with the Explosives Division of the Dept of Justice.

Capt Desmond O'Reilly was commissioned in 2005 and posted to An Chéad Cathláin Coisithe, Dún Uí Mhaoilíosa, Galway. Currently he is posted as a SO to 2 Bde HQ, Cathal Brugha Barracks, Dublin. He has served overseas as a Platoon Commander with the 35th Infantry Group KFOR, Kosovo in 2007, Training Team Leader with 2 IRCON EUTM Somalia in 2011 and as a SO G2 Sector West HQ UNIFIL, Lebanon in 2016. He holds a BA (Int) from UCD and the University of Würzburg, an LLM from the Irish Centre for Human Rights, NUIG and is a graduate of the International Institute of Humanitarian Law, San Remo.

Caroline Hunt-Matthes is a graduate of Harvard University and trained as a Human Rights lawyer and Investigator specialized in sexual violence. She is an Adjunct Professor in Grenoble Business School, France and Webster University Geneva in the field of Law, Ethics, Labour Relations, Diversity, Corporate Governance and Corporate Social Responsibility. She conducts research in the field of whistleblower protection as a member of the International Whistleblower Research network and served on a panel of experts established by the Canadian Standards Association to develop an international guideline on Whistleblowing Systems, published in 2016.

She was the founding Editor of the European Journal for Criminal Policy and Research at the Dutch Ministry of Justice in the Hague prior to serving as a civilian peacekeeper and United Nations (UN) staff member for 15 years with several agencies of the UN including the pioneering United Nations human rights field mission to Rwanda in 1994. She continues to train military and civilians prior to their deployment with UN peacekeeping missions.

In addition to her Faculty positions, she is a trustee and advisor to think tanks on Privacy Protection and the Scottish Charity "Natures Rights." She is at the helm of newly launched Global Geneva magazine – an initiative to bring credible journalism in English to Switzerland.